UNOFFICIAL, EARLY-RELEASE VERSION OF THE 2027 IOWA CODE

Volume III

Chapters 159 to 271

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EXPLANATORY NOTE AND DISCLAIMER

This unofficial, early-release version of the 2027 Iowa Code provides early access to legislative and editorial additions and changes to Code section text, history, and footnotes with an effective date of January 1, 2027, or earlier. Final data checks, updates, and related corrections have not all been made, but will be included in the official text PDF version of the Iowa Code, which is published annually on this website and biennially in printed hardbound volumes.

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CODE EDITOR'S NOTES

Reference

Simple Harmonization Note

The multiple amendments do not conflict, so they were harmonized to give effect to each as required by Code sections 2B.13 and 4.11. In some cases where this note is referenced, the amendments are identical. Under Code section 2B.13, a strike or repeal prevails over an amendment to the same material and does not create a conflict.

811.1

2026 Acts, ch 1159, §4, amends subsection 2, unnumbered paragraph 1, by establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1159, §5. 2026 Acts, ch 1156, §33, separately amends subsection 2, unnumbered paragraph 1, by also establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1156, §34. Each Act establishes an independent alternate exception. Therefore, the new subsection 3, enacted in 2026 Acts, ch 1156, §34, was codified as subsection 4, and subsection 2, unnumbered paragraph 1, was editorially modified to give effect to both amendments by adding "or 4" to the resulting exception clause being added by both 2026 Acts, ch 1159, §4, and 2026 Acts, ch 1156, §33.

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AGRICULTURE

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AGRICULTURE AND CONSERVATION OF AGRICULTURAL RESOURCES

Referred to in §159.1, 159.5

CHAPTER 159

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Referred to in §23A.2

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SUBCHAPTER I

GENERAL PROVISIONS

159.1 Definitions.

For the purposes of subtitles 1 through 3 of this title, excluding chapters 161A and 161C, unless otherwise provided:

1. *"Department"* means the department of agriculture and land stewardship and if the department is required or authorized to do an act, unless otherwise provided, the act may be performed by an officer, regular assistant, or duly authorized agent of the department.

2. *"Person"* includes an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of subtitles 1 through 3 of this Title, excluding chapters 161A and 161C.

3. *"Secretary"* means the secretary of agriculture.

[S13, §1657-b; C24, 27, 31, 35, 39, §**2586;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.1]

86 Acts, ch 1245, §604; 91 Acts, ch 74, §1; 92 Acts, ch 1163, §38; 94 Acts, ch 1023, §13; 97 Acts, ch 193, §1; 2010 Acts, ch 1061, §33, 34; 2015 Acts, ch 30, §63

159.2 Objects of department.

The objects of the department of agriculture and land stewardship shall be:

1. To encourage, promote, and advance the interests of agriculture, including horticulture, livestock industry, dairying, cheese making, poultry raising, biofuels, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of agriculture as an economic activity as well as a way of life.

4. To administer efficiently and impartially the inspection service of the state as is now or may hereafter be placed under its supervision.

[S13, §1657-b, -g; C24, 27, 31, 35, 39, §**2587;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.2]

86 Acts, ch 1245, §605; 2012 Acts, ch 1095, §1

Referred to in §7E.5

159.3 Cooperation.

1. The department and the Iowa state university of science and technology shall cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by the university. This section does not subordinate either the department or the university in their spheres of action.

2. The department may cooperate with the United States department of agriculture as the department deems wise and just.

[C97, §1677; S13, §1657-g; C24, 27, 31, 35, 39, §**2588;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.3]

86 Acts, ch 1245, §606

159.4 Location.

The department of agriculture and land stewardship shall be located at the seat of government.

[C97, §1678; SS15, §2507; C24, 27, 31, 35, 39, §**2589;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.4]

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159.5 Powers and duties.

The secretary of agriculture is the head of the department of agriculture and land stewardship which shall:

1. Carry out the objects for which the department is created and maintained.

2. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it.

3. Consolidate the inspection service of the state in respect to the laws administered by the department so as to eliminate duplication of inspection insofar as practicable.

4. Maintain a climatology bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

5. Issue weekly weather and crop bulletins from April 1 to October 1 of each year, and edit and cause to be published monthly weather reports, containing meteorological matter in its relationship to agriculture, transportation, commerce, and the general public.

6. Cooperate with the United States department of agriculture statistical reporting service, to gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa.

7. Cooperate with the agricultural marketing service of the United States department of agriculture to collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state.

8. Inspect and supervise all meat, poultry, or dairy producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of meat, poultry, or dairy products in a manner detrimental to the character or quality of those products.

9. Approve all methods of probing for foreign material content of any type of grain.

10. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of subtitles 1 through 3 of this title, excluding chapters 161A and 161C, and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

11. *a.* Establish a swine tuberculosis eradication program including but not limited to all of the following:

(1) The inspection of swine herds in this state when the department finds that an animal from a swine herd has, or is believed to have, tuberculosis.

(2) Ear tagging or otherwise physically marking all swine reacting positively to tests for tuberculosis.

(3) Condemning any swine which has tuberculosis.

(4) Depopulating any swine herd where tuberculosis is found to be generally present.

b. If the department finds that the source of the tuberculosis in a swine herd is from another species of animal, except bovine, located on or near the premises on which the affected swine herd is located, the department may destroy those animals and indemnify the owners of the condemned animals as provided in chapter 163.

12. Create and maintain a division of soil conservation and water quality as provided in chapter 161A. The division's director shall be appointed by the secretary and shall serve at the pleasure of the secretary. The director shall be the administrator responsible for carrying out the provisions of chapters 207 and 208.

13. Establish and administer programs for the inspection and control of disease among livestock as defined in section 717.1.

14. In the administration of programs relating to water quality improvement and

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watershed improvements, cooperate with the department of natural resources in order to maximize the receipt of federal funds.

1. [C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

2. [S13, §1657-g; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

3. [C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

4. [C97, §1677, 1678; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

5. [C97, §1679, 1680; S13, §1679; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

6. [C97, §1679; S13, §1679; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

7. [C97, §1680; S13, §1363; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

8. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

9. [S13, §2527-d5, 4527-m; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §159.5]

10. [C79, 81, S81, §159.5(10)]

11. [S13, §2528-d10; C24, 27, 31, 35, 39, §**2590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §159.5(10); C79, 81, S81, §159.5(11)]

12. [C46, 50, 54, 58, 62, 66, §185.2; C71, 73, 75, 77, §159.5(11); C79, 81, S81, §159.5(12)]

13. [C75, 77, §159.5(12); C79, 81, S81, §159.5(13); 81 Acts, ch 117, §1019; 82 Acts, ch 1104, §4]

83 Acts, ch 96, §60, 157, 159; 83 Acts, ch 123, §69, 209; 84 Acts, ch 1067, §22; 86 Acts, ch 1137, §1; 86 Acts, ch 1245, §607, 608; 87 Acts, ch 115, §26; 88 Acts, ch 1134, §32; 89 Acts, ch 83, §29; 89 Acts, ch 106, §1; 94 Acts, ch 1023, §14; 99 Acts, ch 96, §15; 2000 Acts, ch 1038, §1; 2003 Acts, ch 74, §1; 2006 Acts, ch 1030, §16; 2007 Acts, ch 211, §36; 2009 Acts, ch 41, §57; 2010 Acts, ch 1061, §35; 2012 Acts, ch 1095, §2 – 5; 2015 Acts, ch 103, §24; 2017 Acts, ch 159, §1; 2019 Acts, ch 128, §1; 2021 Acts, ch 149, §1; 2024 Acts, ch 1170, §1; 2025 Acts, ch 156, §26

Referred to in §159.6, 159.7, 161A.3, 161A.4, 161C.1, 161D.1, 207.2, 208.2, 456.11, 458A.28, 460.101, 466B.41, 484B.10

159.6 Additional duties.

In addition to the duties imposed by section 159.5 the department shall enforce the law relative to:

1. Infectious and contagious diseases among animals, chapter 163.
2. Eradication of bovine tuberculosis, chapter 165.
3. Classical swine fever virus and classical swine fever serum, chapter 166.
4. Use and disposal of dead animals, chapter 167.
5. Practice of veterinary medicine and surgery, chapter 169.
6. Regulation and inspection of foods, drugs, and other articles, as provided in subtitle 4. However, chapter 205 shall be enforced as provided in that chapter. Except as expressly authorized in subtitle 4, the department shall not regulate any of the following:

a. The production, processing, labeling, marketing, or distribution of raw milk by a raw milk producer in compliance with chapter 195.

b. The manufacture, labeling, marketing, or distribution of a raw milk product or raw milk dairy product by a raw milk producer in compliance with chapter 195.

7. State aid received by certain associations as provided in chapters 176A through 182, 186, and 352.
8. Coal mining and mines as set forth in chapters 207 and 208.
9. Soil and water conservation as set forth in chapters 161A, 161C, 161E, and 161F.
10. Grain dealers as set forth in chapter 203.
11. Bonded warehouses for agricultural products as set forth in chapter 203C.
12. The grain depositors and sellers indemnity fund as set forth in chapter 203D.

[C24, 27, 31, 35, 39, §**2591;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.6]

86 Acts, ch 1245, §609; 88 Acts, ch 1053, §1; 88 Acts, ch 1134, §33, 34; 89 Acts, ch 83, §30; 89 Acts, ch 197, §24; 90 Acts, ch 1009, §1; 94 Acts, ch 1023, §15; 98 Acts, ch 1032, §1, 2; 2002

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Acts, ch 1017, §2, 8; 2003 Acts, ch 44, §40, 116; 2003 Acts, ch 69, §23; 2004 Acts, ch 1082, §4; 2012 Acts, ch 1095, §33; 2017 Acts, ch 159, §2; 2023 Acts, ch 75, §7

159.6A Contributions.

The department may accept contributions, including gifts and grants, in order to carry out and administer the provisions of this chapter and chapter 460, subchapter III. The department shall maintain an itemized accounting of the contributions. At the end of each fiscal year, the department shall prepare a list recognizing private contributors.

92 Acts, ch 1239, §25

Referred to in §163.3B, 165.18

159.7 Intake airprobes not approved.

The secretary shall not approve the use of end intake airprobes, which use a vacuum to collect a sample from a load of grain, pursuant to section 159.5, subsection 9. A person who uses a method of probing for foreign material content of grain which is not approved by the secretary is guilty of a simple misdemeanor.

[C81, §159.7]

159.8 Comprehensive management plan — highly erodible acres.

1. The department shall request cooperation from the federal government, including the United States department of agriculture consolidated farm service agency and the United States department of agriculture natural resources conservation service, to investigate methods to preserve land which is highly erodible, as provided in the federal Food Security Act of 1985, 16 U.S.C. §3801 et seq., for the purpose of developing with owners of the land a comprehensive management plan for the land. The plan may be based on the soil conservation plan of the natural resources conservation service and may include a farm unit conservation plan and a comprehensive agreement as provided in chapter 161A. The extension services at Iowa state university of science and technology shall cooperate with the department in developing the comprehensive plan.

2. The investigation shall include methods which help to preserve highly erodible land from row crop production through production of alternative commodities, and financial incentives.

89 Acts, ch 188, §1; 95 Acts, ch 216, §25; 2012 Acts, ch 1095, §8

159.9 Internet access to statutes and rules.

The statutes relating to and rules adopted by the department shall be made available on the internet.

[C24, 27, 31, 35, 39, §**2594;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.9]

2012 Acts, ch 1095, §6

159.10 through 159.13 Reserved.

159.14 Bonds. Repealed by 2012 Acts, ch 1095, §7.

159.15 Biennial report. Repealed by 2001 Acts, ch 129, §7.

159.16 Duty of peace officers.

All peace officers of the state when called upon by the secretary or any officer or authorized agent of the department shall enforce its rules and execute its lawful orders within their respective jurisdictions, and upon the request of the secretary such officers shall make such inspections as directed by the secretary and report the results thereof to the secretary.

[C24, 27, 31, 35, 39, §**2601;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.16]

Referred to in §163.33

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159.17 Interference with department.

Any person resisting or interfering with the department, its employees or authorized agents, in the discharge of any duty imposed by law shall be guilty of a simple misdemeanor.

[C97, §2526; S13, §2528-c, -f3, 4999-a25, -a39, 5077-a23; SS15, §3009-r; C24, 27, 31, 35, 39, §**2602;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.17]

159.18 Publicizing of farm programs.

1. As used in this section, *"farm programs"* includes but is not limited to financial incentive programs established within the department's division of soil conservation and water quality as provided in section 161A.70 and the beginning farmer loan program administered by the Iowa finance authority as provided in chapter 16.

2. The department shall publicize the availability of farm programs to women and minority persons. The department shall disseminate the information electronically or by publishing printed brochures for distribution to locations and institutions serving farmers, including departmental offices, financial institutions participating in farm programs, and soil and water conservation district offices.

3. The department shall cooperate with private institutions and public agencies in order to carry out this section, including the economic development authority and the United States department of agriculture.

2000 Acts, ch 1224, §25; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 100, §22, 27; 2014 Acts, ch 1080, §83, 98; 2015 Acts, ch 103, §25

159.19 Salary.

The salary of the secretary of agriculture shall be as fixed by the general assembly.

[C31, 35, §2603-c1; C39, §**2603.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §159.19]

SUBCHAPTER II

AGRICULTURAL MARKETING

PART 1

GENERAL

159.20 Powers of department.

1. The department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The department may do any of the following:

a. Investigate the marketing of agricultural commodities.

b. Promote the sale, distribution, and merchandising of agricultural commodities.

c. Furnish information and assistance concerning agricultural commodities to the public.

d. Cooperate with the college of agriculture and life sciences of the Iowa state university of science and technology in encouraging agricultural marketing education and research.

e. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government.

f. Investigate methods and practices related to the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, or merchandising of agricultural commodities within this state.

g. Ascertain sources of supply for Iowa agricultural commodities. The department shall prepare and periodically publish lists of names and addresses of producers and consignors of agricultural commodities.

h. Perform inspection or grading of an agricultural commodity if requested by a person engaged in the production, marketing, or processing of the agricultural commodity. However, the person must pay for the services as provided by rules adopted by the department.

i. Cooperate with the economic development authority to avoid duplication of efforts

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between the department and the agricultural marketing program operated by the economic development authority.

j. Provide for the promotion and expansion of renewable fuels and coproducts, by doing all of the following:

(1) Assist the office of renewable fuels and coproducts in administering the provisions of chapter 159A, subchapter II.

(2) Assist the renewable fuel infrastructure board, provide for the administration of the renewable fuel infrastructure programs, and provide for the management of the renewable fuel infrastructure fund, as provided in chapter 159A, subchapter III.

2. The department shall administer programs that advance the purchasing of agricultural commodities produced on Iowa farms and Iowa products that originate as agricultural commodities produced on Iowa farms under this title, including chapter 187.

3. As used in this section:

a. "Agricultural commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels.

b. "Commercial channels" means the processes for sale of an agricultural commodity or unprocessed product from the agricultural commodity to any person, public or private, who resells the agricultural commodity for breeding, processing, slaughter, or distribution.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.20]

86 Acts, ch 1245, §610; 91 Acts, ch 254, §4; 92 Acts, ch 1163, §39; 92 Acts, ch 1239, §26 – 28; 94 Acts, ch 1119, §10; 98 Acts, ch 1032, §3; 2008 Acts, ch 1032, §27; 2009 Acts, ch 41, §58; 2010 Acts, ch 1031, §237; 2011 Acts, ch 113, §45, 56; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1021, §121, 141, 144; 2022 Acts, ch 1152, §1; 2024 Acts, ch 1177, §2, 3, 16

159.21 International relations fund.

1. An international relations fund is created in the state treasury under the control of the department. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund.

2. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants written by the director of the department of administrative services, drawn upon the written requisition of the department.

3. Moneys in the fund are appropriated exclusively to support costs incurred by the department related to promoting the sale of Iowa agricultural commodities and agricultural products to government officials and business leaders of other nations. The department may use moneys in the fund to support travel, including international travel, for the secretary of agriculture or the secretary's designee, and hosting or attending trade missions, functions, or events.

4. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income or interest from the fund shall remain in the fund until expended as provided in this section.

2000 Acts, ch 1224, §26; 2003 Acts, ch 145, §286

159.22 Grants and gifts of funds.

The secretary may accept grants and allotments of funds from the federal government and enter into cooperative agreements with the United States department of agriculture for projects to effectuate a purpose described in this subchapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.22]

91 Acts, ch 254, §5; 92 Acts, ch 1239, §29

159.23 Special fund.

All fees collected as a result of the inspection and grading provisions set out in this chapter shall be paid into the state treasury, there to be set aside in a separate fund which is hereby appropriated for the use of the department except as indicated. Withdrawals from the fund shall be by warrant of the director of the department of administrative services upon

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requisition by the secretary of agriculture. The fund shall be continued from year to year, provided, however, that if there be any balance remaining at the end of the biennium which, in the opinion of the governor, director of the department of management, and secretary of agriculture, is greater than necessary for the proper administration of the inspection and grading program referred to in this section, the treasurer of state is hereby authorized on the recommendation and with the approval of the governor, director of the department of management, and secretary of agriculture to transfer to the general fund of the state that portion of such account as they shall deem advisable.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.23]

92 Acts, ch 1239, §30; 2003 Acts, ch 145, §286; 2015 Acts, ch 29, §114; 2020 Acts, ch 1063, §66

159.24 Grades or classifications of farm products.

A certificate of the grade, or other classification, of any farm products issued under this chapter shall be accepted in any court of this state as prima facie evidence of the true grade or classification of such farm products as the same existed at the time of their classification.

[C62, 66, 71, 73, 75, 77, 79, 81, §159.24]

92 Acts, ch 1239, §31

159.25 Iowa seal. Transferred to §187.309; 2026 Acts, ch 1139, §14.

PART 2

CHOOSE IOWA PROMOTIONAL PROGRAM

159.26 Definitions. Repealed by 2024 Acts, ch 1177, §12, 16.

159.27 Administration. Repealed by 2024 Acts, ch 1177, §12, 16.

159.28 Choose Iowa promotional program. Transferred to §187.301; 2024 Acts, ch 1177, §14.

159.29 Choose Iowa logo. Transferred to §187.302; 2024 Acts, ch 1177, §14.

159.30 Choose Iowa licensing agreement — fees. Transferred to §187.303; 2024 Acts, ch 1177, §14.

159.31 Choose Iowa fund. Transferred to §187.201; 2024 Acts, ch 1177, §14.

PART 3

DAIRY INNOVATION FUND AND PROGRAM

159.31A Dairy innovation and revitalization program. Transferred to §187.311; 2024 Acts, ch 1177, §14.

SUBCHAPTER III

DEPOSITARIES — ASSISTANCE SERVICES

159.32 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Depositary"* means a qualified person who executes a contract with the department pursuant to section 159.33 to provide assistance services as provided in this subchapter.

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2. *"Electronic funds transfer"* means a remote electronic transmission used for ordering, instructing, or authorizing a financial institution to apply money to or credit the account of the payee and debit the account of the payer. The remote electronic transmission may be initiated by telephone, computer, or similar device.

3. *"Filing document"* means any of the following:

a. An application for a license, permit, or certification, required to be submitted to the department as provided in this title.

b. A registration required to be submitted to the department as provided in this title.

4. *"Filing document fee"* means a fee or other charge established by statute or rule which is required to accompany a filing document submitted to the department as provided in this title.

2003 Acts, ch 48, §2

159.33 Assistance services — authority to contract with depositary.

Whenever practical, the department may execute a contract with a person qualified to provide assistance services under this subchapter, if the contract for the assistance services is cost-effective and the quality of the services ensures compliance with state and any applicable federal law. A person executing a contract with the department for the purpose of providing the assistance services shall be deemed to be a depositary of the state and an agent of the department only for purposes expressly provided in this subchapter. The department shall periodically review assistance services performed by a person under the contract to ensure that quality, cost-effective service is being provided.

2003 Acts, ch 48, §3
Referred to in §159.32

159.34 Assistance services — filing documents.

1. A contract executed under this subchapter may require that a depositary provide for the receipt, acceptance, and storage of filing documents that are sent in an electronic format to the depositary by persons who would otherwise be required to submit filing documents to the department under other provisions of this title. The contract shall be governed under the same provisions as provided in section 8A.106.

2. *a.* A depositary must send filing documents that it receives to the department for processing, including for the approval or disapproval of an application or the acknowledgment of a registration. The receipt of the filing document by the depositary shall be deemed receipt of the filing document but not an approval of an application or acknowledgment of a registration by the department.

b. A depositary may send a person notice of the department's approval or disapproval of an application or acknowledgment of a registration. The department and not a depositary shall be considered the lawful custodian of the department's filing documents which shall be public records as provided in chapter 22.

3. A filing document that is transmitted electronically to a depositary or from a depositary to another person is an electronic record for purposes of chapter 554D. An application or registration required to be signed must be authenticated by an electronic signature as provided by the department in conformance with chapter 554D.

2003 Acts, ch 48, §4; 2004 Acts, ch 1101, §25

159.35 Assistance services — collection of moneys.

1. A contract executed under this subchapter may require that a depositary provide for the receipt, acceptance, and transmission of moneys owed to the department by a person in order to satisfy a liability arising from the operation of law which is limited to filing document fees and civil penalties. These moneys are public funds or public deposits as provided in chapter 12. The depositary shall transfer the moneys to the department for deposit into the general fund of the state unless the disposition of the moneys is specifically provided for under other law.

2. A depositary may commit its assets to lines of credit pursuant to credit arrangements, including but not limited to agreements with credit and debit cardholders and with other

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credit or debit card issuers. The depositary may accept forms of payment including credit cards, debit cards, or electronic funds transfer.

3. The moneys owed to the department shall not exceed the amount required to satisfy the liability arising from the operation of law. However, the contract executed under this subchapter may provide for assistance service charges, including service delivery fees, credit card fees, debit card fees, and electronic funds transfer charges payable to the depositary or another party and not to the state. An assistance service charge shall not exceed that permitted by statute. The contract may also provide for the retention of interest earned on moneys under the control of the depositary. These moneys are not considered public funds or public deposits as provided in chapter 12.

4. The depositary, as required by the department for purposes of determining compliance, shall send information to the department including payment information for an identified filing document fee or the payment of a specific civil penalty.

5. Each calendar year, the auditor of state shall conduct an annual audit of the activities of the depositary.

2003 Acts, ch 48, §5
Referred to in §12C.1

159.36 Filing documents and payment of moneys to department.

Nothing in this subchapter shall prevent a person from submitting a filing document or making a payment to the department as otherwise provided in this title.

2003 Acts, ch 48, §6

SUBCHAPTER IV

SPECIAL QUALITY GRAINS

159.37 Special quality grains electronic bulletin board. Repealed by 2001 Acts, ch 129, §7.

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CHAPTER 159A

RENEWABLE FUELS AND COPRODUCTS

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SUBCHAPTER I

FINDINGS AND POLICY

159A.1 Findings.

The general assembly finds and declares the following:

1. The production and processing of agricultural commodities and products represents the foundation of this state's economy, and the economic viability of this nation is contingent upon the production of wealth generated primarily from materials, including food and fiber, produced on this nation's family farms.

2. It is necessary to support industries using agricultural commodities to increase the demand for and production and consumption of sources of energy in order to reduce the state's dependency upon petroleum products; to reduce atmospheric contamination of this state's environment from the combustion of fossil fuels; and to produce coproducts, such as corn gluten feed, distillers grain, and solubles, which can be used to increase livestock production in this state.

3. This state adopts a policy of enhancing agricultural production by encouraging the development and use of fuels and coproducts derived from agricultural commodities as provided in this chapter, including rules adopted by the office of renewable fuels and coproducts.

91 Acts, ch 254, §6; 94 Acts, ch 1119, §11; 2010 Acts, ch 1031, §238

Referred to in §214A.31

Legislative intent regarding use of renewable fuels; 2013 Acts, ch 127, §1

SUBCHAPTER II

OFFICE OF RENEWABLE FUELS AND COPRODUCTS

Referred to in §159.20

159A.2 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Biobutanol"*, *"biobutanol blended gasoline"*, *"biodiesel"*, *"biodiesel blended fuel"*, *"ethanol"*, *"ethanol blended gasoline"*, and *"renewable fuel"* mean the same as defined in section 214A.1.

2. *"Coordinator"* means the administrative head of the office of renewable fuels and coproducts appointed by the department as provided in section 159A.3.

3. *"Coproduct"* means a product other than a renewable fuel which at least in part is derived from the processing of agricultural commodities, and which may include corn gluten feed, distillers grain, or solubles, or can be used as livestock feed or a feed supplement.

4. *"Department"* means the department of agriculture and land stewardship.

5. *"Fund"* means the renewable fuels and coproducts fund established pursuant to section 159A.7.

6. *"Office"* means the office of renewable fuels and coproducts created pursuant to section 159A.3.

7. *"Renewable fuels and coproducts activities"* means either of the following:

a. The research, development, production, promotion, marketing, or consumption of renewable fuels and coproducts.

b. The research, development, transfer, or use of technologies which directly or indirectly increase the supply or demand of renewable fuels and coproducts.

91 Acts, ch 254, §7; 94 Acts, ch 1119, §12; 2000 Acts, ch 1018, §1; 2004 Acts, ch 1086, §106; 2006 Acts, ch 1142, §73 – 75; 2010 Acts, ch 1031, §239; 2011 Acts, ch 113, §46, 56; 2014 Acts, ch 1104, §1, 2

Further definitions, see §159.1

159A.3 Office of renewable fuels and coproducts.

1. An office of renewable fuels and coproducts is created within the department and shall be staffed by a coordinator who shall be appointed by the secretary. It shall be the policy of the office to further renewable fuels and coproducts activities. The office shall first further renewable fuels and coproducts activities based on the following considerations:

a. The price competitiveness of the renewable fuel or coproduct.

b. The production capacity and supply of the renewable fuel or coproduct.

c. The ease and safety of transporting and storing the renewable fuel or coproduct.

d. The degree to which the renewable fuel or coproduct is currently developed for ready transfer to current engine technology.

e. The degree to which the renewable fuel or coproduct is environmentally protective.

f. The degree to which the renewable fuel or coproduct provides economic development opportunities.

2. The duties of the office include, but are not limited to, the following:

a. Serving as advisor to the department regarding regulations, including federal and state standards, relating to oxygenates, as defined in section 214A.1.

b. Serving as advisor to the department regarding renewable fuels and coproducts programs.

c. Serving as monitor of regulations administered in the state, in other states, or by the federal government. The office shall collect information and data prepared by state agencies related to these regulations, and provide referral and assistance to interested persons and agencies.

d. Cooperating with persons and agencies involved in renewable fuels and coproducts activities, including other states and the federal government, to standardize regulations and coordinate programs, in order to increase administrative effectiveness and reduce administrative duplication.

e. Implementing policies and procedures designed to facilitate communication between persons involved in renewable fuels and coproducts activities.

f. Assisting state or federal agencies, or assisting commercial enterprises or commodity organizations which are located in or desiring to locate in the state. The assistance may include support of public research relating to renewable fuels and coproducts activities.

g. Conducting studies relating to the viability of producing or using renewable fuels and coproducts, and methods and schedules required to ensure a practicable transition to the use of renewable fuels and coproducts.

h. Approving a renewable fuel which may be used as a flexible fuel powering a motor vehicle required to be purchased by state agencies.

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3. *a.* A chief purpose of the office is to further the production and consumption of ethanol blended gasoline and biobutanol blended gasoline in this state. The office shall be the primary state agency charged with the responsibility to promote public consumption of ethanol blended gasoline and biobutanol blended gasoline.

b. The office shall promote the production and consumption of biodiesel and biodiesel blended fuel in this state.

4. The office and state entities, including the department, the economic development authority, the state department of transportation, and the state board of regents institutions, shall cooperate to implement this section.

91 Acts, ch 254, §8; 92 Acts, ch 1239, §33; 94 Acts, ch 1119, §13; 2003 Acts, ch 44, §41, 42; 2006 Acts, ch 1142, §76, 83; 2009 Acts, ch 108, §8, 41; 2010 Acts, ch 1031, §240 – 242; 2011 Acts, ch 25, §19; 2011 Acts, ch 118, §50, 85, 89; 2014 Acts, ch 1104, §3

Referred to in §8A.412, 20.4, 159A.2, 159A.7, 216B.3, 260C.19A, 262.25A, 307.21, 904.312A

159A.4 and 159A.5 Repealed by 2010 Acts, ch 1031, §250, 251.

159A.6 Education, promotion, and advertising.

1. The office shall do all of the following:

a. Support education regarding, and promotion and advertising of, renewable fuels and coproducts. The office shall consult with the petroleum marketers and convenience stores of Iowa, the Iowa renewable fuels association, the Iowa corn growers association, and the Iowa soybean association.

b. Promote the advantages related to the use of renewable fuels as an alternative to nonrenewable fuels. Promotions shall be designed to inform the ultimate consumer of advantages associated with using renewable fuels, and emphasize the benefits to the natural environment. The promotion shall inform consumers at the businesses of retail dealers of motor vehicle fuels.

c. Develop standards for decals required pursuant to section 214A.21A, which shall be designed to promote the advantages of using renewable fuels. The standards may be incorporated within a model decal adopted by the office.

d. Promote the advantages related to the use of coproducts derived from the production of renewable fuels, including the use of coproducts used as livestock feed or meal. Promotions shall be designed to inform the potential purchasers of the advantages associated with using coproducts. The office shall promote advantages associated with using coproducts of ethanol and biobutanol production as livestock feed or meal to cattle producers in this state.

2. The office may contract to provide all or part of the services described in subsection 1.

91 Acts, ch 254, §11; 92 Acts, ch 1099, §3; 92 Acts, ch 1163, §41; 94 Acts, ch 1119, §19; 2009 Acts, ch 41, §197; 2010 Acts, ch 1031, §243; 2010 Acts, ch 1193, §145; 2014 Acts, ch 1104, §4; 2023 Acts, ch 154, §26

Referred to in §159A.7, 214A.21A

159A.6A Renewable fuels and coproducts research.

The office shall support research relating to renewable fuels and coproducts, including methods to increase efficiency and reduce costs associated with production. The office shall consult with the Iowa corn growers association and the Iowa soybean association. The office shall support research activities at the university of Iowa, Iowa state university of science and technology, and the university of northern Iowa. The office may contract to provide all or part of these services.

94 Acts, ch 1119, §20

Referred to in §159A.7

159A.6B Technical assistance.

1. The office shall assist persons in revitalizing rural regions of this state, by providing technical assistance to new or existing renewable fuel production facilities, including the establishment and operation of facilities, and specifically facilities which create coproducts, including coproducts which support livestock production operations. The office shall consult with the Iowa corn growers association and the Iowa soybean association. The office shall

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provide planning assistance which may include evaluations of methods to most profitably manage these operations. The business planning assistance shall provide for adequate environmental protection of this state's natural resources from the operation of the facility.

2. The office may execute contracts in order to provide technical support and outreach services for purposes of assisting and educating interested persons as provided in this section. The office may also contract with a consultant to provide part or all of these services. The office may require that a person receiving assistance pursuant to this section contribute up to fifty percent of the amount required to support the costs of contracting with the consultant to provide assistance to the person.

3. The office shall cooperate with the economic development authority and regents institutions or other universities and colleges in order to carry out this section.

94 Acts, ch 1119, §21; 2009 Acts, ch 41, §198; 2009 Acts, ch 108, §11, 41; 2009 Acts, ch 123, §29; 2011 Acts, ch 118, §50, 85, 86, 89; 2012 Acts, ch 1126, §23; 2025 Acts, ch 136, §44, 59

Referred to in §159A.7

159A.7 Renewable fuels and coproducts fund.

1. A renewable fuels and coproducts fund is created in the state treasury under the control of the office of renewable fuels and coproducts. The fund may include moneys available to and obtained or accepted by the office, including moneys from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources.

2. Moneys in the fund shall be used only to carry out the provisions of this section and sections 159A.3, 159A.6, 159A.6A, and 159A.6B within the state of Iowa.

3. Moneys in the fund shall be allocated during each fiscal year as follows:

a. At least forty percent shall be dedicated to support education, promotion, and advertising of renewable fuels and coproducts as provided in section 159A.6.

b. Up to thirty percent may be dedicated to support research at the university of Iowa, Iowa state university of science and technology, and the university of northern Iowa, as provided in section 159A.6A.

c. Any remaining balance shall be used by the office to support technical assistance as provided in section 159A.6B and any other projects or programs developed by the office.

4. Moneys in the fund are subject to an annual audit by the auditor of state. The fund is subject to warrants by the director of the department of administrative services, drawn upon the written requisition of the coordinator.

5. In administering the fund, the office may do all of the following:

a. Contract, sue and be sued, and adopt procedures necessary to administer this section. However, the office shall not in any manner, directly or indirectly, pledge the credit of the state.

b. Authorize payment from the fund for commissions, attorney and accountant fees, and other reasonable expenses related to and necessary for administering the fund.

6. Section 8.33 does not apply to moneys in the fund. Income received by investment of moneys in the fund shall remain in the fund.

91 Acts, ch 254, §12; 92 Acts, ch 1099, §4, 10; 93 Acts, ch 180, §74; 94 Acts, ch 1119, §22; 97 Acts, ch 207, §7 – 9, 15; 2000 Acts, ch 1230, §21, 22; 2002 Acts, 2nd Ex, ch 1003, §67, 79; 2003 Acts, ch 145, §286; 2009 Acts, ch 41, §199; 2010 Acts, ch 1031, §244

Referred to in §159A.2

159A.8 through 159A.10 Reserved.

SUBCHAPTER III

RENEWABLE FUEL INFRASTRUCTURE

Referred to in §159.20

159A.11 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Biodiesel"*, *"biodiesel blended fuel"*, *"biodiesel fuel"*, *"E-85 gasoline"*, *"ethanol"*,

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"ethanol blended gasoline", *"gasoline"*, *"motor fuel"*, *"retail dealer"*, and *"retail motor fuel site"* mean the same as defined in section 214A.1.

2. *"Department"* means the department of agriculture and land stewardship.

3. *"Infrastructure board"* means the renewable fuel infrastructure board as created in section 159A.13.

4. *"Infrastructure fund"* means the renewable fuel infrastructure fund created in section 159A.16.

5. *"Motor fuel pump"* and *"motor fuel blender pump"* or *"blender pump"* mean the same as defined in section 214.1.

6. *"Motor fuel storage and dispensing infrastructure"* or *"infrastructure"* means the same as defined in section 214.1.

7. *"Motor fuel storage tank"* means the same as defined in section 214.1.

8. *"Tank vehicle"* means the same as defined in section 321.1.

9. *"Terminal"* means a storage and distribution facility for motor fuel or a blend stock such as ethanol or biodiesel that is stored on-site or off-site in bulk and that is supplied to a motor vehicle, pipeline, or a marine vessel and from which storage and distribution facility the motor fuel or blend stock may be removed at a rack. *"Terminal"* does not include any of the following:

a. A retail motor fuel site.

b. A facility at which motor fuel, special fuel, or blend stocks are used in the manufacture of products other than motor fuel and from which no motor fuel or special fuel is removed.

10. *"Terminal operator"* means a person who has responsibility for, or physical control over, the operation of a terminal, including by ownership, contractual agreement, or appointment.

2006 Acts, ch 1142, §28; 2006 Acts, ch 1175, §3, 23
C2007, §15G.201
2008 Acts, ch 1169, §1, 2, 30; 2011 Acts, ch 113, §42, 55, 56; 2011 Acts, ch 118, §74, 75
CS2011, §159A.11
2022 Acts, ch 1067, §85 – 87, 99
Further definitions, see §159.1

159A.12 Standards and classifications of motor fuel and renewable fuel.

For purposes of this subchapter, motor fuel, including a renewable fuel, must meet the same standards and classifications as provided in section 214A.2.

2008 Acts, ch 1169, §3, 30
C2009, §15G.201A
2009 Acts, ch 41, §17; 2011 Acts, ch 113, §55, 56
CS2011, §159A.12
2022 Acts, ch 1067, §88, 99

159A.13 Renewable fuel infrastructure board.

A renewable fuel infrastructure board is established within the department.

1. The department shall provide the infrastructure board with necessary facilities, items, and clerical support. The department shall perform administrative functions necessary for the management of the infrastructure board and the renewable fuel infrastructure programs as provided in sections 159A.14 and 159A.15, all under the direction of the infrastructure board.

2. The infrastructure board shall be composed of eleven members who shall be appointed by the governor as follows:

a. One person representing insurers who is knowledgeable about issues relating to underground storage tanks.

b. One person representing the petroleum industry who is knowledgeable about issues relating to petroleum refining, terminal operations, and petroleum or motor fuel distribution.

c. Nine persons based on nominations made by the titular heads of all of the following:

(1) The agribusiness association of Iowa.

(2) The Iowa corn growers association.

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(3) The Iowa farm bureau federation.
(4) The Iowa biodiesel board.
(5) The Iowa soybean association.
(6) The petroleum marketers and convenience stores of Iowa.
(7) The Iowa petroleum equipment contractors association.
(8) The Iowa renewable fuels association.
(9) The Iowa grocery industry association.

3. Appointments of voting members to the infrastructure board are subject to the requirements of section 4A.12. In addition, the appointments shall be geographically balanced. The governor's appointees shall be confirmed by the senate, pursuant to section 2.32.

4. The members of the infrastructure board shall serve five-year terms beginning and ending as provided in section 69.19. However, the governor shall appoint initial members to serve for less than five years to ensure members serve staggered terms. A member is eligible for reappointment. A vacancy on the board shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

5. The infrastructure board shall elect a chairperson from among its members each year on a rotating basis as provided by the infrastructure board. The infrastructure board shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of six or more members.

6. Members of the infrastructure board are not entitled to receive compensation but shall receive reimbursement of expenses from the department as provided in section 7E.6.

7. Six members of the infrastructure board constitute a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the infrastructure board. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the infrastructure board.

2006 Acts, ch 1142, §29
C2007, §15G.202
2011 Acts, ch 113, §43, 55, 56
CS2011, §159A.13
2022 Acts, ch 1067, §89, 99; 2024 Acts, ch 1004, §22
Referred to in §159A.11, 159A.14, 159A.15, 159A.16

159A.14 Renewable fuel infrastructure program for retail motor fuel sites.

A renewable fuel infrastructure program for retail motor fuel sites is established in the department under the direction of the renewable fuel infrastructure board created pursuant to section 159A.13.

1. The purpose of the program is to improve retail motor fuel sites by installing, replacing, or converting infrastructure to be used to store, blend, or dispense renewable fuel. The infrastructure shall be ethanol infrastructure or biodiesel infrastructure.

a. (1) (a) Except as provided in this subparagraph, the ethanol infrastructure shall have the capacity to store and dispense E-85 gasoline.

(b) (i) If the ethanol infrastructure is not used to store and dispense E-85 gasoline, it must have the capacity to store and dispense ethanol blended gasoline classified as E-40 or higher.

(ii) This subparagraph division shall be implemented beginning January 1, 2026.

(iii) This subparagraph division is repealed July 1, 2030.

(c) The ethanol infrastructure may store, blend, and dispense ethanol or ethanol blended gasoline from a motor fuel blender pump. The ethanol infrastructure must at least include a motor fuel blender pump that dispenses different classifications of ethanol blended gasoline, if it allows E-85 gasoline to be dispensed at all times that the blender pump is operating.

(2) Biodiesel infrastructure shall have the capacity to do any of the following:

(a) Store and dispense biodiesel or biodiesel blended fuel classified as B-20 or higher.

(b) Store, blend, and dispense biodiesel fuel from a motor fuel blender pump. The biodiesel infrastructure must at least include a motor fuel blender pump that dispenses

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different classifications of biodiesel blended fuel and allows biodiesel blended fuel classified as B-5 or higher to be dispensed at all times that the blender pump is operating.

b. The infrastructure must be part of the premises of a retail motor fuel site operated by a retail dealer. The infrastructure shall not include a tank vehicle.

2. *a.* A person may apply to the department to receive financial incentives according to procedures required by the department. The department shall accept a timely received application to improve a retail motor fuel site as provided in this section and forward that application to the infrastructure board, as required by the board, for its approval or disapproval.

b. The application shall allow the department to determine all of the following:

(1) The tier designation of the retail motor fuel site as provided in subsection 6.

(2) Whether the retail dealer would be in compliance with the general E-15 access standard or the alternative E-15 access standard as provided in section 214A.32 if that standard were implemented on the date the application was filed.

(3) Whether the person is a retail dealer assigned special status. The department shall assign the person special status if the person does not comply with the E-15 access standard as provided in section 214A.32 and the person is ineligible to be issued an E-15 incompatible infrastructure class 2 waiver order for that retail motor fuel site as provided in section 214A.35, subsection 6.

c. The department shall award financial incentives on a cost-share basis to an eligible person whose application was approved by the infrastructure board.

d. An application shall automatically expire if the application has not been approved or disapproved by the board as provided in this section within twenty-four months after the department files the submitted application.

e. The infrastructure board shall not delay approving an application or financing agreement to install, replace, or convert ethanol infrastructure based on its priority status as provided in subsection 6.

3. The infrastructure board shall approve financing agreements entered into by the department and persons that the infrastructure board determines are eligible as provided in this section, according to terms and conditions required by the infrastructure board. In order to be eligible to participate in the program, all of the following must apply:

a. The person must be an owner or operator of the retail motor fuel site.

b. The person must apply to the department in a manner and according to procedures required by the infrastructure board. The application must contain all information required by the infrastructure board and shall at least include all of the following:

(1) The name of the person and the address of the retail motor fuel site to be improved.

(2) A detailed description of the infrastructure to be installed, replaced, or converted, including but not limited to the model number of each installed, replaced, or converted motor fuel storage tank if available.

(3) A statement describing how the retail motor fuel site is to be improved, the total estimated cost of the planned improvement, and the date when the infrastructure will be first used.

(4) A statement certifying that the infrastructure shall only be used to comply with the provisions of this section and as specified in the financing agreement, unless granted a waiver by the infrastructure board pursuant to this section.

4. A retail motor fuel site which is improved using financial incentives must comply with federal and state standards governing new or upgraded motor fuel storage tanks used to store and dispense the renewable fuel. A site classified as a no further action site pursuant to a certificate issued by the department of natural resources under section 455B.474 shall retain its classification following modifications necessary to store and dispense the renewable fuel and the owner or operator shall not be required to perform a new site assessment unless a new release occurs or if a previously unknown or unforeseen risk condition should arise.

5. A financing agreement shall be for a five-year period. The financing agreement shall include provisions for standard financial incentives or standard financial incentives and supplemental financial incentives as provided in this section. The infrastructure board may approve multiple improvements to the same retail motor fuel site for the full

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amount available for both ethanol infrastructure and biodiesel infrastructure so long as the improvements for ethanol infrastructure and for biodiesel infrastructure are made under separate financing statements.

a. For the term of a financing agreement to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure, the participating person must use the ethanol infrastructure to store and dispense, or store, blend, and dispense, ethanol blended gasoline classified as E-15 or higher.

b. For the term of a financing agreement to improve a retail motor fuel site by installing, replacing, or converting biodiesel infrastructure, the participating person must use the biodiesel infrastructure to store and dispense, or store, blend, and dispense, biodiesel blended fuel classified as B-5 or higher. However, at least for the period beginning April 1 and ending October 31 of each year, the participating person must use the biodiesel infrastructure to store and dispense, or store, blend, and dispense, biodiesel blended fuel classified as B-11 or higher.

6. *a.* The infrastructure board shall award standard financial incentives to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure designated by the department as a tier I site or tier II site. The department's designation shall be based on all of the following:

(1) The total number of retail motor fuel sites that store and dispense gasoline, or store, blend, and dispense gasoline, that are owned or operated in this state by the eligible person on the date of the application.

(2) The retail motor fuel site's average total gasoline gallonage for the qualifying phase that includes the three calendar years immediately prior to the year that the eligible person submitted the application.

(a) Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase. The computation shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to chapter 452A, subchapter II. However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under chapter 422, to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

(b) A person who submits an application under this section shall waive the confidentiality of information in the department of revenue's certification identifying the person or retail motor fuel site otherwise applicable under chapter 422 or 452A. The information maintained by the department of agriculture and land stewardship under this section is a confidential record under section 22.7 and shall be used by the department of agriculture and land stewardship and the infrastructure board for the limited purpose of evaluating the eligible person's application for approval and entering into a financing agreement with the participating person. The application shall include a notice of the waiver. The department of agriculture and land stewardship or the infrastructure board shall redact such identifying information in any record otherwise requiring disclosure by that department under chapter 22.

(c) The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer this subparagraph.

b. (1) For a tier I site, all of the following apply:

(a) The eligible person must own or operate a total of ten or fewer of the retail motor fuel sites described in paragraph "*a*" regardless of their designations.

(b) The eligible person must not have stored and dispensed E-15 gasoline at the retail motor fuel site at any time prior to submitting the application.

(c) The retail motor fuel site's average total gasoline gallonage as certified by the department of revenue as provided in paragraph "*a*" must not be more than one hundred forty thousand gallons.

(2) The amount of standard financial incentives awarded to improve the tier I site is

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ninety percent of the actual cost of making the improvement or seventy-five thousand dollars, whichever is less.

c. (1) For a tier II site, all of the following apply:

(a) The eligible person must own or operate a total of ten or fewer retail motor fuel sites described in paragraph *"a"* regardless of their designations.

(b) The eligible person must not have stored and dispensed E-15 gasoline at the retail motor fuel site at any time prior to submitting the application.

(c) The retail motor fuel site's average total gasoline gallonage as certified by the department of revenue as provided in paragraph *"a"* must be more than one hundred forty thousand gallons but not more than four hundred fifty thousand gallons.

(2) The amount of standard financial incentives awarded to improve the tier II site is seventy-five percent of the actual cost of making the improvements or seventy-five thousand dollars, whichever is less.

d. The infrastructure board shall award standard financial incentives to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure at a tier III site as designated by the department.

(1) Any retail motor fuel site not designated as a tier I site under paragraph *"b"* or a tier II site under paragraph *"c"* shall be designated as a tier III site.

(2) The amount of standard financial incentives awarded to improve the tier III site is seventy percent of the actual cost of making the improvement or seventy-five thousand dollars, whichever is less.

e. The infrastructure board shall establish a system to rank applications to improve a retail motor fuel site by installing, replacing, or converting ethanol infrastructure according to an order or priority order as follows:

(1) For the first priority, a retail motor fuel site assigned a special status as provided in subsection 2.

(2) For the second priority, a retail motor fuel site that is a tier I site as provided in this subsection.

(3) For the third priority, a retail motor fuel site that is a tier II site as provided in this subsection.

(4) For the fourth priority, a tier III site as provided in this subsection. Among tier III sites, the infrastructure board shall prioritize a retail motor fuel site that included motor fuel storage and dispensing infrastructure used to store and dispense gasoline prior to January 1, 2023.

7. The amount of standard financial incentives awarded to an eligible person to improve a retail motor fuel site by installing, replacing, or converting biodiesel infrastructure is seventy percent of the actual cost of making the improvement or fifty thousand dollars, whichever is less.

8. The department may provide for dedicated financing to an eligible person who receives standard financing under subsection 6 or 7, subject to all of the following:

a. If the department determines that a participating person is assigned special status because the participating person is ineligible to be issued an E-15 incompatible infrastructure class 2 waiver order for the retail motor fuel site as provided in subsection 2, the infrastructure board may approve one or multiple awards of standard financial incentives to make improvements to that retail motor fuel site subject to all of the following:

(1) The total amount of awards shall not be reduced by the amount of any standard or special financial incentives awarded to improve the retail motor fuel site under a prior financing agreement, notwithstanding subsection 5.

(2) The total amount of awards for ethanol infrastructure under the financing agreement to be entered into by the retail dealer and department shall not exceed the limitations provided in subsection 6.

b. In addition to any standard financial incentives awarded to a participating person under subsections 6 and 7, the participating person may be awarded supplemental financial incentives to make improvements to a retail motor fuel site to improve additional retail motor fuel sites owned or operated by a participating person within a twelve-month period as provided in the cost-share agreement. The supplemental financial incentives shall be used

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for the installation of an additional motor fuel storage tank and associated infrastructure at each such retail motor fuel site. A participating person may be awarded supplemental financial incentives under this paragraph *"b"* and standard financial incentives under subsection 6 or 7 to improve the same retail motor fuel site. The supplemental financial incentives awarded to the participating person shall not exceed twenty-four thousand dollars. The participating person shall be awarded the supplemental financial incentives on a cumulative basis according to the schedule provided in this paragraph, which shall not exceed the following:

(1) For the second retail motor fuel site, six thousand dollars.
(2) For the third retail motor fuel site, six thousand dollars.
(3) For the fourth retail motor fuel site, six thousand dollars.
(4) For the fifth retail motor fuel site, six thousand dollars.

9. A participating person shall not use the infrastructure to store and dispense motor fuel other than the type of renewable fuel approved by the board in the financing agreement, unless one of the following applies:

a. The participating person is granted a waiver by the infrastructure board. The participating person shall store or dispense the motor fuel according to the terms and conditions of the waiver.

b. The renewable fuel infrastructure fund created in section 159A.16 is immediately repaid the total amount of moneys awarded to the participating person together with a monetary penalty equal to twenty-five percent of that awarded amount. The amount shall be deposited in the renewable fuel infrastructure fund created in section 159A.16.

10. A participating person who acts in violation of an agreement executed with the department pursuant to this section is subject to a civil penalty of not more than one thousand dollars a day for each day of the violation. The civil penalty shall be deposited into the general fund of the state.

2006 Acts, ch 1142, §30
C2007, §15G.203
2007 Acts, ch 126, §9; 2007 Acts, ch 211, §46; 2008 Acts, ch 1032, §128; 2008 Acts, ch 1169, §4 – 9, 30; 2009 Acts, ch 41, §263; 2011 Acts, ch 113, §55, 56
CS2011, §159A.14
2015 Acts, ch 138, §74, 161, 162; 2019 Acts, ch 59, §55; 2022 Acts, ch 1067, §90 – 97, 99; 2024 Acts, ch 1155, §13 – 15; 2024 Acts, ch 1183, §1, 7

Referred to in §159A.13, 159A.16, 214A.35, 452A.33
Compliance requirements for renewable fuel storage and dispensing infrastructure, see chapter 101 and chapter 455G, subchapter III
2024 amendment to subsection 1, paragraph a, subparagraph (1), does not require the renewable fuel infrastructure board to reconsider or reapprove a decision made prior to May 17, 2024; 2024 Acts, ch 1183, §6
A retail dealer who was awarded standard financial incentives on or after January 1, 2022, but before July 1, 2024, to improve a retail motor fuel site based on the cost of installing, replacing, or converting E-85 gasoline infrastructure may file an amended application for a corrective amount to be awarded by the board subject to certain conditions; 2024 Acts, ch 1155, §17

159A.15 Renewable fuel infrastructure program for biodiesel terminal facilities.

The department, under the direction of the renewable fuel infrastructure board created in section 159A.13, shall establish and administer a renewable fuel infrastructure program for terminal facilities that store and dispense biodiesel or biodiesel blended fuel. The infrastructure must be designed and shall be used exclusively to store and distribute biodiesel or biodiesel blended fuel. The department as directed by the infrastructure board shall provide a cost-share program for financial incentives.

1. A person may apply to the department to receive financial incentives on a cost-share basis. The department shall award financial incentives to an eligible person whose application was approved by the infrastructure board.

2. The department shall award financial incentives to a terminal operator participating in the program as directed by the infrastructure board. In order to be eligible to participate in the program, the terminal operator must apply to the department in a manner and according to procedures required by the infrastructure board. The application must contain information required by the infrastructure board and shall at least include all of the following:

a. The name of the terminal operator and the address of the terminal to be improved.
b. A detailed description of the infrastructure to be installed, replaced, or converted.

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c. A statement describing how the terminal is to be improved, the total estimated cost of the planned improvement, and the date when the infrastructure will be first used to store and distribute biodiesel or biodiesel blended fuel.

d. A statement certifying that the infrastructure shall not be used to store or dispense motor fuel other than biodiesel or biodiesel blended fuel, unless granted a waiver by the infrastructure board pursuant to this section.

3. *a.* An award of financial incentives to a participating person shall be in the form of a grant. In order to participate in the program, an eligible person must execute a cost-share agreement with the department as approved by the infrastructure board in which the person contributes a percentage of the total costs related to improving the terminal. The financial incentives awarded to the participating person shall not exceed the following:

(1) For improvements to store, blend, or dispense biodiesel fuel from B-2 or higher but not as high as B-99, fifty percent of the actual cost of making the improvements or fifty thousand dollars, whichever is less.

(2) For improvements to store, blend, and dispense biodiesel fuel from B-99 to B-100, fifty percent of the actual cost of making the improvements or one hundred thousand dollars, whichever is less. However, a person shall not be awarded moneys under this subparagraph if the person has been awarded a total of eight hundred thousand dollars under this subparagraph during any period of time and pursuant to all cost-share agreements in which the person participates.

b. The infrastructure board may approve multiple awards to make improvements to a terminal so long as the total amount of the awards does not exceed the limitations provided in paragraph *"a"*.

4. A participating terminal operator shall not use the infrastructure to store or dispense motor fuel other than biodiesel or biodiesel blended fuel, unless one of the following applies:

a. The participating terminal operator is granted a waiver by the infrastructure board. The participating terminal operator shall store or dispense the motor fuel according to the terms and conditions of the waiver.

b. The renewable fuel infrastructure fund created in section 159A.16 is immediately repaid the total amount of moneys awarded to the participating terminal operator together with a monetary penalty equal to twenty-five percent of that awarded amount. The amount shall be deposited in the renewable fuel infrastructure fund created in section 159A.16.

c. A participating terminal operator who acts in violation of an agreement executed with the department pursuant to this section is subject to a civil penalty of not more than one thousand dollars a day for each day of the violation. The civil penalty shall be deposited into the general fund of the state.

2006 Acts, ch 1142, §31
C2007, §15G.204
2007 Acts, ch 126, §10; 2008 Acts, ch 1169, §10, 11, 30; 2011 Acts, ch 113, §55, 56
CS2011, §159A.15
2022 Acts, ch 1067, §98, 99
Referred to in §159A.13, 159A.16

159A.16 Renewable fuel infrastructure fund.

1. A renewable fuel infrastructure fund is created in the state treasury under the control of the department. The infrastructure fund is separate from the general fund of the state.

2. The renewable fuel infrastructure fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States government or private sources for placement in the infrastructure fund.

3. Moneys in the renewable fuel infrastructure fund are appropriated to the department exclusively to support and market the renewable fuel infrastructure programs as provided in sections 159A.14 and 159A.15, and as allocated in financial incentives by the renewable fuel infrastructure board created in section 159A.13.

a. For each fiscal year, not more than one hundred fifty thousand dollars shall be allocated to the department to support the administration of the programs.

b. For each fiscal year, the department may use up to three-quarters of one percent of the

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program funds to market the programs. Otherwise the moneys shall not be transferred, used, obligated, appropriated, or otherwise encumbered except to allocate as financial incentives under the programs.

4. *a.* The recapture of awards or penalties, or other repayments of moneys originating from the renewable fuel infrastructure fund shall be deposited into the infrastructure fund.

b. Notwithstanding section 12C.7, interest or earnings on moneys in the infrastructure fund shall be credited to the infrastructure fund.

c. Notwithstanding section 8.33, unencumbered and unobligated moneys remaining in the infrastructure fund at the close of each fiscal year shall not revert but shall remain available in the infrastructure fund.

2006 Acts, ch 1175, §6, 23; 2006 Acts, ch 1185, §56
C2007, §15G.205
2008 Acts, ch 1122, §2; 2009 Acts, ch 41, §18; 2011 Acts, ch 113, §44, 55, 56
CS2011, §159A.16
2022 Acts, ch 1150, §17; 2024 Acts, ch 1155, §16; 2026 Acts, ch 1139, §1
Referred to in §159A.11, 159A.14, 159A.15, 159A.17
Subsection 3, paragraphs a, b, and c amended

159A.17 Appropriation.

For the fiscal year beginning July 1, 2021, and ending June 30, 2022, and for each fiscal year thereafter, there is appropriated from the general fund of the state to the renewable fuel infrastructure fund created in section 159A.16 the amount of five million dollars.

2021 Acts, ch 143, §37
For temporary exceptions to appropriation, see appropriations and other noncodified enactments in annual Acts of the general assembly

CHAPTER 160

STATE APIARIST

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160.4 Reserved.
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160.16 Importing a colony from another state — fee. Repealed by 98 Acts, ch 1032, §10.

160.1 Appointment by secretary of agriculture.

There is hereby created and established within the department the office of state apiarist. The state apiarist shall be appointed by and be responsible to and under the authority of the secretary of agriculture in the issuance of all rules, the establishment of quarantines and other official acts.

[C24, 27, 31, 35, 39, §**4036;** C46, 50, 54, 58, §266.8, 266.9; C62, 66, 71, 73, 75, 77, 79, 81, §160.1]

160.1A Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Apiary"* means a place where one or more bee colonies are maintained.
2. *"Bee"* means a honeybee belonging to the genus apis.

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3. *"Colony"* means a queen bee and more than one worker bee located on beeswax combs and enclosed in a container.

4. *"Package"* means a shipping cage exclusively containing adult bees, without beeswax combs.

90 Acts, ch 1104, §1; 93 Acts, ch 21, §1, 2
Referred to in §190A.2, 716.7A, 911.5
Further definitions, see §159.1

160.2 Duties.

The state apiarist shall do all of the following:

1. Give lectures and demonstrations in the state on the production of honey, the care of the apiary, the marketing of honey, and upon other kindred subjects relative to the care of bees and the profitable production of honey.

2. Examine bees, combs, and equipment in any locality which the apiarist may suspect of being African in origin or infested with a parasite or foulbrood or any other contagious or infectious disease common to bees.

3. Regulate bees, combs, and used equipment moving across state borders.

[C24, 27, 31, 35, 39, §**4037;** C46, 50, 54, 58, §266.10; C62, 66, 71, 73, 75, 77, 79, 81, §160.2]
88 Acts, ch 1051, §1; 90 Acts, ch 1104, §2; 93 Acts, ch 21, §3

160.3 Right to enter premises.

In the performance of the apiarist's duties, the state apiarist or the apiarist's assistants shall have the right to enter any premises, enclosure, or buildings containing bees or bee supplies.

[C27, 31, 35, §4037-a1; C39, §**4037.1;** C46, 50, 54, 58, §266.11; C62, 66, 71, 73, 75, 77, 79, 81, §160.3]

160.4 Reserved.

160.5 Instructions — hives — imported bees.

1. If upon examination the apiarist finds bees to be diseased or infested with parasites, the apiarist shall furnish the owner or person in charge of the apiary with full written instructions as to the nature of the disease or infestation and the best methods of treatment, which information shall be furnished without cost to the owner.

2. It shall be unlawful to keep bees in any containers except hives with movable frames permitting ready examination in those counties where area cleanup inspection is in progress as may be proclaimed in official regulation.

3. A person who desires to move a colony, package, or used equipment with combs into this state shall apply to the state apiarist for a written entry permit at least sixty days prior to the proposed entry date. A statement must accompany each application for an entry permit describing each offense related to beekeeping for which the person has been subject to a penalty by a state, federal, or foreign government. The written entry permit must accompany all such shipments when they enter the state. Entry into this state without a permit is unlawful and is punishable pursuant to section 160.14. However, entry requirements of this section shall not apply to a package shipped by the United States postal service.

4. At least ten days before entry a person who has applied for an entry permit must meet both of the following conditions:

a. A valid Iowa certificate of inspection must be on file with the department or a valid certificate of inspection or certificate of health dated within the last sixty days must have been submitted by the state apiarist or inspector of the state of origin. A certificate must indicate the absence of any contagious diseases, parasites, or Africanized bees in the colony or package to be shipped.

b. A completed apiary registration form with locations of apiaries in Iowa indicated along with any fees required for nonresidents must have been submitted. Descriptions of locations shall include all of the following:

(1) The name of the landowner.

(2) Number of colonies to be kept at that location.

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(3) The county, township, section number and quarter section, or street address if located within the city limits.

[C24, 27, 31, 35, 39, §**4039;** C46, 50, 54, 58, §266.13; C62, 66, 71, 73, 75, 77, 79, 81, §160.5]

88 Acts, ch 1051, §2; 90 Acts, ch 1104, §3; 93 Acts, ch 21, §4, 5; 2009 Acts, ch 41, §263; 2018 Acts, ch 1041, §127

Referred to in §160.14, 911.5

160.6 Notice to treat, disinfect, remove, or destroy.

The state apiarist shall provide a notice in writing to an owner of bees or bee equipment infested with contagious diseases, parasites, or Africanized bees to treat, disinfect, destroy, or remove a colony or equipment in a manner and by a time specified by the state apiarist in the order.

[C27, 31, 35, §4039-a1; C39, §**4039.1;** C46, 50, 54, 58, §266.14; C62, 66, 71, 73, 75, 77, 79, 81, §160.6]

93 Acts, ch 21, §6

Referred to in §160.7

160.7 Apiarist to disinfect or destroy — costs.

If the owner fails to comply with the notice provided in section 160.6, the state apiarist shall declare the diseased, parasite-infested or Africanized colonies a nuisance, and administer the destruction or disinfection of the bee colonies or equipment required to eliminate the source of the disease, parasites, or Africanized bees. The state apiarist shall keep an account of costs related to the destruction.

[C27, 31, 35, §4039-a2; C39, §**4039.2;** C46, 50, 54, 58, §266.15; C62, 66, 71, 73, 75, 77, 79, 81, §160.7]

93 Acts, ch 21, §7

Nuisances in general, chapter 657

160.8 Costs certified — collected as tax.

The state apiarist shall certify the amount of such cost to the owner and if the same is not paid to the state apiarist within sixty days, the amount shall be certified to the county auditor of the county in which the premises are located, who shall spread the same upon the tax books which shall be a lien upon the property of the bee owner and be collected as other taxes are collected.

[C27, 31, 35, §4039-a3; C39, §**4039.3;** C46, 50, 54, 58, §266.16; C62, 66, 71, 73, 75, 77, 79, 81, §160.8]

Referred to in §331.512

Collection of taxes, chapter 445

160.9 Rules.

The state apiarist shall adopt rules relating to the inspection, regulation of movement, sale, and cleanup of bee colonies and used beekeeping equipment that is infested with a contagious disease, harmful parasites, or an undesirable subspecies of honey bees.

[C27, 31, 35, §4039-a4; C39, §**4039.4;** C46, 50, 54, 58, §266.17; C62, 66, 71, 73, 75, 77, 79, 81, §160.9]

88 Acts, ch 1051, §3; 93 Acts, ch 21, §8

160.10 Orders prohibiting movement. Repealed by 93 Acts, ch 21, §10.

160.11 Effect of regulations and orders. Repealed by 98 Acts, ch 1032, §10.

160.12 Reserved.

160.13 Annual report.

Said apiarist shall also make an annual report to the secretary of agriculture, stating the number of apiaries visited, number of demonstrations held, number of lectures given, the number of examinations and inspections made, together with such other matters of general

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interest concerning the business of beekeeping as in the apiarist's judgment shall be of value to the public.

[C24, 27, 31, 35, 39, §**4040;** C46, 50, 54, 58, §266.21; C62, 66, 71, 73, 75, 77, 79, 81, §160.13]

160.14 Penalties — injunctions.

1. A person who knowingly sells, barters, gives away, moves, or allows to be moved, a diseased or parasite-infested colony, package, equipment, or combs without the consent of the state apiarist, or exposes infected honey or infected equipment to the bees, or who willfully fails or neglects to give proper treatment to a diseased or parasite-infested colony, or who interferes with the state apiarist or the apiarist's assistants in the performance of official duties or who refuses to permit the examination of bees or their destruction as provided in this chapter or violates another provision of this chapter, except as provided in subsection 2, is guilty of a simple misdemeanor.

2. A person who knowingly moves or causes to be moved into this state a colony, package, used equipment, or combs in violation of section 160.5, is guilty of a serious misdemeanor.

3. Each day a colony, package, used equipment, or combs moved into this state in violation of section 160.5 remain in this state constitutes a separate offense. A colony, package, used equipment, or combs brought into this state in violation of section 160.5 may be declared a nuisance. The department shall provide written notice to the person owning the land where the colony, package, used equipment, or combs are located, and, if known, to the person owning the colony, package, used equipment, or combs. The notice shall state that the owner of the colony, package, used equipment, or combs must remove the colony, package, used equipment, or combs from this state within five days of the notification. After the five days have lapsed the department may seize the colony, package, used equipment, or combs. The department may secure a warrant if the owner of the land objects to the seizure. The department shall maintain the seized property until a court, upon petition by the department, determines the disposition of the property. The court shall render a decision concerning the disposition of the property by the court within ten days of the filing of the petition. Upon conviction of a violation of section 160.5, a person shall forfeit all interest in property moved in violation of that section and the department may immediately destroy the property.

4. The attorney general or persons designated by the attorney general may institute suits on behalf of the state apiarist to obtain injunctive relief to restrain and prevent violations of this chapter.

[C24, 27, 31, 35, 39, §**4041;** C46, 50, 54, 58, §266.22; C62, 66, 71, 73, 75, 77, 79, 81, §160.14]
85 Acts, ch 48, §1; 88 Acts, ch 1051, §5; 90 Acts, ch 1104, §4, 5; 93 Acts, ch 21, §9
Referred to in §160.5

160.15 Payment of expenses.

All expenses, except salaries, incurred by the state apiarist or the apiarist's assistants in the performance of their duties within a county shall be paid not to exceed two hundred dollars per annum for the purpose of eradication of diseases and parasites among bees. Such work of eradication shall be done in such county under the supervision of the state apiarist.

[C31, 35, §4041-c1; C39, §**4041.1;** C46, 50, 54, 58, §266.23; C62, 66, 71, 73, 75, 77, 79, 81, §160.15]
83 Acts, ch 123, §70, 209; 88 Acts, ch 1051, §6

160.16 Importing a colony from another state — fee. Repealed by 98 Acts, ch 1032, §10.

CHAPTER 161

AGRICHEMICAL REMEDIATION

Repealed by 2011 Acts, ch 46, §6

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CHAPTER 161A

SOIL AND WATER CONSERVATION

Referred to in §159.1, 159.5, 159.6, 159.8, 161C.1, 161F.5, 456A.33A, 457A.1, 458A.28, 461.33

This chapter not enacted as a part of this title; transferred from chapter 467A in Code 1993

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SUBCHAPTER I

GENERAL PROVISIONS — DIVISION OF SOIL CONSERVATION AND WATER QUALITY

161A.1 Short title.

This chapter may be known and cited as the *"Soil Conservation Districts Law"*.

[C39, §**2603.02;** C46, §160.1; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.1]
C93, §161A.1

161A.2 Declaration of policy.

It is hereby declared to be the policy of the legislature to integrate the conservation of soil and water resources into the production of agricultural commodities to insure the long-term protection of the soil and water resources of the state of Iowa, and to encourage the development of farm management and agricultural practices that are consistent with the capability of the land to sustain agriculture, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state.

[C39, §**2603.03;** C46, §160.2; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.2]
86 Acts, ch 1245, §645
C93, §161A.2
Referred to in §161A.7, 161A.42

161A.3 Definitions.

Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:

1. *"Agency of this state"* includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"Commissioner"* means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.

4. *"Committee"* means the state soil conservation and water quality committee established in section 161A.4A.

5. *"Department"* means the department of agriculture and land stewardship.

6. *"District"* or *"soil and water conservation district"* means a governmental subdivision of this state, and a public body corporate and politic, organized for the purposes, with the powers, and subject to the restrictions in this chapter set forth.

7. *"Division"* means the division of soil conservation and water quality created within the department pursuant to section 159.5.

8. *"Due notice"* means notice published at least twice, with an interval of at least six days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area; or, if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such

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posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

9. *"Government"* or *"governmental"* includes the government of this state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, or either of them.

10. *"Landowner"* includes any person, firm, or corporation or any federal agency, this state or any of its political subdivisions, who shall hold title to land lying within a proposed district or a district organized under the provisions of this chapter.

11. *"Nominating petition"* means a petition filed under the provisions of section 161A.5 to nominate candidates for the office of commissioner of a soil and water conservation district.

12. *"Petition"* means a petition filed under the provisions of section 161A.5, subsection 1, for the creation of a district.

13. *"State"* means the state of Iowa.

14. *"United States"* or *"agencies of the United States"* includes the United States of America, the United States department of agriculture natural resources conservation service, and any other agency or instrumentality, corporate or otherwise, of the United States.

[C39, §**2603.04;** C46, §160.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.3; 82 Acts, ch 1199, §72, 96]

86 Acts, ch 1238, §61; 86 Acts, ch 1245, §646, 647; 87 Acts, ch 23, §16; 89 Acts, ch 83, §55

C93, §161A.3

95 Acts, ch 216, §25; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2015 Acts, ch 29, §27; 2015 Acts, ch 103, §26; 2017 Acts, ch 159, §3; 2024 Acts, ch 1170, §2

Referred to in §161A.42, 669.2, 670.1

161A.4 Division of soil conservation and water quality.

1. The division of soil conservation and water quality created within the department pursuant to section 159.5 shall perform the functions conferred upon it in this chapter and chapters 161C, 161E, 161F, 207, 208, and 466B.

2. In addition to other duties and powers conferred upon the division of soil conservation and water quality, the division has the following duties and powers:

a. To offer assistance as appropriate to the commissioners of soil and water conservation districts in carrying out any of their powers and programs.

b. To take notice of each district's long-range resource conservation plan established under section 161A.7, in order to keep the commissioners of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

c. To coordinate the programs of the soil and water conservation districts so far as this may be done by advice and consultation.

d. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

e. To disseminate information throughout the state concerning the activities and program of the soil and water conservation districts.

f. To render financial aid and assistance to soil and water conservation districts for the purpose of carrying out the policy stated in this chapter.

g. To assist each soil and water conservation district in developing a district soil and water resource conservation plan as provided under section 161A.7. The plan shall be developed according to rules adopted by the division to preserve and protect the public interest in the soil and water resources of this state for future generations and for this purpose to encourage, promote, facilitate, and where such public interest requires, to mandate the conservation and proper control of and use of the soil and water resources of this state, by measures including but not limited to the control of floods, the control of erosion by water or by wind, the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to the public health, convenience, and welfare, both present and future.

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h. To file the district soil and water resource conservation plans as part of a state soil and water resource conservation plan. The state plan shall contain on a statewide basis the information required for a district plan under this section.

i. To establish a position of state drainage coordinator for drainage districts and drainage and levee districts which will keep the management of those districts informed of the activities and experience of all other such districts and facilitate an interchange of advice, experience and cooperation among the districts, coordinate by advice and consultation the programs of the districts, secure the cooperation and assistance of the United States and its agencies and of the agencies of this state and other states in the work of the districts, disseminate information throughout the state concerning the activities and programs of the districts, and provide other appropriate assistance to the districts.

3. The division, in consultation with the commissioners of the soil and water conservation districts, shall conduct a biennial review to survey the availability of private soil and water conservation control contractors in each district. A report containing the results of the review shall be prepared and posted on the department's internet site.

4. The division may perform acts, hold public hearings, and propose and approve rules pursuant to chapter 17A as necessary for the execution of its functions.

5. The division may call upon the attorney general of the state for necessary legal services.

[C39, §**2603.05;** C46, §160.4; C50, 54, 58, 62, 66, 71, §467A.4; C73, §455A.40(3), 467A.4; C75, 77, 79, 81, §467A.4; 82 Acts, ch 1199, §73, 74, 96]

83 Acts, ch 101, §102; 85 Acts, ch 163, §13; 86 Acts, ch 1245, §648 – 650, 668; 87 Acts, ch 23, §17; 88 Acts, ch 1198, §1, 2; 89 Acts, ch 83, §56; 89 Acts, ch 106, §2

C93, §161A.4

2004 Acts, ch 1143, §1; 2007 Acts, ch 22, §43; 2009 Acts, ch 41, §59; 2015 Acts, ch 103, §27 – 29; 2017 Acts, ch 159, §4 – 6; 2024 Acts, ch 1170, §3, 4

Referred to in §161A.7

161A.4A State soil conservation and water quality committee.

1. A state soil conservation and water quality committee is established within the department. The committee exists to provide expert advice and consultation related to technical and financial assistance programs administered by the division and promote the installation of soil and water conservation practices to the citizens of the state of Iowa.

a. The members of the committee shall be appointed by the secretary of agriculture and shall include the following:

(1) Six of the members shall be persons engaged in actual farming operations, each of whom shall be a resident of one of six different geographic regions in the state, including northwest, southwest, north central, south central, northeast, and southeast Iowa. One member shall be actively engaged in tree farming. The boundaries of the geographic regions shall be established by the department by rule.

(2) One member shall be an elected commissioner from a soil and water conservation district.

(3) One member shall be a representative of the mining industry.

(4) One member shall be a representative of cities and towns.

(5) One member shall be a representative of an organization working in conservation or outdoor recreation.

(6) One member shall be a representative of agribusiness.

(7) One member shall be a representative of an engineering or contracting business engaged in conservation work.

b. The following shall serve as ex officio, nonvoting members of the committee:

(1) The director of the Iowa cooperative extension service in agriculture and home economics, or the director's designee.

(2) The director of the department of natural resources, or the director's designee.

(3) The state conservationist for the state of Iowa of the natural resources conservation service.

2. *a.* The committee shall designate its chairperson, and may change the designation. The members appointed by the secretary of agriculture shall serve for a period of two years.

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Members designated to represent the director of the department of natural resources and the director of the Iowa cooperative extension service in agriculture and home economics shall serve at the pleasure of the officer making the designation.

b. Members are entitled to actual expenses necessarily incurred in the discharge of their duties as members of the committee. The expenses paid to the committee members shall be paid from moneys appropriated to the department. Each member of the committee may also be eligible to receive compensation as provided in section 7E.6. The committee shall provide for the keeping of a full and accurate record of all proceedings.

2024 Acts, ch 1170, §5
Referred to in §161A.3, 461.11

SUBCHAPTER II

SOIL AND WATER CONSERVATION DISTRICTS

161A.5 Soil and water conservation districts.

1. The one hundred soil and water conservation districts* established in the manner which was prescribed by law prior to July 1, 1975, shall continue in existence with the boundaries and the names in effect on July 1, 1975. If the existence of a district so established is discontinued pursuant to section 161A.10, a petition for reestablishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the division in substantially the manner provided by section 467A.5, Code 1975.

2. *a.* The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered four-year terms commencing on the first day of January that is not a Sunday or holiday following their election.

b. Any eligible elector residing in the district is eligible to the office of commissioner, except that not more than two commissioners shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where two commissioners then reside.

c. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member's office vacant. A vacancy in the office of commissioner shall be filled by appointment of the remaining members of the district until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by section 69.12. Within thirty days of an appointment pursuant to this paragraph, the district shall notify the division of any change to its membership.

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January.

a. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections.

b. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

c. The signed petitions shall be filed with the county commissioner of elections not later than 5:00 p.m. on the sixty-ninth day before the general election.

d. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held.

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e. If the canvass shows that two or three candidates receiving the highest number of votes for the office of commissioner are all residents of the same township, the board shall certify as elected the two candidates receiving the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township, if any. If one commissioner whose term has not expired is a resident of the township, and the canvass shows that two or three candidates receiving the highest number of votes for the office are from the same township, the board shall certify as elected the candidate receiving the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township, if any, as the candidate receiving the highest number of votes.

[C39, §**2603.06;** C46, §160.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.5]
87 Acts, ch 23, §18; 89 Acts, ch 136, §73; 90 Acts, ch 1238, §41
C93, §161A.5
94 Acts, ch 1180, §41; 96 Acts, ch 1083, §1; 98 Acts, ch 1052, §5; 2009 Acts, ch 41, §201; 2017 Acts, ch 53, §1, 2; 2017 Acts, ch 159, §7; 2024 Acts, ch 1170, §6, 7
Referred to in §39.21, 161A.3, 161A.15, 466B.2
*Established as "soil conservation districts"

161A.6 Commissioners — general provisions.

1. The commissioners of each soil and water conservation district shall convene on the first day of January that is not a Sunday or holiday in each odd-numbered year. Those commissioners whose term of office begins on that day shall take the oath of office prescribed by section 63.10. The commissioners shall then organize by election of a chairperson and a vice chairperson.

2. The commissioners of the respective districts shall submit to the department such statements, estimates, budgets, and other information at such times and in such manner as the department may require.

3. A commissioner shall not receive compensation for the commissioner's services. However, to the extent funds are available, a commissioner is entitled to receive actual expenses necessarily incurred in the discharge of the commissioner's duties, including reimbursement for mileage at the rate provided under section 70A.9 for state business use.

4. The commissioners may call upon the attorney general of the state for such legal services as they may require. The commissioners may delegate to their chairperson, to one or more commissioners or to one or more agents, or employees, such powers and duties as they may deem proper. The commissioners shall furnish to the division, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

5. The commissioners shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall regularly report to the division a summary of financial information regarding moneys controlled by the commissioners, which are not audited by the state, according to rules adopted by the division.

6. The commissioners may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the commissioners of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

[C39, §**2603.08;** C46, §160.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.6]
87 Acts, ch 23, §19
C93, §161A.6
93 Acts, ch 176, §33; 96 Acts, ch 1083, §2; 2015 Acts, ch 103, §30; 2016 Acts, ch 1011, §121

161A.7 Powers of districts and commissioners.

1. A soil and water conservation district organized under this chapter has the following powers, in addition to others granted in other sections of this chapter:

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a. To conduct surveys, investigations, and research relating to the character of soil erosion and erosion, floodwater, and sediment damages, and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the Iowa agricultural experiment station located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural experiment station and such district.

b. To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and soil washing may be prevented and controlled; provided, however, that in order to avoid duplication of agricultural extension activities, no district shall initiate any demonstrational projects, except in cooperation with the Iowa agricultural extension service whose offices are located at Ames, Iowa, and pursuant to a cooperative agreement entered into between the Iowa agricultural extension service and such district.

c. To carry out preventive and control measures within the district, including but not limited to crop rotations, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in section 161A.2, on lands owned or controlled by this state or any of its agencies, with the consent and cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the owner or occupier of such lands or the necessary rights or interests in such lands. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

d. To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier of lands within the district, in the carrying on of erosion-control and watershed protection and flood prevention operations within the district, subject to such conditions as the commissioners may deem necessary to advance the purposes of this chapter.

e. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter.

f. To make available on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, lime, and such other material or equipment as will assist such landowners or occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for the prevention of erosion, floodwater, and sediment damages.

g. To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter. Any approval or permits from the council required under other provisions of law shall be obtained by the district prior to initiation of any construction activity.

h. To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for the prevention of erosion, floodwater, and sediment damages within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage

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practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners and occupiers of lands within the district.

i. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules not inconsistent with this chapter, to carry into effect its purposes and powers.

j. To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations.

k. Subject to the approval of the division, to change the name of the soil and water conservation district.

l. To provide for the restoration of permanent soil and water conservation practices which are damaged or destroyed because of a disaster emergency as provided in section 161A.75.

m. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of course work relating to conservation of natural resources and environmental awareness required in rules adopted by the state board of education pursuant to section 256.11, subsections 3 and 4, and to offer technical assistance to schools in developing such instructional programs.

n. To develop a soil and water resource conservation plan for the district.

(1) The district plan shall contain a comprehensive long-range assessment of soil and surface water resources in the district consistent with rules approved by the division under section 161A.4. In developing the plan the district may receive technical support from the United States department of agriculture natural resources conservation service and the county board of supervisors in the county where the district is located. The division and the Iowa cooperative extension service in agriculture and home economics may provide technical support to the district. The support may include but is not limited to the following:

(a) Assessing the condition of soil and surface water in the district, including an evaluation of the type, amount, and quality of soil and water, the threat of soil erosion and erosion, floodwater, and sediment damages, and necessary preventative and control measures.

(b) Developing methods to maintain or improve soil and water condition.

(c) Cooperating with other state and federal agencies to carry out this support.

(2) The title page of the district plan and a notification stating where the plan may be reviewed shall be recorded with the recorder in the county in which the district is located, and updated as necessary, after the director of the division approves and signs the district plan. The commissioners shall provide notice of the recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

o. To enter into agreements pursuant to chapter 161C with the owner or occupier of land within the district or cooperating districts, or any other private entity or public agency, in carrying out water protection practices, including district and multidistrict projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants.

2. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the commissioners may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners or occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

3. The commissioners, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, shall require the owner of the land on which the practices are to be established to covenant and file, in the office of the district of the county in which the land is located, an agreement identifying the particular lands upon

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which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the division, for a period not to exceed twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

4. No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the general assembly shall specifically so state.

5. After the formation of any district under the provisions of this chapter, all participation hereunder shall be purely voluntary, except as specifically stated herein.

[C39, §**2603.09;** C46, §160.7; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.7; 82 Acts, ch 1083, §1, ch 1220, §1]

86 Acts, ch 1238, §61; 86 Acts, ch 1245, §651; 87 Acts, ch 23, §20; 88 Acts, ch 1189, §1; 88 Acts, ch 1198, §3; 88 Acts, ch 1262, §9; 89 Acts, ch 83, §57; 92 Acts, ch 1108, §1; 92 Acts, ch 1239, §49

C93, §161A.7

93 Acts, ch 109, §1; 95 Acts, ch 216, §25; 97 Acts, ch 59, §1; 2009 Acts, ch 41, §60; 2012 Acts, ch 1095, §9; 2015 Acts, ch 103, §31; 2017 Acts, ch 159, §8, 9; 2024 Acts, ch 1170, §8 – 11

Referred to in §161A.4, 161A.61, 161A.71

Review of road construction projects, §306.50 – 306.54

161A.8 Cooperation between districts.

The commissioners of any two or more districts organized under the provisions of this chapter may cooperate with one another in the exercise of any or all powers conferred in this chapter.

[C39, §**2603.10;** C46, §160.8; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.8]

C93, §161A.8

161A.9 State agencies to cooperate.

Agencies of this state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and of any county, or other governmental subdivision of the state, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, may cooperate to the fullest extent with the commissioners of such districts in the effectuation of programs and operations undertaken by the commissioners under the provisions of this chapter.

[C39, §**2603.11;** C46, §160.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.9]

C93, §161A.9

161A.10 Discontinuance of districts.

1. At any time after five years after the organization of a district under this chapter, any twenty-five owners of land lying within the boundaries of the district, but in no case less than twenty percent of the owners of land lying within the district, may file a petition with the division asking that the operations of the district be terminated and the existence of the district discontinued. The division may conduct public meetings and public hearings upon the petition as necessary to assist in the consideration of the petition. Within sixty days after a petition has been received by the division, the division shall give due notice of the holding of a referendum, shall supervise the referendum, and shall issue appropriate rules governing the conduct of the referendum. The question is to be submitted by ballots upon which the words "For terminating the existence of the ..... (name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the ..... (name of the soil and water conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter favors or opposes

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discontinuance of the district. All owners of lands lying within the boundaries of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or in any matters relating to the referendum invalidate the referendum or the result of the referendum if notice was given substantially as provided in this section and if the referendum was fairly conducted.

2. When sixty-five percent of the landowners vote to terminate the existence of the district, the division shall advise the commissioners to terminate the affairs of the district. The commissioners shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of the sale to be deposited into the state treasury. The commissioners shall then file an application, duly verified, with the secretary of state for the discontinuance of the district, and shall transmit with the application the certificate of the division setting forth the determination of the division that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided in this section, and shall set forth a full accounting of the properties and proceeds of the sale. The secretary of state shall issue to the commissioners a certificate of dissolution and shall record the certificate in an appropriate book of record in the secretary of state's office.

3. Upon issuance of a certificate of dissolution under this section, all ordinances and regulations previously adopted and in force within the districts are of no further force and effect. All contracts previously entered into, to which the district or commissioners are parties, remain in force and effect for the period provided in the contracts. The division is substituted for the district or commissioners as party to the contracts. The division is entitled to all benefits and subject to all liabilities under the contracts and has the same right and liability to perform, to require performance, to sue and be sued, and to modify or terminate the contracts by mutual consent or otherwise, as the commissioners of the district would have had.

4. The division shall not entertain petitions for the discontinuance of any district nor conduct referenda upon discontinuance petitions nor make determinations pursuant to the petitions in accordance with this chapter, more often than once in five years.

[C39, §**2603.12;** C46, §160.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.10]
86 Acts, ch 1245, §652; 87 Acts, ch 23, §21; 89 Acts, ch 106, §3
C93, §161A.10
2016 Acts, ch 1011, §121; 2024 Acts, ch 1170, §12
Referred to in §161A.5

161A.11 Report to governor. Repealed by 2003 Acts, ch 74, §2; 2003 Acts, ch 128, §2.

161A.12 Statement to department of management.

On or before October 1 next preceding each annual legislative session, the department shall submit to the department of management, on official estimate blanks furnished for those purposes, statements and estimates of the expenditure requirements for each fiscal year, and a statement of the balance of funds, if any, available to the division, and the estimates of the division as to the sums needed for the administrative and other expenses of the division for the purposes of this chapter.

[C46, §160.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.12]
86 Acts, ch 1245, §654
C93, §161A.12
96 Acts, ch 1034, §6; 2012 Acts, ch 1095, §10

SUBCHAPTER III

SUBDISTRICTS

161A.13 Purpose of subdistricts.

Subdistricts of a soil and water conservation district may be formed as provided in this chapter for the purposes of carrying out watershed protection and flood prevention programs

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within the subdistrict but shall not be formed solely for the purpose of establishing or taking over the operation of an existing drainage district.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.13]
86 Acts, ch 1238, §61; 87 Acts, ch 23, §22; 89 Acts, ch 83, §58
C93, §161A.13

161A.14 Petition to form.

When the landowners in a proposed subdistrict desire that a subdistrict be organized, they shall file a petition with the commissioners of the soil and water conservation district. The area must be contiguous and in the same watershed but it shall not include any area located within the boundaries of an incorporated city. The petition shall set forth an intelligible description by congressional subdivision, or otherwise, of the land suggested for inclusion in the subdistrict and shall state whether the special annual tax or special benefit assessments will be used, or whether the use of both is contemplated. The petition shall contain a brief statement giving the reasons for organization, and requesting that the proposed area be organized as a subdistrict, and must be signed by sixty-five percent of the landowners in the proposed subdistrict. Land already in one subdistrict cannot be included in another. The soil and water conservation district commissioners shall review the petition and if it is found adequate shall arrange for a hearing on it.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.14]
87 Acts, ch 23, §23
C93, §161A.14

161A.15 Notice and hearing.

Within thirty days after a petition has been filed with the soil and water conservation district commissioners, they shall fix a date, hour, and place for a hearing and direct the secretary to cause notice to be given to the owners of each tract of land, or lot, within the proposed subdistrict as shown by the transfer books of the auditor's office, and to each lienholder, or encumbrancer, of any such lands as shown by the county records, and to all other persons whom it may concern, and without naming individuals all actual occupants of land in the proposed subdistrict, of the pendency and purpose of the petition and that all objections to establishment of the subdistrict for any reason must be made in writing and filed with the secretary of the soil and water conservation district at, or before, the time set for hearing. The soil and water conservation district commissioners shall consider and determine whether the operation of the subdistrict within the defined boundaries as proposed is desirable, practicable, feasible, and of necessity in the interest of health, safety, and public welfare. All interested parties may attend the hearing and be heard. The soil and water conservation district commissioners may for good cause adjourn the hearing to a day certain which shall be announced at the time of adjournment and made a matter of record. If the soil and water conservation district commissioners determine that the petition meets the requirements set forth in this section and in section 161A.5, they shall declare that the subdistrict is duly organized and shall record such action in their official minutes together with an appropriate official name or designation for the subdistrict.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.15]
87 Acts, ch 23, §24
C93, §161A.15
2001 Acts, ch 24, §32

161A.16 Publication of notice.

The notice of hearing on the formation of a subdistrict shall be by publication once each week for two consecutive weeks in some newspaper of general circulation published in the county or district, the last of which shall be not less than ten days prior to the day set for the

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hearing on the petition. Proof of such service shall be made by affidavit of the publisher, and be on file with the secretary of the district at the time the hearing begins.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.16]
87 Acts, ch 115, §61
C93, §161A.16

161A.17 Subdistrict in more than one district.

If the proposed subdistrict lies in more than one soil and water conservation district, the petition may be presented to the commissioners of any one of such districts, and the commissioners of all such districts shall act jointly as a board of commissioners with respect to all matters concerning the subdistrict, including its formation. They shall organize as a single board for such purposes and shall designate its chairperson, vice chairperson, and secretary-treasurer to serve for terms of one year. Such a subdistrict shall be formed in the same manner and has the same powers and duties as a subdistrict formed in one soil and water conservation district.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.17]
87 Acts, ch 23, §25
C93, §161A.17

161A.18 Certification.

Following the entry in the official minutes of the soil and water conservation district commissioners of the creation of the subdistrict, the commissioners shall certify this fact on a separate form, authentic copies of which shall be recorded with the county recorder of each county in which any portion of the subdistrict lies, and with the division.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.18]
87 Acts, ch 23, §26
C93, §161A.18
2001 Acts, ch 24, §33; 2015 Acts, ch 103, §32

161A.19 Governing body.

The commissioners of a soil and water conservation district in which the subdistrict is formed are the governing body of the subdistrict. When a subdistrict lies in more than one soil and water conservation district, the combined board of commissioners is the governing body. The governing body of the subdistrict shall appoint three trustees living within the subdistrict to assist with the administration of the subdistrict.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.19]
87 Acts, ch 23, §27
C93, §161A.19
Referred to in §161A.20

161A.20 Special annual tax.

1. After obtaining agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than fifty percent of the lands situated in the subdistrict, a subdistrict shall have the authority to impose a special annual tax, the proceeds of which shall be used for the repayment of actual and necessary expenses incurred to organize the subdistrict; to acquire land or rights or interests therein by purchase or condemnation; and to repair, alter, maintain, and operate the present and future works of improvement within its boundaries.

2. On or before January 10 of each year, the governing body of a subdistrict shall make an estimate of the amount it deems necessary to be raised by such special tax for the ensuing year and transmit the estimate in dollars to the board of supervisors of the county in which the subdistrict lies.

3. If portions of the subdistrict are in more than one county, then the governing body, as designated in section 161A.19 in such event, after arriving at the estimate in dollars deemed necessary for the entire subdistrict shall ratably apportion such amount between the counties

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and transmit and certify the prorated portion to the respective boards of supervisors of each of the counties.

4. The board or boards of supervisors shall upon receipt of certification from the governing body of the subdistrict make the necessary levy on the assessed valuation of all real estate within the boundaries of the subdistrict lying within their respective county to raise said amounts, but in no event to exceed one dollar and eight cents per thousand dollars of assessed value.

5. The special tax levied under this section shall be collected in the same manner as other taxes with a penalty for delinquency. The moneys collected from the special tax and any delinquency penalty shall be deposited in a fund established by the governing body as provided by a resolution adopted by the governing body and delivered for filing with each appropriate county treasurer. Moneys earned as income from moneys in the fund, including as interest, shall remain in the fund until expended by the governing body according to procedures specified in the resolution. If the governing body does not adopt a resolution or deliver the resolution to the county treasurer, the moneys shall be deposited into a separate account in the county's general fund by that county treasurer. The account shall be identified by the official name of the subdistrict and expenditures from the account shall be made on requisition of the chairperson and secretary of the governing body of the subdistrict.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.20]
C93, §161A.20
2005 Acts, ch 116, §1; 2016 Acts, ch 1011, §121; 2017 Acts, ch 29, §46; 2022 Acts, ch 1021, §47
Referred to in §161A.22, 161A.41

161A.21 Condemnation by subdistrict.

A subdistrict of a soil and water conservation district may condemn land or rights or interests in the subdistrict to carry out the authorized purposes of the subdistrict.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.21]
87 Acts, ch 23, §28
C93, §161A.21

161A.22 General powers applicable — warrants or bonds.

1. A subdistrict organized under this chapter has all of the powers of a district in addition to other powers granted to the subdistrict in other sections of this chapter.

2. The governing body of the subdistrict, upon determination that benefits from works of improvement as set forth in the watershed work plan to be installed will exceed costs thereof, and that funds needed for purposes of the subdistrict require levy of a special benefit assessment as provided in section 161A.23, in lieu of the special annual tax as provided in section 161A.20, shall record its decision to use its taxing authority and, upon majority vote of the governing body and with the approval of the division, may issue warrants or bonds payable in not more than forty semiannual installments in connection with the special benefit assessment, and pledge and assign the proceeds of the special benefit assessment and other revenues of the subdistrict as security for the warrants or bonds. The warrants and bonds of indebtedness are general obligations of the subdistrict, exempt from all taxes, state and local, and are not indebtedness of the district or the state of Iowa.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.22]
87 Acts, ch 23, §29
C93, §161A.22
2017 Acts, ch 159, §10; 2024 Acts, ch 1170, §13
Referred to in §422.7(2)(j)

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SUBCHAPTER IV

ALTERNATIVE METHOD OF TAXATION FOR WATERSHED PROTECTION AND FLOOD PREVENTION

161A.23 Agreement by fifty percent of landowners.

1. After obtaining agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than fifty percent of the lands situated in the subdistrict, the governing body of the subdistrict shall have the authority to establish a special tax for the purpose of organization, construction, repair, alteration, enlargement, extension, and operation of present and future works of improvement within the boundaries of said subdistrict.

2. The governing body shall appoint three appraisers to assess benefits and classify the land affected by such improvements. One of such appraisers shall be a competent licensed professional engineer and two of them shall be resident landowners of the county or counties in which the subdistrict is located but not living within nor owning or operating any lands included in said subdistrict.

3. The appraisers shall take and subscribe an oath of their qualifications and to perform the duties of classification of said lands, fix the percentages, benefits and apportion and assess the costs and expenses of construction of the said improvement according to law and their best judgment, skill, and ability. If said appraisers or any of them fail or neglect to act or perform the duties in the time and as required of them by law, the governing body of the subdistrict shall appoint others with like qualifications to take their places and perform said duties.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.23]
C93, §161A.23
2007 Acts, ch 126, §38
Referred to in §161A.22, 161A.38, 161A.41

161A.24 Assessment for improvements.

1. At the time of appointing the appraisers, the governing body shall fix the time within which said assessment, classification, and apportionment shall be made, which may be extended for good cause shown. Within twenty days after their appointment, the appraisers shall begin to inspect and classify all the lands within the district, or any change, extension, enlargement, or relocation thereof in tracts of forty acres or less according to the legal or recognized subdivisions, in a graduated scale of benefits to be numbered according to the benefit to be received by each of such tracts from such improvement, and pursue the work continuously until completed. When the work is completed, the appraisers shall make a full, accurate, and detailed report thereof and file the report with the governing body. The lands receiving the greatest benefit shall be marked on a scale of one hundred, and those benefited in a less degree with such percentage of one hundred as the benefits received bear in proportion thereto.

2. The amount of benefit appraised to each forty acres of land within the subdistrict shall be determined by the improvements within said subdistrict based upon the work plan as agreed upon by the subdistrict.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.24]
C93, §161A.24
2018 Acts, ch 1041, §48
Referred to in §161A.41

161A.25 Report of appraisers.

In the report of the appraisers so appointed they shall specify each tract of land by proper description, and the ownership thereof, as the same appears on the transfer books in the auditor's office.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.25]
C93, §161A.25
Referred to in §161A.41

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161A.26 Hearing.

The governing body shall fix a time for a hearing within sixty days upon receiving the report of the appraisers, and the governing body shall cause notice to be served upon each person not less than ten days before said hearing whose name appears as owner, naming that person, and also upon the person or persons in actual occupancy of any tract of land without naming them of the day and hour of such hearing, which notice shall be for the same time and served in the same manner as is provided for the establishment of a subdistrict, and shall state the amount of assessment of costs and expenses of organizing and construction apportioned to each owner upon each forty-acre tract or less, and that all objections thereto must be in writing and filed with the governing body at or before the time set for such hearing.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.26]
C93, §161A.26
Referred to in §161A.41

161A.27 Determination by board.

At the time fixed or at an adjourned hearing, the governing body shall hear and determine all objections filed to said report and shall fully consider the said report, and may affirm, increase, or diminish the percentage of benefits or the apportionment of costs and expenses made in said report against any body or tract of land in said subdistrict as may appear to the board to be just and equitable.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.27]
C93, §161A.27
Referred to in §161A.41

161A.28 Appeal.

Any person aggrieved may appeal from any final action of the governing body in relation to any matter involving the person's rights, to the district court of the county in which the proceeding was held.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.28]
C93, §161A.28
Referred to in §161A.41

161A.29 Intercounty subdistricts.

In subdistricts extending into two or more counties, appeals from final orders resulting from the joint action of the several governing bodies of such subdistrict may be taken to the district court of any county into which the district extends.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.29]
C93, §161A.29
Referred to in §161A.41

161A.30 Notice of appeal.

All appeals shall be taken within twenty days after the date of final action or order of the governing body from which such appeal is taken by filing with the auditor a notice of appeal, designating the court to which the appeal is taken, the order or action appealed from, and stating that the appeal will come on for hearing thirty days following perfection of the appeal with allowances of additional time for good cause shown. This notice shall be accompanied by an appeal bond with sureties to be approved by the auditor conditioned to pay all costs adjudged against the appellant and to abide the orders of the court.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.30]
C93, §161A.30
Referred to in §161A.41

161A.31 Petition filed.

Within twenty days after perfection of notice, the appellant shall file a petition setting forth the order or final action of the governing body appealed from and the grounds of the appellant's objections and the appellant's complaint, with a copy of the appellant's claim for damages or objections filed by the appellant with the auditor. The appellant shall pay to the clerk the filing fee as provided by law in other cases. A failure to pay the filing fee or to file

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such petition shall be deemed a waiver of the appeal and in such case the court shall dismiss the same.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.31]
C93, §161A.31
Referred to in §161A.41

161A.32 Assessment certified.

When the board or boards of supervisors shall receive a certification from the governing body of the district to make the necessary assessment on the real estate within the boundaries of the subdistrict lying within their respective county, this shall be construed as final action by the governing body.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.32]
C93, §161A.32
Referred to in §161A.41

161A.33 Assessments transmitted.

1. The governing body upon receiving the reports from three appointed appraisers and after holding the hearings shall transmit and certify the amounts of assessments to the respective boards of supervisors which, upon receipt of certification from the governing body of the district, make the necessary levy of such assessments as fixed by the governing body upon the land within such subdistrict. The assessments shall be levied at that time as a tax and shall bear interest at a rate not exceeding that permitted by chapter 74A from that date payable annually except as hereafter provided as to cash payments therefor within a specified time.

2. The assessment levied under this section together with any accrued interest or delinquency penalty as provided in this chapter shall be deposited in a fund established by the governing body as provided by a resolution adopted by the governing body and delivered for filing with each appropriate county treasurer. Moneys earned as income from moneys in the fund, including as interest, shall remain in the fund until expended by the governing body according to procedures specified in the resolution. If the governing body does not adopt a resolution or deliver the resolution to the county treasurer, the moneys shall be deposited into a separate account in the county's general fund by that county treasurer. The account shall be identified by the official name of the subdistrict and expenditures from the account shall be made on requisition of the chairperson and secretary of the governing body of the subdistrict.

3. At no time shall an assessment be made where the benefits accrued to the subdistrict do not exceed the cost of the improvements within the subdistrict.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.33]
C93, §161A.33
2005 Acts, ch 116, §2
Referred to in §161A.34, 161A.41, 331.552

161A.34 Payment to county treasurer.

1. All assessments for benefits shall be levied at one time against the property benefited and when levied and certified by the board or boards of supervisors shall be paid at the office of the county treasurer. Each person shall have the right within twenty days after the levy of assessments to pay the person's assessment in full without interest. The county treasurer shall pay the collected moneys into a fund established by the governing body or an account of the county's general fund as provided in section 161A.33.

2. If any levy of assessments is not sufficient to meet the cost and expenses of organizing and construction apportioned to each owner upon each forty-acre tract or less, additional assessments may be made on the same classification as the previous ones.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.34]
C93, §161A.34
2005 Acts, ch 116, §3
Referred to in §161A.41, 331.552

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161A.35 Installments.

If the owner of any premises against which a levy exceeding five hundred dollars has been made and certified shall, within thirty days from the date of such levy, agree in writing in a separate agreement, that in consideration of having a right to pay the owner's assessment in installments, the owner will not make any objection as to the legality of the assessment for benefit, or the levy of the taxes against the owner's property, then such owner shall have the following options:

1. To pay one half of the amount of such assessment at the time of filing such agreement and the remaining one half shall become due and payable one year from the date of filing such agreement. All such installments shall be without interest if paid at said times, otherwise said assessments shall bear interest from the date of the levy at a rate fixed by the governing body of the subdistrict, but not exceeding that permitted by chapter 74A, payable annually, and be collected as other taxes on real estate, with like penalty for delinquency.

2. To pay such assessments in not less than ten nor more than forty equal installments, the number to be fixed by the governing body of the subdistrict and interest at the rate fixed by the governing body of the subdistrict, not exceeding that permitted by chapter 74A. The first installment of each assessment shall become due and payable at the September semiannual tax paying date after the date of filing such agreement, unless the agreement is filed with the county treasurer less than ninety days prior to such September semiannual tax paying date, in that event, the first installment shall become due and payable at the next succeeding September semiannual tax paying date. The second and each subsequent installment shall become due and payable at the September semiannual tax paying date each year thereafter. All such installments shall be collected with interest accrued on the unpaid balance to the September semiannual tax paying date and as other taxes on real estate, with like penalty for delinquency.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.35]
C93, §161A.35
98 Acts, ch 1107, §1; 99 Acts, ch 83, §1; 2012 Acts, ch 1138, §94
Referred to in §161A.41

161A.36 Option by appellant.

When an owner takes an appeal from the assessment against any of the owner's land, the option to pay in installments whatever assessment is finally established against such land in said appeal shall continue, if within twenty days after the final determination of said appeal the owner shall file in the office of the auditor the owner's written election to pay in installments, and within said period pay such installments as would have matured prior to that time if no appeal had been taken, together with all accrued interest on said assessment to the last preceding interest-paying date.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.36]
C93, §161A.36
Referred to in §161A.41

161A.37 Status of classification.

A classification of land for watershed purposes, when finally adopted, shall remain the basis of all future assessments for the purpose of said subdistrict, except as provided in section 161A.38.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.37]
C93, §161A.37
Referred to in §161A.41

161A.38 New classification.

1. After a subdistrict has been established and the improvements thereof constructed and put in operation, if the governing body shall find that the original assessments are not equitable as a basis for the expenses of any enlargement or extension thereof which may have become necessary, the governing body shall order a new classification of all lands in said subdistrict by resolution, and appoint three appraisers, which shall meet the same requirements as set forth in section 161A.23.

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2. Upon the completion of the reclassification, those affected by such reclassification shall have the right to appeal as set forth in this subchapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.38]
C93, §161A.38
2018 Acts, ch 1026, §58
Referred to in §161A.37, 161A.41

161A.39 Benefit of whole subdistrict.

Assessments for repair, alteration, enlargement, extension, and operation of works of improvement within the watershed district shall be a benefit to the entire subdistrict and levied as such.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.39]
C93, §161A.39
Referred to in §161A.41

161A.40 Compensation of appraisers.

Persons appointed to appraise and make classifications of lands shall receive such compensation as the governing body may fix and in addition thereto, the necessary expenses of transportation of said persons while engaged in their work; such compensation and expenses shall be construed as part of the cost of the subdistrict which shall be included when considering classifications of lands within a subdistrict.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.40]
C93, §161A.40
Referred to in §161A.41

161A.41 Election of taxing methods.

Subdistricts organized under the provisions of this chapter shall designate in the petition which of the taxing methods will be used or may stipulate that both methods are contemplated for use. Should the governing body of the subdistrict find it desirable to change from a special annual tax to special benefit assessments it may elect to do so and shall institute proceedings described in sections 161A.23 through 161A.40 and may divert any moneys already collected under section 161A.20, for the purposes authorized in this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §467A.41]
C93, §161A.41

SUBCHAPTER V

SOIL AND WATER CONSERVATION PRACTICES

PART 1

DUTIES AND OBLIGATIONS

161A.42 Definitions.

In addition to the definitions established by section 161A.3, as used in this subchapter, unless the context otherwise requires:

1. *"Agricultural land"* has the meaning assigned that term by section 9H.1.

2. *"Conservation agreement"* means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil and water conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil and water conservation district of technical or planning assistance in the establishment of and cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan or a portion of the plan.

3. *"Cost-share"* or *"cost-sharing"* means a contribution of money made by the state

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in order to pay a percentage of the costs related to the establishment of voluntary or mandatory practices as provided under this chapter, including but not limited to soil and water conservation practices and erosion control practices.

4. *"Erosion control practices"* means:

a. The construction or installation, and maintenance, of such structures or devices as are necessary to carry to a suitable outlet from the site of any building housing four or more residential units, any commercial or industrial development or any publicly or privately owned recreational or service facility of any kind, not served by a central storm sewer system, any water which:

(1) Would otherwise cause erosion in excess of the applicable soil loss limit; and

(2) Does not carry nor constitute sewage, industrial waste, or other waste as defined by section 455B.171.

b. The employment of temporary devices or structures, temporary seeding, fibre mats, plastic, straw, or other measures adequate to prevent erosion in excess of the applicable soil loss limits from the site of, or land directly affected by, the construction of any public or private street, road or highway, any residential, commercial, or industrial building or development, or any publicly or privately owned recreational or service facility of any kind, at all times prior to completion of such construction.

c. The establishment and maintenance of vegetation upon the right-of-way of any completed portion of any public street, road, or highway, or the construction or installation thereon of structures or devices, or other measures adequate to prevent erosion from the right-of-way in excess of the applicable soil loss limits.

5. *"Farm unit"* means a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land, located within a single soil and water conservation district, upon which farming operations are being conducted by a person who owns or is purchasing or renting all of the land, or by that person's tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant is a separate farm unit. This definition does not prohibit land which is within a single soil and water conservation district and is owned or being purchased by the same person, or is being rented by the same tenant, from being treated as two or more farm units if the commissioners of the soil and water conservation district deem it preferable to do so.

6. *"Farm unit soil conservation plan"* means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil and water conservation district within which that farm unit is located, identifying those permanent soil and water conservation practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall if practicable identify alternative practices by which this objective may be attained.

7. *"Forest"* means stands of native or introduced trees containing at least two hundred trees per acre and located on privately owned land. However, a stand of fruit trees is not a forest.

8. *"Professional forester"* means a forestry graduate of an institution of higher learning, who has a minimum of two years of forest management experience.

9. *"Soil and water conservation practices"* means any of the practices designated in or pursuant to this subsection which serve to prevent erosion of soil by wind or water, in excess of applicable soil loss limits, from land used for agricultural or horticultural purposes only.

a. "Permanent soil and water conservation practices" means planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, and the construction of terraces, or other permanent soil and water practices approved by the division.

b. "Temporary soil and water conservation practices" means planting of annual or biennial crops, use of strip-cropping, contour planting, or minimum or mulch tillage, and any other cultural practices approved by the division.

10. *"Soil loss limit"* means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil and water conservation districts determine is acceptable in order to meet the objectives expressed in section 161A.2.

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11. *"State forester"* means a person employed by the department of natural resources as required by section 456A.13.

[C73, 75, 77, 79, 81, §467A.42]

86 Acts, ch 1238, §40; 86 Acts, ch 1245, §655, 656; 87 Acts, ch 23, §30; 88 Acts, ch 1134, §88; 89 Acts, ch 106, §4; 92 Acts, ch 1184, §2, 3

C93, §161A.42

94 Acts, ch 1107, §8; 2012 Acts, ch 1095, §11, 12; 2016 Acts, ch 1011, §121; 2018 Acts, ch 1026, §59; 2024 Acts, ch 1170, §14

Referred to in §161A.44, 161A.71

161A.43 Duty of property owners — liability.

1. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil and water conservation districts. As used in this section, *"owners of real property in this state"* includes each state government agency, each political subdivision of the state, and each agency of such a political subdivision which has under its control publicly owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

2. A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. This subsection does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This subsection does not apply to claims based upon gross negligence.

[C73, 75, 77, 79, 81, §467A.43]

92 Acts, ch 1184, §4; 92 Acts, ch 1239, §50

C93, §161A.43

94 Acts, ch 1023, §16; 2018 Acts, ch 1026, §60

Referred to in §161A.48, 161A.74

161A.44 Rules by commissioners — scope.

The commissioners of each district shall, with approval of and within time limits set by administrative order of the division, adopt reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits. A district may subsequently amend or repeal its regulations as it deems necessary. The division shall review the soil loss limit regulations adopted by the districts at least once every five years, and shall recommend changes in the regulations of a district which the division deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

1. Classify land in the district on the basis of topography, soil characteristics, current use, and other factors affecting propensity to soil erosion.

2. Establish different soil loss limits for different classes of land in the district if in their judgment and that of the division a lower soil loss limit should be applied to some land than

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can reasonably be applied to other land in the district, it being the intent of the general assembly that no land in the state be assigned a soil loss limit that cannot reasonably be applied to such land.

3. Require the owners of real property in the district to employ either soil and water conservation practices or erosion control practices, and:

a. May not specify the particular practices to be employed so long as such owners voluntarily comply with the applicable soil loss limits established for the district.

b. May specify two or more approved soil and water conservation practices or erosion control practices, one of which shall be employed by the landowner to bring erosion from land under the landowner's control within the applicable soil loss limit of the district when an administrative order is issued to the landowner.

c. In no case may the commissioners require:

(1) The employment of erosion control practices as defined in section 161A.42, subsection 4, on land used in good faith for agricultural or horticultural purposes only.

(2) The employment of soil and water conservation practices or erosion control practices on that portion of any public street, road or highway completed or under construction within the corporate limits of any city, which is or will become the traveled or surfaced portion of such street, road, or highway.

(3) That any owner or operator of agricultural land refrain from fall plowing of land on which the owner or operator intends to raise a crop during the next succeeding growing season, however on those lands which are prone to excessive wind erosion the commissioners may require that reasonable temporary measures be taken to minimize the likelihood of wind erosion so long as such measures do not unduly increase the cost of operation of the farm on which the land is located.

d. May require that a person under an order to employ soil and water conservation practices or erosion control practices submit up to three bids to the commissioners for the work and provide an explanation to the commissioners if a bid other than the lowest bid has been selected by that person.

[C73, 75, 77, 79, 81, §467A.44]
83 Acts, ch 45, §1; 86 Acts, ch 1245, §657; 87 Acts, ch 23, §31; 89 Acts, ch 106, §5
C93, §161A.44
2017 Acts, ch 159, §11 – 13; 2024 Acts, ch 1170, §15, 16
Referred to in §161A.48, 161A.51, 161A.74, 461.33

161A.45 Submission of regulations to division — hearing.

Regulations which the commissioners propose to adopt, amend, or repeal shall be submitted to the division, in a form prescribed by the division, for its approval. The division may approve the regulations as submitted, or with amendments as it deems necessary. The commissioners shall, after approval, publish notice of hearing on the proposed regulations, as approved, in a newspaper of general circulation in the district, setting a date and time not less than ten nor more than thirty days after the publication when a hearing on the proposed regulations will be held at a specified place. The notice shall include the full text of the proposed regulations or shall state that the proposed regulations are on file and available for review at the office of the affected soil and water conservation district.

[C73, 75, 77, 79, 81, §467A.45]
86 Acts, ch 1245, §658; 87 Acts, ch 23, §32; 89 Acts, ch 106, §6
C93, §161A.45
2024 Acts, ch 1170, §17
Referred to in §161A.48, 161A.74

161A.46 Conduct of hearing.

At the hearing, the commissioners or their designees shall explain, in reasonable detail, the reasons why adoption, amendment, or repeal of the regulations is deemed necessary or advisable. Any landowner, or any occupant of land who would be affected by the regulations, shall be afforded an opportunity to be heard for or against the proposed regulations. At the conclusion of the hearing, the commissioners shall announce and enter of record their

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decision whether to adopt or modify the proposed regulations. Any modification must be approved by the division, which may at its discretion order the commissioners to republish the regulations and hold another hearing in the manner prescribed by this chapter.

[C73, 75, 77, 79, 81, §467A.46]
86 Acts, ch 1245, §659; 89 Acts, ch 106, §7
C93, §161A.46
2024 Acts, ch 1170, §18
Referred to in §161A.48, 161A.74

161A.47 Inspection of land on complaint.

1. The commissioners shall inspect or cause to be inspected any land within the district to determine if land is being damaged by sediment, from soil erosion occurring on neighboring land in excess of the limits established by the district's soil erosion control regulations. If the land is privately owned, the commissioners shall make or cause to be made the inspection, upon receiving a written complaint signed by an owner or occupant of land claiming that the owner's or occupant's land is being damaged by sediment. If the land is subject to a public interest, the commissioners shall make or cause to be made the inspection upon a majority vote of commissioners at an open meeting held pursuant to chapter 21. Land is subject to a public interest if the land is publicly held, subject to an easement held by the public, or the subject of an improvement made at public expense.

2. If, after the inspection, the commissioners find that sediment damages are occurring to land which is owned or occupied by the person filing the complaint or subject to a public interest, and that excess soil erosion is occurring on neighboring land, the commissioners shall issue an administrative order to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The order shall describe the land and state as nearly as possible the extent to which soil erosion on the land exceeds the limits established by the district's regulations.

3. The order shall be delivered either by personal service or by restricted certified mail to each of the persons to whom it is directed, and shall:

a. In the case of erosion occurring on the site of any construction project or similar undertaking involving the removal of all or a major portion of the vegetation or other cover, exposing bare soil directly to water or wind, state a time not more than five days after service or mailing of the notice of the order when work necessary to establish or maintain erosion control practices must be commenced, and a time not more than thirty days after service or mailing of the notice of the order when the work is to be satisfactorily completed.

b. In all other cases, state a time not more than six months after service or mailing of the notice of the order, by which work needed to establish or maintain the necessary soil and water conservation practices or erosion control measures must be commenced, and a time not more than one year after the service or mailing of the notice of the order when the work is to be satisfactorily completed, unless the requirements of the order are superseded by the provisions of section 161A.48.

[C73, 75, 77, 79, 81, §467A.47]
87 Acts, ch 23, §33; 92 Acts, ch 1057, §1
C93, §161A.47
2009 Acts, ch 41, §202
Referred to in §161A.48, 161A.49, 161A.61, 161A.64, 161A.66, 161A.71, 161A.74

161A.48 Mandatory establishment of soil and water conservation practices.

1. An owner or occupant of agricultural land in this state is not required to establish any new permanent or temporary soil and water conservation practice unless cost-share or other public moneys have been specifically approved for that land and made available to the owner or occupant pursuant to section 161A.74.

2. Evidence that an application for cost-share or other public moneys, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 161A.47, has been submitted to the proper

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officer or agency constitutes commencement of the work within the meaning of sections 161A.43 through 161A.53.

3. Upon receiving evidence of the submission of an application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of the application. When notified of the approval of the application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 161A.43 through 161A.47, this section, and sections 161A.49 through 161A.51 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time thereafter when the work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section is not required to incur a cost for the practice in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous to that county.

[C73, 75, 77, 79, 81, §467A.48]

84 Acts, ch 1192, §1; 86 Acts, ch 1245, §660; 87 Acts, ch 23, §34; 89 Acts, ch 106, §8; 90 Acts, ch 1255, §35; 90 Acts, ch 1260, §29; 91 Acts, ch 268, §238; 92 Acts, ch 1184, §5

C93, §161A.48

96 Acts, ch 1083, §3; 2021 Acts, ch 80, §89

Referred to in §161A.47, 161A.49, 161A.61, 161A.71, 161A.74

161A.49 Petition for court order.

The commissioners shall petition the district court for a court order requiring immediate compliance with an administrative order previously issued by the commissioners as provided in section 161A.47, if:

1. The work necessary to comply with the administrative order is not commenced on or before the date specified in such order, or in any supplementary order subsequently issued as provided in section 161A.48, unless in the judgment of the commissioners the failure to commence or complete the work as required by the administrative order is due to factors beyond the control of the person or persons to whom such order is directed and the person or persons can be relied upon to commence and complete the necessary work at the earliest possible time.

2. Such work is not being performed with due diligence, or is not satisfactorily completed by the date specified in the administrative order, or when completed does not reduce soil erosion from such land below the limits established by the soil and water conservation district's regulations.

3. The person or persons to whom the administrative order is directed advise the commissioners that they do not intend to commence or complete such work.

[C73, 75, 77, 79, 81, §467A.49]

C93, §161A.49

Referred to in §161A.48, 161A.50, 161A.74

161A.50 Burden — court order.

In any action brought under section 161A.49, the burden of proof shall be upon the commissioners to show that soil erosion is in fact occurring in excess of the applicable soil loss limits and that the defendant has not established or maintained soil and water conservation practices or erosion control practices in compliance with the soil and water conservation district's regulations. With respect to construction, repair, or maintenance of any public street, road, or highway, evidence that soil erosion control standards equivalent to or in excess of those currently imposed by the United States government on the project or like projects involving use of federal funds shall create a presumption of compliance with the applicable soil loss limit. Upon receiving satisfactory proof, the court shall issue an order

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directing the landowner or landowners to comply with the administrative order previously issued by the commissioners. The court may modify such administrative order if deemed necessary. Notice of the court order shall be given either by personal service or by restricted certified mail to each of the persons to whom the order is directed, who may within thirty days from the date of the court order appeal to the supreme court. Any person who fails to comply with a court order issued pursuant to this section within the time specified in such order, unless the order has been stayed pending an appeal, shall be deemed in contempt of court and may be punished accordingly.

[C73, 75, 77, 79, 81, §467A.50]
C93, §161A.50
Referred to in §161A.48, 161A.61, 161A.74

161A.51 Entering on land.

The commissioners and their authorized agents or employees may enter upon any private or public property, except private dwellings, at any reasonable time to classify land by soil sampling or other appropriate methods or to determine whether soil erosion is occurring on the property in violation of the district's regulations.

1. If the owner or occupant of any property refuses admittance, or if prior to such refusal the commissioners demonstrate the need for a warrant, the commissioners may make an application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.

2. In the application the commissioners shall state that entry on the premises is mandated by the laws of this state or that entry is needed to conduct soil sampling necessary to classify soil in the district as specified in section 161A.44, subsection 1, or to determine whether soil erosion is occurring on the property in violation of the district's regulations. The application shall describe the area or premises, give the date of the last known investigation or sampling, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute, ordinance or regulation pursuant to which the inspection is to be made.

3. The court may issue a search warrant, after examination of the applicant and any witnesses, if the court is satisfied that there is probable cause to believe the existence of the allegations in the application.

4. In soil sampling and making investigations pursuant to a warrant, the commissioners must execute the warrant in a reasonable manner within the time period specified in the warrant.

[C73, 75, 77, 79, 81, §467A.51]
C93, §161A.51
Referred to in §161A.48, 161A.74

161A.52 Reserved.

161A.53 Cooperation with other agencies.

Soil and water conservation districts may enter into agreements with the federal government or an agency of the federal government, as provided by state law, or with the state of Iowa or an agency of the state, any other soil and water conservation district, or any other political subdivision of this state, for cooperation in preventing, controlling, or attempting to prevent or control soil erosion. Soil and water conservation districts may accept, as provided by state law, money disbursed for soil erosion control purposes by the federal government or an agency of the federal government, and expend the money for the purposes for which it was received.

[C73, 75, 77, 79, 81, §467A.53]
86 Acts, ch 1238, §61; 87 Acts, ch 23, §35; 89 Acts, ch 83, §59
C93, §161A.53
Referred to in §161A.48, 161A.74

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161A.54 State agency conservation plans — exemptions.

Each state agency shall enter into an agreement with the soil and water conservation district in which the state agency has public land under its control in cultivation. The agreement shall contain a plan of the state agency to prevent soil erosion in excess of soil loss limits by the use of soil and water conservation practices and erosion control practices. This section applies to all public land which is used for horticultural or agricultural purposes. State soil conservation cost-sharing funds shall not be used on these public lands. Conservation plans required by this section shall be completed by July 1, 1986, and implementation shall occur consistent with the schedule contained in the conservation plan. Application for exemption from this section may be submitted to the appropriate soil and water conservation district. The exemption shall be granted for land upon which soil management research for the purposes of the study, evaluation, understanding and control of erosion, sedimentation and run-off water is conducted by or in conjunction with institutions governed by the board of regents.

85 Acts, ch 133, §1
CS85, §467A.54
87 Acts, ch 23, §36
C93, §161A.54

161A.55 through 161A.60 Reserved.

161A.61 Discretionary inspection by commissioners — actions upon certain findings.

1. In addition to the authority granted by section 161A.47, the commissioners of a soil and water conservation district may inspect or cause to be inspected any land within the district on which they have reasonable grounds to believe that soil erosion is occurring in excess of the limits established by the district's soil erosion control regulations. If the commissioners find from an inspection conducted under authority of either section 161A.47 or this section that soil erosion is occurring on that land in excess of the applicable soil loss limits established by the district's soil erosion control regulations, they shall send notice of that finding to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The notice shall describe the land affected and shall state as nearly as possible the extent to which soil erosion from that land exceeds the applicable soil loss limits.

a. If the commissioners find that the excessive erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which the excessive soil erosion is occurring, and that the rate of the excessive erosion is less than twice the applicable soil loss limit, the notice required by this subsection shall include or be accompanied by information regarding financial or other assistance which the commissioners are able to make available to the owner or occupant of the land to aid in achieving compliance with the applicable soil loss limits.

b. If the commissioners find that the excessive soil erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which it is occurring, but that the erosion is occurring at a rate equal to or greater than twice the applicable soil loss limit, the notice shall so state, shall include or be accompanied by the information required by paragraph *"a"* of this subsection, and shall be delivered by personal service or by restricted certified mail to each of the persons to whom the notice is directed. A notice given under this paragraph shall also include or be accompanied by information explaining the provisions of subsection 2.

2. The commissioners of the soil and water conservation district in which a farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection 1, paragraph *"b"*, for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when the owner or occupant must complete the steps necessary to comply with the order. The time allowed to complete the establishment of a temporary soil and water conservation practice employed to comply or

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advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of a permanent soil and water conservation practice employed to comply with the court's order shall be not more than five years after the date of that order. Section 161A.48 applies to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order are those which are necessary to do one of the following:

a. Bring the farm unit which is the subject of the order into compliance with its farm unit soil conservation plan, if such a plan had been agreed upon prior to the time the commissioners petitioned for the order.

b. Bring the farm unit which is the subject of the order into compliance with a plan developed for that farm unit by the commissioners, in accordance with guidelines established by the division, and presented to the court as a part of the commissioners' petition, if a farm unit soil conservation plan has not previously been agreed upon for that farm unit. A plan presented to the court by the commissioners under this paragraph shall specify as many alternative approved soil and water conservation practices as feasible, among which the owner or occupant of the farm unit may choose in taking the steps necessary to comply with the court's order.

c. Bring the farm unit which is the subject of the order into compliance with a soil conservation plan developed by the owner or occupant of that farm unit as an alternative to the proposed soil conservation plan developed by the commissioners, if the owner or occupant so petitions the court and the court finds that the owner or occupant's plan will bring the farm unit into conformity with the applicable soil loss limits of the district.

3. The commissioners may also cause an inspection of land within the district on which they have reasonable grounds to believe that a permanent soil and water conservation practice established with public cost-sharing funds is not being properly maintained or is being altered in violation of section 161A.7, subsection 3. If the commissioners find that the practices are not being maintained or have been altered in violation of section 161A.7, subsection 3, the commissioners shall issue an administrative order to the landowner who made the unauthorized removal, alteration or modification to maintain, repair, or reconstruct the permanent soil and water conservation practices. The requirement for maintenance and repair is for the length of life as defined in section 161A.7, subsection 3. Public cost-sharing funds are not available for the work under this order. If the landowner fails to comply with the administrative order, the commissioners may petition the district court for an order compelling compliance with the order. Upon receiving satisfactory proof, the court shall issue an order directing compliance with the administrative order and may modify the administrative order. The provisions of section 161A.50 relating to notice, appeals, and contempt of court shall apply to proceedings under this subsection.

[C81, §467A.61; 82 Acts, ch 1220, §2]
87 Acts, ch 23, §37, 38
C93, §161A.61
2009 Acts, ch 41, §61; 2012 Acts, ch 1095, §13; 2013 Acts, ch 90, §32; 2015 Acts, ch 103, §33
Referred to in §161A.7

161A.62 Duties of commissioners and of owners and occupants of agricultural land — restrictions on use of cost-sharing funds.

The commissioners of each soil and water conservation district shall seek to implement or to assist in implementing the following requirements:

1. The commissioners of each soil and water conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district as soon as adequate funding is available to permit compliance with this requirement.

a. Technical assistance in the development of the farm unit soil conservation plan may be provided by the United States department of agriculture natural resources conservation service through the memorandum of understanding with the district or by the department. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons.

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b. The farm unit soil conservation plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of the owner's or occupant's own time devoted to participation in the preparation of the plan.

c. If the commissioners' farm unit soil conservation plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil and water conservation district commissioners for their review.

2. Within one year after completion of a farm unit soil conservation plan for a particular farm unit which is acceptable both to the commissioners of the soil and water conservation district within which the farm unit is located and to the owner and, if appropriate, to the operator of that farm unit, the commissioners shall offer to enter into a soil conservation agreement with the owner, and also with the operator if appropriate, based on the mutually acceptable farm unit soil conservation plan.

[C81, §467A.62; 81 Acts, ch 153, §1]
86 Acts, ch 1238, §22; 87 Acts, ch 17, §10; 87 Acts, ch 23, §39
C93, §161A.62
95 Acts, ch 216, §25; 2012 Acts, ch 1095, §14, 15
Referred to in §161A.63

161A.63 Right of purchaser of agricultural land to obtain information.

A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain from the seller, or from the office of the soil and water conservation district in which the land is located, a copy of the most recently updated farm unit soil conservation plan, developed pursuant to section 161A.62, subsection 1, which is applicable to the agricultural land proposed to be purchased. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain additional copies of the document referred to in this section from the office of the soil and water conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. All persons who identify themselves to the commissioners or staff of a soil and water conservation district as prospective purchasers of agricultural land in the district shall be given information, prepared in accordance with rules of the department, which clearly explains the provisions of section 161A.76.

[C81, §467A.63]
87 Acts, ch 23, §40
C93, §161A.63
2012 Acts, ch 1095, §16; 2012 Acts, ch 1138, §55

161A.64 Erosion control plans required for certain projects.

1. If a political subdivision has adopted a sediment control ordinance which the commissioners and the political subdivision jointly agree is at least as equally effective as the commissioners' rules in preventing erosion from exceeding the established soil loss limits, the commissioners and the political subdivision shall execute an agreement under chapter 28E allowing an agency authorized by the political subdivision to receive and file an affidavit from a person, prior to initiating a land disturbing activity in that subdivision, stating that the proposed activity will not exceed the established soil loss limits. A copy of the affidavit shall be mailed to the district as a part of the terms of the agreement. The affidavit shall be in a form prescribed by the department and made available by the district.

2. Prior to initiating a land disturbing activity in a political subdivision which has not adopted sediment control ordinances as described in subsection 1, a person engaged in the land disturbing activity shall file a signed affidavit with the soil and water conservation district that the project will not exceed the soil loss limits. The affidavit shall be in a form prescribed by the department and made available by the district.

3. For the purposes of this section, "*land disturbing activity*" means a land change such as

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the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.

b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.

c. Minor activities such as home gardens, landscaping, repairs and maintenance work.

d. Surface or deep mining.

e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.

f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.

g. Construction and repair of the tracks, right-of-way, bridges, communication facilities and other related structures of a railroad.

h. Emergency work to protect life or property.

i. Disturbed land areas of less than twenty-five thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.

j. The construction, relocation, alteration or maintenance of public roads by a public body.

4. If the agency authorized under subsection 1 determines that a land disturbing activity is not being conducted in compliance with the soil loss limits, it shall file a written and signed complaint with the soil and water conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner or occupant of land being damaged by sediment pursuant to section 161A.47. If the affidavit is filed with the district or the political subdivision, the commissioners may proceed on their own complaint. The soil and water conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

[C81, §467A.64; 81 Acts, ch 154, §1, 2]
87 Acts, ch 23, §41
C93, §161A.64

161A.65 Reserved.

161A.66 Procedure when commissioner is complainant.

A soil and water conservation district commissioner who is an owner or occupant of land being damaged by sediment has the same right as any other person in like circumstances to file a complaint under section 161A.47; however, a commissioner who is the complainant shall not vote on the question whether, on the basis of the inspection made pursuant to the complaint, the commissioners shall issue an administrative order under section 161A.47.

[C81, §467A.66]
87 Acts, ch 23, §43
C93, §161A.66

161A.67 through 161A.69 Reserved.

PART 2

FINANCIAL INCENTIVES

161A.70 Establishment and purpose.

Financial incentive programs are established within the division in order to protect the long-term productivity of the soil and water resources of the state from erosion and sediment damage, and to encourage the adoption of farm management and agricultural practices which

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are consistent with the capability of the land to sustain agriculture and preserve this state's natural resources.

92 Acts, ch 1184, §6
Referred to in §159.18, 161A.72

161A.71 Conservation practices revolving loan fund.

1. The division may establish a conservation practices revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the division from the federal government or private sources for placement in that fund. Except as otherwise provided by subsection 3, the assets of the conservation practices revolving loan fund shall be used only to make loans directly to owners of land in this state for the purpose of establishing on that land any new permanent soil and water conservation practice which the commissioners of the soil and water conservation district in which the land is located have found is necessary or advisable to meet the soil loss limits established for that land. A loan shall not be made for establishing a permanent soil and water conservation practice on land that is subject to the restriction on state cost-sharing funds of section 161A.76. Revolving loan funds and public cost-sharing funds may be used in combination for funding a particular soil and water conservation practice. Each loan made under this section shall be for a period not to exceed ten years, shall bear no interest, and shall be repayable to the conservation practices revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants are eligible for no more than twenty thousand dollars in loans outstanding at any time under this program. *"Permanent soil and water conservation practices"* has the same meaning as defined in section 161A.42 and those established under this program are subject to the requirements of section 161A.7, subsection 3. Loans made under this program shall come due for payment upon sale of the land on which those practices are established.

2. The general assembly finds and declares the following:

a. The erosion of topsoil on agricultural land by wind and water is a serious problem within the state and one which threatens to destroy the natural resource most responsible for Iowa's prosperity.

b. It is necessary to the preservation of the economy and well-being of the state to encourage soil conservation practices by providing loans for permanent soil and water conservation practices on agricultural land within the state.

c. The use of state funds for the conservation practices revolving loan fund established under subsection 1 is in the public interest, and the purposes of this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

3. The division may:

a. Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the division shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

b. Authorize payment from the conservation practices revolving loan fund and from fees for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

4. This section does not negate the provisions of section 161A.48 that an owner or occupant of land in this state shall not be required to establish any new soil and water conservation practice unless public cost-sharing funds have been approved and are available for the land affected. However, the owner of land with respect to which an administrative order to establish soil and water conservation practices has been issued under section 161A.47 but not complied with for lack of public cost-sharing funds, may waive the right to await availability of such funds and instead apply for a loan under this section to establish any permanent soil and water conservation practices necessary to comply with the order. If a landowner does so, that loan application shall be given reasonable preference by the

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division if there are applications for more loans under this section than can be made from the money available in the conservation practices revolving loan fund. If it is found necessary to deny an application for a soil and water conservation practices loan to a landowner who has waived the right to availability of public cost-sharing funds before complying with an administrative order issued under section 161A.47, the landowner's waiver is void.

83 Acts, ch 207, §53, 93

CS83, §467A.71

85 Acts, ch 67, §46; 85 Acts, ch 170, §1; 86 Acts, ch 1244, §58; 86 Acts, ch 1245, §661; 87 Acts, ch 23, §44; 91 Acts, ch 260, §1234

C93, §161A.71

2013 Acts, ch 15, §1; 2017 Acts, ch 159, §14; 2024 Acts, ch 1170, §19, 20

161A.72 Administration.

1. Financial incentives provided under this chapter shall be administered by the division. The incentives shall be supported with funds appropriated by the general assembly, and moneys available to or obtained by the division from public or private sources, including but not limited to the United States, other states, or private organizations. The division shall adopt all rules consistent with chapter 17A necessary to carry out the purpose of this subchapter as provided in section 161A.70.

2. The commissioners of a district shall, to the extent funding is available, contract with a person who is an owner or occupant of land within the district applying to establish soil and water conservation practices as provided in this chapter. Under the agreement, the person shall receive financial incentives to establish permanent soil and water conservation practices and management practices, in consideration for promising to maintain the practices according to rules adopted by the division. If the land subject to an agreement is converted to a nonagricultural use that does not require a permanent soil and water conservation practice which has been established with financial incentives, the permanent soil and water conservation practice shall not be removed until the owner pays an amount to the district, which shall be deposited into a fund established by the district for use in providing financial incentives under this chapter. The amount shall be a prorated share of the amount paid in financial incentives to establish the practice, as provided in rules adopted by the division.

92 Acts, ch 1184, §7; 96 Acts, ch 1083, §4; 2016 Acts, ch 1011, §38; 2024 Acts, ch 1170, §21

161A.73 Voluntary establishment of soil and water conservation practices.

1. The division shall establish voluntary financial incentive programs which shall provide for the following:

a. The allocation of cost-share moneys as financial incentives provided for the purpose of establishing permanent soil and water conservation practices, including but not limited to terraces, diversions, grade stabilization structures, grassed waterways, and critical area planting. Except for edge-of-field practices, financial incentives shall not exceed fifty percent of the estimated cost of establishing the practices, or fifty percent of the actual cost, whichever is less.

b. The allocation of moneys as financial incentives provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to cover crops, no-till planting, ridge-till planting, contouring, and contour strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

c. The allocation of cost-share moneys as financial incentives provided to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment. The financial incentives shall be awarded to watersheds which are of the highest importance based on soil loss as established by the natural resource commission pursuant to section 456A.33A. The financial incentives shall not exceed seventy-five percent of the estimated cost of establishing the practices as determined by the commissioners or seventy-five percent of the actual cost of establishing the practices, whichever is less.

d. The allocation of cost-share moneys as financial incentives to establish permanent

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grass and buffer zones, including an erosion control structure or an erosion control practice to mitigate the effects of concentrated runoff on surface water quality. The financial incentives shall not exceed one hundred percent of the estimated cost of establishing a zone, as determined by the commissioners, or one hundred percent of the actual cost of establishing the zone, whichever is less.

e. The allocation of cost-share moneys as financial incentives for the same purposes that are supported from the soil and water enhancement account of the resources enhancement and protection fund as provided in section 455A.19, or by the water protection practices account of the water protection fund established pursuant to section 161C.4. The financial incentives shall not exceed fifty percent of the estimated cost of establishing the practices, or fifty percent of the actual cost, whichever is less.

2. The commissioners of a district may establish voluntary financial incentive programs which shall provide for the following:

a. The allocation of cost-share moneys as financial incentives under a special agreement with owners of land in the district who promise to adopt a watershed conservation plan as provided by rules which shall be adopted by the division. The watershed conservation plan shall be in conjunction with the owners' respective farm unit soil conservation plans. The funding agreement must provide for the funding of a project which includes five or more contiguous farm units which have at least five hundred acres of agricultural land and which constitutes at least seventy-five percent of the agricultural land located within a watershed or subwatershed. The financial incentives shall not exceed sixty percent of the estimated cost of the project as determined by the commissioners or sixty percent of the actual cost, whichever is less.

b. The allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices. The practices must be constructed on or after June 15 but not later than October 15. The commissioners may also provide for the payment of moneys on a prorated basis to compensate persons for the production loss on an area disturbed by construction, according to rules which shall be adopted by the division.

3. *a.* The division may reimburse private landowners for a portion of the cost of fencing materials and installation for permanent fence used to protect forest land from domestic livestock grazing, if the division determines that the grazing has caused excessive soil loss. For purposes of this subsection, forests shall be considered as agricultural land eligible for cost-share moneys. The total expenditure of reimbursement moneys shall not exceed fifty percent of the total landowner expenditures. Expenditures for boundary and road fence construction and for repair and replacement of existing fences are not eligible for reimbursement unless the complete fence is replaced.

b. A landowner shall sign an agreement with the division as a condition for receiving cost-share moneys. The agreement shall provide that the landowner shall maintain the fence for a minimum of ten years and shall follow written professional forester recommendations relating to land protected by fencing. The recommendations must be approved by the state forester or the forester's designee.

c. A landowner who violates the maintenance agreement shall maintain, repair, or reconstruct the damaged fence, or shall pay the division an amount equal to the amount of cost-share moneys reimbursed.

d. The division shall adopt rules to administer this subsection, including rules relating to procedures required to receive reimbursement, and eligibility requirements such as the minimum forest acreage required, and the maximum reimbursement amount allowed.

92 Acts, ch 1184, §8; 92 Acts, ch 1239, §51, 52; 96 Acts, ch 1083, §5; 98 Acts, ch 1040, §1; 2012 Acts, ch 1095, §17; 2017 Acts, ch 159, §15

Referred to in §161A.75

161A.74 Mandatory establishment of soil and water conservation practices — allocations.

1. The commissioners shall allocate cost-share moneys to establish mandatory soil and

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water conservation practices, as provided in sections 161A.43 through 161A.53, according to the following requirements:

a. The financial incentives shall not exceed more than fifty percent of the estimated cost of establishing the practices as determined by the commissioners, or fifty percent of the actual cost of establishing the practices, whichever is less. However, the commissioners may allocate an amount determined by the division for management of soil and water conservation practices, except as otherwise provided regarding land classified as agricultural land under conservation cover.

b. The commissioners shall establish the estimated cost of the permanent soil and water conservation practices in the district based upon one and two-tenths of the average cost of the practices installed in the district during the previous year. The average costs shall be reviewed and approved by the commissioners each year.

2. The division shall review requirements of this section once each year. The division may authorize commissioners in districts to condition the establishment of a mandatory soil and water conservation practice in a specific case on a higher proportion of public cost-sharing than is required by this section. The commissioners shall determine the amount of cost-sharing moneys allocated to establish a specific soil and water conservation practice in accordance with an administrative order issued pursuant to section 161A.47 by considering the extent to which the practice will contribute benefits to the individual owner or occupant of the land on which the practice is to be established.

92 Acts, ch 1184, §9; 92 Acts, ch 1239, §53, 54; 2024 Acts, ch 1170, §22, 23
Referred to in §161A.48

161A.75 Use of moneys for emergency repairs.

1. The commissioners of a district may allocate moneys otherwise available for voluntary financial incentive programs as provided in section 161A.73 to provide for the restoration of permanent soil and water conservation practices which are damaged or destroyed because of a disaster emergency. In providing for the restoration, the commissioners may allocate moneys under this section for construction, reconstruction, installation, or repair projects. For each project the commissioners must determine that the allocation is necessary in order to restore permanent soil and water conservation practices in order to prevent erosion in excess of the applicable soil loss limits caused by the disaster emergency.

2. In order to allocate moneys under this section, the disaster emergency must have occurred in an area subject to a state of disaster emergency pursuant to a proclamation made by the governor as provided in section 29C.6. The commissioners shall use the moneys only to the extent that moneys from other sources, including any moneys provided by the state or federal government in response to the disaster emergency, are not adequate. The commissioners are not required to allocate the moneys on a cost-share basis.

3. Following the disaster emergency, the commissioners shall submit a report to the division providing information regarding restoration projects and moneys allocated under this section for the projects.

97 Acts, ch 59, §2; 2024 Acts, ch 1170, §24
Referred to in §161A.7

161A.76 Cost-sharing for certain lands restricted.

1. It is the intent of this chapter that each tract of agricultural land which has not been plowed or used for growing row crops at any time within the prior fifteen years shall for purposes of this section be considered classified as agricultural land under conservation cover. If a tract of land so classified is thereafter plowed or used for growing row crops, the commissioners of the soil and water conservation district in which the land is located shall not approve use of state cost-sharing funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-sharing funds which would be available for that land if it were not considered classified as agricultural land under conservation cover. The restriction imposed by this section applies even if an administrative order or court order has been issued requiring establishment of soil and water conservation practices on that land. The commissioners may

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waive the restriction imposed by this section if they determine in advance that the purpose of plowing or row cropping land classified as land under conservation cover is to revitalize permanent pasture and that the land will revert to permanent pasture within two years after it is plowed.

2. When receiving an application for state cost-sharing funds to pay a part of the cost of establishing a permanent or temporary soil and water conservation practice, the commissioners of the soil and water conservation district to which the application is submitted shall require the applicant to state in writing whether, to the best of the applicant's knowledge, the land on which the proposed practice will be established is land considered to be classified as agricultural land under conservation cover, as defined in subsection 1. An applicant who knowingly makes a false statement of material facts or who falsely denies knowledge of material facts in completing the written statement required by this subsection commits a simple misdemeanor and, in addition to the penalty prescribed therefor by law, shall be required to repay to the department any cost-sharing funds made available to the applicant in reliance on the false statement or false denial.

[C81, §467A.65]
87 Acts, ch 23, §42
C93, §161A.76
2012 Acts, ch 1095, §18
Referred to in §161A.63, 161A.71

161A.77 through 161A.79 Reserved.

SUBCHAPTER VI
BLUFFLANDS PROTECTION

161A.80 Blufflands protection program and revolving fund. Repealed by its own terms; 98 Acts, ch 1219, §17; 2005 Acts, ch 178, §17. See §161A.80A.

161A.80A Blufflands protection program and revolving fund.

1. As used in this section, unless the context otherwise requires:

a. For purposes of this section only, *"bluffland"* means a cliff, headland, or hill with a broad, steep face along the channel or floodplain of the Missouri or Mississippi river and their tributaries.

b. *"Conservation organization"* means a nonprofit corporation incorporated in Iowa or an entity organized and operated primarily to enhance and protect natural resources in this state.

2. A blufflands protection revolving fund is created in the state treasury. All proceeds shall be divided into two equal accounts. One account shall be used for the purchase of blufflands along the Mississippi river and its tributaries and the other account shall be used for the purchase of blufflands along the Missouri river and its tributaries. The proceeds of the revolving fund are appropriated to make loans to conservation organizations that agree to purchase bluffland properties adjacent to state public lands. The department of agriculture and land stewardship, in conjunction with the department of natural resources, shall adopt rules pursuant to chapter 17A to administer the disbursement of funds. Notwithstanding section 12C.7, interest or earnings on investments made pursuant to this section or as provided in section 12B.10 shall be credited to the blufflands protection revolving fund. Notwithstanding section 8.33, unobligated or unencumbered funds credited to the blufflands protection revolving fund shall not revert at the close of a fiscal year.

3. This section is repealed on July 1, 2030.

2015 Acts, ch 132, §45; 2024 Acts, ch 1148, §32
Referred to in §161A.80B
Program suspended and expenditures from fund restricted; 2024 Acts, ch 1148, §31

161A.80B Outstanding bluffland protection loans.

1. The principal and interest from any loan made pursuant to section 161A.80A that is

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due shall be paid to the division pursuant to the terms of the loan agreement. The moneys paid to the division are appropriated to the department of natural resources for purposes of supporting projects increasing the accessibility of persons with disabilities when visiting state parks and recreation areas.

2. This section is repealed on July 1, 2030.

2015 Acts, ch 132, §46; 2024 Acts, ch 1148, §33

CHAPTER 161B

AGRICULTURAL ENERGY MANAGEMENT

Repealed by 2004 Acts, ch 1082, §6

CHAPTER 161C

WATER PROTECTION PROJECTS AND PRACTICES

Referred to in §159.1, 159.5, 159.6, 161A.4, 161A.7, 461.33

This chapter not enacted as a part of this title;
transferred from chapter 467F in Code 1993

161C.1 Definitions.
161C.2 Water protection projects and practices.
161C.3 Cooperation with other agencies.
161C.4 Water protection fund.
161C.5 Organic nutrient management fund. Repealed by 2011 Acts, ch 46, §1.
161C.6 Organic nutrient management program. Repealed by 2011 Acts, ch 46, §1.
161C.7 Watershed protection.

161C.1 Definitions.

As used or referred to in this chapter, unless a different meaning clearly appears from the context:

1. *"Department"* means the department of agriculture and land stewardship.
2. *"District"* means a soil and water conservation district established in chapter 161A.
3. *"Division"* means the division of soil conservation and water quality created within the department pursuant to section 159.5.
4. *"Landowner"* includes any person, including a federal agency, this state or any of its political subdivisions, who holds title to land lying within a proposed district.
5. *"United States"* or *"agencies of the United States"* includes the United States of America, the United States department of agriculture natural resources conservation service, and any other agency or instrumentality, corporate or otherwise, of the United States.

88 Acts, ch 1189, §2
C89, §467F.1
C93, §161C.1
95 Acts, ch 216, §25; 2015 Acts, ch 103, §35; 2017 Acts, ch 159, §16; 2024 Acts, ch 1170, §25

161C.2 Water protection projects and practices.

1. *a.* Each soil and water conservation district, alone and whenever practical in conjunction with other districts, shall carry out district-wide and multiple-district projects to support water protection practices in the district or districts, including projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to contamination by agricultural drainage wells, sinkholes, sedimentation, or chemical pollutants.

b. Any work project with an estimated cost in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B, shall be undertaken as a public contract

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as provided in chapters 73A and 573. The local contracting organization shall designate a contracting officer and shall establish procedures to manage the contract, approve bills for payment, and review proposed change orders or amendments to the contract.

2. An owner of or occupant of land within a district may establish a water protection practice under this chapter by entering into an agreement with the district in which the owner or occupant receives financial assistance to establish water protection practices in consideration for promising to maintain the practices according to rules adopted by the division. The financial assistance may be in the form of grants, loans, or cost-sharing arrangements. An agreement shall not be binding until the assistance is specifically approved for that land and made available to the owner or occupant.

3. The division shall approve an award of financial assistance based on an application submitted by the owner or occupant of the land. The division may require a copy of the application with an evaluation of the application by the district. Each application for financial assistance shall be considered under a priority system adopted by the district for disbursement of unallocated funds. The district, under the supervision of a district technician, shall design proposed clean water practices for which financial assistance has been obligated. The district shall determine compliance with applicable design standards and specifications. The landowner shall construct and is liable for the performance of the water protection practices on the land.

4. The division shall adopt rules necessary for the administration of this chapter, including rules relating to the approval of programs and projects, designing a project or water protection practices, the estimation of costs of a project or program, and the inspection of projects or practices being placed or maintained on the land.

88 Acts, ch 1189, §3
C89, §467F.2
C93, §161C.2
2000 Acts, ch 1068, §8; 2006 Acts, ch 1017, §22, 42, 43

161C.3 Cooperation with other agencies.

Soil and water conservation districts may enter into agreements with the United States, as provided by state law, or with the state of Iowa or any agency of the state, any other soil and water conservation district, or other political subdivision of this state, for cooperation in preventing, controlling, or attempting to prevent or control contamination of groundwater or surface water by point and nonpoint sources of pollution. Soil and water conservation districts may accept, as provided by state law, any money disbursed for water quality preservation purposes by the federal government or any agency of the federal government, and expend the money for the purposes for which it was received.

88 Acts, ch 1189, §4
C89, §467F.3
C93, §161C.3

161C.4 Water protection fund.

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the division from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

2. The fund shall be divided into two accounts, the water quality protection projects account and the water protection practices account. The first account shall be used to carry out water quality protection projects to protect the state's surface and groundwater from point and nonpoint sources of contamination. The second account shall be used to establish water protection practices with individual landowners including but not limited to woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. Twenty-five percent of funds appropriated to the water protection practices

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account shall be used for woodland establishment and protection, and establishment of native grasses and forbs. Soil and water conservation district commissioners shall give priority to applications for practices that implement their soil and water resource conservation plan.

3. In administering the fund the division may:

a. Contract, sue and be sued, and adopt rules necessary to carry out the provisions of this section, but the division shall not in any manner directly or indirectly pledge the credit of this state.

b. Authorize payment from the water protection fund and from fees for costs, commissions, and other reasonable expenses.

88 Acts, ch 1189, §5
C89, §467F.4
89 Acts, ch 236, §16; 91 Acts, ch 260, §1235
C93, §161C.4
95 Acts, ch 216, §36; 2009 Acts, ch 41, §62; 2017 Acts, ch 159, §17; 2024 Acts, ch 1170, §26, 27
Referred to in §161A.73, 161C.7, 455A.19

161C.5 Organic nutrient management fund. Repealed by 2011 Acts, ch 46, §1.

161C.6 Organic nutrient management program. Repealed by 2011 Acts, ch 46, §1.

161C.7 Watershed protection.

1. The department of agriculture and land stewardship shall implement and administer a watershed protection program. The department of agriculture and land stewardship, in consultation with the department of natural resources, shall annually establish a prioritized list of watersheds that are of the highest importance to the state's water quality. The watershed protection program shall, to the extent practical, target for assistance those watersheds on the prioritized list. A soil and water conservation district, in cooperation with state agencies, local units of government, and private organizations, may submit an application for assistance to the department which provides a strategy for protecting soil, water quality, and other natural resources, and improving flood control in the watershed. Upon approval of an application, the department may provide a grant to the soil and water conservation district for purposes of carrying out the strategy provided in the application.

2. A watershed protection account is created within the water protection fund created in section 161C.4. Moneys credited to the account shall be distributed under the watershed protection program.

3. Administrative rules used for water quality protection projects under the water protection fund shall be used to administer the watershed protection program.

99 Acts, ch 204, §27; 2003 Acts, ch 179, §157; 2004 Acts, ch 1101, §26

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CHAPTER 161D

LOESS HILLS AND SOUTHERN IOWA DEVELOPMENT AND CONSERVATION

SUBCHAPTER I

LOESS HILLS DEVELOPMENT AND CONSERVATION

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SUBCHAPTER II

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SUBCHAPTER I

LOESS HILLS DEVELOPMENT AND CONSERVATION

161D.1 Loess hills development and conservation authority created — membership and duties.

1. A loess hills development and conservation authority is created. The counties of Adams, Adair, Audubon, Carroll, Cass, Cherokee, Crawford, Fremont, Guthrie, Harrison, Ida, Lyon, Mills, Monona, Montgomery, Page, Plymouth, Pottawattamie, Sac, Shelby, Sioux, Taylor, and Woodbury, are entitled to one voting member each on the authority, but membership or participation in projects of the authority is not required. Each member of the authority shall be appointed by the respective board of supervisors for a term to be determined by each board of supervisors, but the term shall not be for less than one year. An appointee shall serve without compensation, but an appointee may be reimbursed for actual expenses incurred while performing the duties of the authority as determined by each board of supervisors. The authority shall meet, organize, and adopt rules of procedures as deemed necessary to carry out its duties. The authority may appoint working committees that include other individuals in addition to voting members.

2. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resource, rural development, and infrastructure problems of counties in the deep loess region of western Iowa. The erosion and degradation of stream channels in the deep loess soils has occurred due to historic channelization of the Missouri river and straightening stream channels of its tributaries. This erosion of land has damaged the rural infrastructure of this area, destroyed public roads and bridges, adversely impacted stream water quality and riparian habitat, and affected other public and private improvements. Stabilization of stream channels is necessary to protect the rural infrastructure in the deep loess soils area of the state. The authority shall cooperate with the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5, the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency, the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

3. The authority shall administer the loess hills development and conservation fund created under section 161D.2 and shall deposit and expend moneys in the fund for the

planning, development, and implementation of development and conservation activities or measures in the member counties.

4. A hungry canyons alliance is created. The hungry canyons alliance shall be governed by a board of directors appointed as provided in its bylaws and the board shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The bylaws of the hungry canyons alliance are subject to review and approval of the loess hills development and conservation authority.

5. This subchapter is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

6. In matters relating to the conservation, preservation, or development of the loess hills, state agencies shall coordinate, cooperate, and consult with the loess hills development and conservation authority and its associated alliances.

93 Acts, ch 136, §1; 95 Acts, ch 216, §25; 99 Acts, ch 119, §1; 2000 Acts, ch 1111, §1, 2; 2000 Acts, ch 1154, §14; 2007 Acts, ch 211, §43; 2015 Acts, ch 103, §36

Referred to in §161D.2, 161D.3, 161D.5

161D.2 Loess hills development and conservation fund.

A loess hills development and conservation fund is created in the state treasury. The fund shall include a hungry canyons account and a loess hills alliance account which shall be administered by the loess hills development and conservation authority. The proceeds of the respective accounts shall be used for the purposes specified in section 161D.1 or 161D.6 as applicable. The loess hills development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the respective accounts and any interest earned shall be credited to the respective accounts to be used for the purposes specified in section 161D.1 or 161D.6 as applicable. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

93 Acts, ch 136, §2; 99 Acts, ch 119, §2

Referred to in §161D.1, 161D.3

161D.3 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Alliance"* means the loess hills alliance created in section 161D.5.

2. *"Authority"* means the loess hills development and conservation authority created in section 161D.1.

3. *"Fund"* means the loess hills development and conservation fund created in section 161D.2.

99 Acts, ch 119, §3; 2000 Acts, ch 1154, §15

161D.4 Mission statement.

The mission of the loess hills alliance is to create a common vision for Iowa's loess hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region.

99 Acts, ch 119, §4

161D.5 Loess hills alliance created.

1. A loess hills alliance is created. The alliance shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The alliance shall encompass the geographic region including the counties of Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont. Membership and participation in projects of the alliance is not required. The alliance shall be governed by a board of directors appointed as follows:

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a. Three members appointed by the board of supervisors of each county participating in the alliance and at least one of the appointees shall be a member of the board of supervisors of a county participating in the alliance.

b. Seven additional voting members who shall be persons with experience in the fields of environmental affairs, conservation, finance, development, tourism, or related fields, and who shall be appointed by the authority.

c. The voting members of the board of directors appointed pursuant to paragraphs *"a"* and *"b"* shall include agricultural producers owning real property within the loess hills landform.

2. Each voting member of the board of directors shall be a resident of a county which is eligible for membership in the authority pursuant to section 161D.1 and shall be appointed to a term of office as determined by the authority. The directors of the alliance shall carry out their responsibilities pursuant to bylaws approved by the authority.

99 Acts, ch 119, §5; 2000 Acts, ch 1111, §3
Referred to in §161D.3

161D.6 Responsibilities.

The board of directors of the alliance shall have the following responsibilities:

1. To prepare and adopt a comprehensive plan for the development and conservation of the loess hills area subject to the approval of the authority. The plan shall provide for the designation of significant scenic areas, the protection of native vegetation, the education of the public on the need for and methods of preserving the natural resources of the loess hills area, and the promotion of tourism and related business and industry in the loess hills area.

2. To apply for, accept, and expend public and private funds for planning and implementing projects, programs, and other components of the mission of the alliance subject to approval of the authority.

3. To study different options for the protection and preservation of significant historic, scenic, geologic, and recreational areas of the loess hills including but not limited to a federal or state park, preserve, or monument designation, fee title acquisition, or restrictive easement.

4. To make recommendations to and coordinate the planning and projects of the alliance with the authority.

5. To develop and implement pilot projects for the protection of loess hills areas with the use of restrictive easements from willing sellers and fee title ownership from willing sellers subject to approval of the authority.

6. To report annually not later than January 15 to the general assembly the activities of the alliance during the preceding fiscal year including, but not limited to, its projects, funding, and expenditures.

99 Acts, ch 119, §6, 7, 9
Referred to in §161D.2

161D.7 Program coordination.

The department of natural resources shall coordinate the blufflands protection program with the program and projects of the loess hills alliance.

99 Acts, ch 119, §8
Blufflands protection program; §161A.80A

161D.8 Annual report — audit.

1. The authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

a. Its operations and accomplishments.

b. Its budget, receipts, and actual expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.

c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.

d. A statement of its proposed and projected activities.

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e. Recommendations to the governor and the general assembly, as deemed necessary.

f. Any other information deemed necessary.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period in attaining these goals.

3. The fund shall be subject to an annual audit by the auditor of state.

2001 Acts, ch 185, §45; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 103, §37

161D.9 Restriction.

The loess hills development and conservation authority or the board of directors of the loess hills alliance shall not enter into any agreement with a local government or the state or federal government if the agreement regulates, on an involuntary basis, the action of a private landowner or the use of a private landowner's land.

2015 Acts, ch 111, §1

161D.10 Reserved.

SUBCHAPTER II

SOUTHERN IOWA DEVELOPMENT AND CONSERVATION AUTHORITY

161D.11 Southern Iowa development and conservation authority created — membership and duties.

1. A southern Iowa development and conservation authority is created. The counties of Appanoose, Clarke, Davis, Decatur, Jefferson, Lucas, Monroe, Van Buren, Wapello, and Wayne are entitled to one voting member each on the authority, but membership or participation in projects of the authority is not required. Each member of the authority shall be appointed by the respective board of supervisors for a term to be determined by each board of supervisors, but the term shall not be for less than one year. An appointee shall serve without compensation, but an appointee may be reimbursed for actual expenses incurred while performing the duties of the authority as determined by each board of supervisors. The authority shall meet, organize, and adopt rules of procedures as deemed necessary to carry out its duties. The authority may appoint working committees that include other individuals in addition to voting members.

2. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resources, rural development, and infrastructure problems of counties in the most fragile areas of the southern Iowa drift plain. The authority's mission is established in part as a response to the erosion of soils, degradation of water resources, and the destabilization of stream channels in the fragile glacial till soils of southern Iowa that have occurred in a large part due to unchecked conversion of grassland to cropland. This land use conversion was brought about by the economic pressures of past federal agricultural policies that disregarded the fragile nature of the southern Iowa soil resource and the incompatibility of these soils with the subsidized commodities. The resulting erosion of the land has damaged the rural infrastructure of this area, destroyed public roads and bridges, adversely impacted stream water quality and riparian habitat, affected other public and private improvements, and severely threatens the potable water supply of the region. Reducing soil erosion, preventing sedimentation, and stopping nutrients and pesticides from entering water resources are all necessary to protect the rural infrastructure in the southern area of the state. Important protection measures include structural improvements and the reestablishment of grasslands for sustainable economic uses.

3. The authority shall cooperate with the division of soil conservation and water quality of the department of agriculture and land stewardship and the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency,

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the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

4. The authority shall administer the southern Iowa development and conservation fund created under section 161D.12 and shall deposit and expend moneys in the fund for the planning, development, and implementation of development and conservation activities or measures in the member counties.

5. This section is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

99 Acts, ch 30, §1; 2015 Acts, ch 103, §38
Referred to in §161D.12

161D.12 Southern Iowa development and conservation fund.

A southern Iowa development and conservation fund is created in the state treasury, to be administered by the southern Iowa development and conservation authority. The proceeds of the fund shall be used for the purposes specified in section 161D.11. The southern Iowa development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the fund and any interest earned on moneys in the fund shall be credited to the fund to be used for the purposes specified in section 161D.11. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

99 Acts, ch 30, §2
Referred to in §161D.11

161D.13 Annual report — audit.

1. The southern Iowa development and conservation authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

a. Its operations and accomplishments.

b. Its budget, receipts, and actual expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.

c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.

d. A statement of its proposed and projected activities.

e. Recommendations to the governor and the general assembly, as deemed necessary.

f. Any other information deemed necessary.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period in attaining these goals.

3. The southern Iowa development and conservation fund shall be subject to an annual audit by the auditor of state.

2001 Acts, ch 185, §46; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 103, §39

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CHAPTER 161E

FLOOD AND EROSION CONTROL

Referred to in §159.6, 161A.4

This chapter not enacted as a part of this title;
transferred from chapter 467B in Code 1995

161E.1 Authority of board.
161E.2 Federal aid.
161E.3 Cooperation.
161E.4 Structures or levees.
161E.5 Maintenance cost.
161E.6 Estimate.
161E.7 Projects on private land.
161E.8 Conservation commissioners.
161E.9 Tax levy.
161E.10 Assumption of obligations.
161E.11 Highway law applicable.
161E.12 Payments from federal government.
161E.13 Allocation to secondary road funds.
161E.14 Allocation.
161E.15 Taxes canceled.

161E.1 Authority of board.

If a county, soil and water conservation district, subdistrict of a soil and water conservation district, political subdivision of the state, or other local agency engages or participates in a project for flood or erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, in cooperation with the federal government, or a department or agency of the federal government, the counties in which the project is carried on may, through the board of supervisors, construct, operate, and maintain the project on lands under the control or jurisdiction of the county dedicated to county use, or furnish financial and other assistance in connection with the projects. Flood, soil erosion control, and watershed improvement projects are presumed to be for the protection of the tax base of the county, for the protection of public roads and lands, and for the protection of the public health, sanitation, safety, and general welfare.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.1]
86 Acts, ch 1238, §61; 87 Acts, ch 23, §45; 89 Acts, ch 83, §60
C95, §161E.1

161E.2 Federal aid.

A county may, in accordance with this chapter, accept federal funds for aid in a project for flood or soil erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, and may cooperate with the federal government or a department or agency of the federal government, a soil and water conservation district, subdistrict of a soil and water conservation district, political subdivision of the state, or other local agency, and the county may assume a proportion of the cost of the project as deemed appropriate, and may assume the maintenance cost of the project on lands under the control or jurisdiction of the county which will not be discharged by federal aid or grant.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.2]
86 Acts, ch 1238, §61; 87 Acts, ch 23, §46; 89 Acts, ch 83, §61
C95, §161E.2
See also §161E.12

161E.3 Cooperation.

The counties, soil and water conservation districts, and subdistricts of soil and water conservation districts concerned, shall advise and consult with each other, upon the request of any of them or any affected landowners, and may cooperate with each other or with other state subdivisions or instrumentalities, and affected landowners, as well as with the federal government or a department or agency of the federal government, to construct, operate, and maintain suitable projects for flood or soil erosion control, flood prevention, or the

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conservation, development, utilization, and disposal of water on public roads or other public lands or other land granted county use.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.3]

86 Acts, ch 1238, §61; 87 Acts, ch 23, §47; 89 Acts, ch 83, §62

C95, §161E.3

161E.4 Structures or levees.

When structures or levees necessary for flood or soil erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, are constructed on county roads, the cost in total or in part shall be considered a part of the cost of road construction.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.4]

C95, §161E.4

161E.5 Maintenance cost.

If construction of projects has been completed by the soil and water conservation district, subdistricts of soil and water conservation districts, political subdivisions of the state, or other local agencies, or the federal government, or a department or agency of the federal government, on private lands under the easement granted to the county, only the cost of maintenance may be assumed by the county.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.5]

86 Acts, ch 1238, §61; 87 Acts, ch 23, §48; 89 Acts, ch 83, §63

C95, §161E.5

161E.6 Estimate.

1. In the proceedings to establish such a project the government engineer shall set forth in the engineer's report separately from other items, the amount of the cost of construction on county property and on private lands, and the engineer's estimate of the cost of the maintenance of the project.

2. If the plan is approved by all cooperating agencies and the project established as a flood or erosion control project the board of supervisors shall make a written record of any such cooperative arrangement and may use such part of the funds of the county now authorized by law and by this chapter as may be necessary to pay the amount agreed upon toward the construction, maintenance and cost of such project.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.6]

C95, §161E.6

2018 Acts, ch 1041, §127

161E.7 Projects on private land.

Any flood or soil erosion control, flood prevention, or the conservation, development, utilization, and disposal of water, projects built on private land with federal or other funds when dedicated to the county use, shall be maintained in the same manner as its own county-owned or controlled property.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.7]

C95, §161E.7

161E.8 Conservation commissioners.

In counties where soil and water conservation districts exist the commissioners in said county shall be responsible for the inspection of all flood and erosion control structures built on private land under easement to the county, shall furnish such technical assistance as they may have available in making estimates of needed repairs without cost to the county, and shall report any needed repair and the nature thereof to the county board of supervisors.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.8]

C95, §161E.8

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161E.9 Tax levy.

The county board of supervisors may annually levy a tax not to exceed six and three-fourths cents per thousand dollars of assessed value of all agricultural lands in the county, to be used for flood and erosion control, including acquisition of land or interests in land, and repair, alteration, maintenance, and operation of works of improvement on lands under the control or jurisdiction of the county as provided in this chapter.

83 Acts, ch 123, §188, 209
CS83, §467B.9
C95, §161E.9

161E.10 Assumption of obligations.

This chapter contemplates that actual direction of the project, or projects, and the actual work done in connection with them, will be assumed by the soil and water conservation district, a subdistrict of a soil and water conservation district, or the federal government, and that the county or other state subdivisions or instrumentalities jointly will meet the obligation required for federal cooperation and may make proper commitment for the care and maintenance of the project after its completion for the general welfare of the public and residents of the respective counties.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.10]
86 Acts, ch 1238, §61; 87 Acts, ch 23, §49; 89 Acts, ch 83, §64
C95, §161E.10

161E.11 Highway law applicable.

The counties in maintaining the structures or improvements made under such a project shall do so in a like manner and under like procedure as that used in the maintenance of its highways. Any cooperative agreements with other state subdivisions or instrumentalities shall conform with such an agreement as to the proportion of maintenance cost.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.11]
C95, §161E.11

161E.12 Payments from federal government.

Whenever there shall be payable by the federal government to counties or school districts of the state any sums of money because of the fact that such school districts or counties are entitled to a share of the receipts from the operation of the federal government of flood control projects within any county of the state, such payments shall be payable to the county treasurer of any county in which such payments become due.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.12]
C95, §161E.12
See also §161E.2

161E.13 Allocation to secondary road funds.

Upon receipt of any such payments or payment by the county treasurer twenty-five percent of such amount shall be credited to the secondary road funds of the counties which are principally affected by the construction of such federal flood control projects, and the board of supervisors shall determine which roads of the county are deemed to be principally affected and the amounts which shall be expended from these funds derived from the federal government on such roads.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.13]
C95, §161E.13
Referred to in §331.401

161E.14 Allocation.

1. Sixty-five percent of any such payments or payment received from the federal government shall be distributed to the general fund of the school districts of the county after the county auditor has determined the districts which are principally affected by the federal flood control project involved in an amount deemed to be the equitable share of each such

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district and the amount allocated to each school district shall be paid over to the treasurer of such school district.

2. The county auditor shall certify to the executive council of the state the amounts allocated to each school district in the previous year, on January 2 of each year. The remaining ten percent of a payment received by the county treasurer from the federal government, or as much thereof as is deemed necessary by the board of supervisors, shall be allocated to the local fire departments of the unincorporated villages, townships, and cities of the county which are principally affected by the federal flood control project involved, to be paid and prorated among them as determined by the board of supervisors. If the funds prorated to local fire departments in a county are less than ten percent of the total county share of such federal payments for a year, the amount which exceeds the prorations shall revert back to and be divided equally between the secondary road fund and the local school district fund.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.14]
88 Acts, ch 1134, §89
C95, §161E.14
2019 Acts, ch 24, §104
Referred to in §331.401

161E.15 Taxes canceled.

The treasurer of any county wherein is situated any land acquired by the federal government for flood control projects is hereby authorized to cancel any taxes or tax assessments against any such land so acquired where the tax has been extended but has not become a lien thereon at the time of the acquisition thereof.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §467B.15]
C95, §161E.15

CHAPTER 161F

SOIL CONSERVATION AND FLOOD CONTROL DISTRICTS

Referred to in §159.6, 161A.4, 331.382, 350.4

This chapter not enacted as a part of this title;
transferred from chapter 467C in Code 1995

161F.1 Presumption of benefit.
161F.2 Board of supervisors to establish districts — strip coal mining.
161F.3 Combination of functions.
161F.4 Old districts combined.
161F.5 Approval of commissioners.
161F.6 Chapters made applicable — definitions.

161F.1 Presumption of benefit.

The conservation of the soil resources of the state of Iowa, the proper control of water resources of the state and the prevention of damage to property and lands through the control of floods, the drainage of surface waters or the protection of lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience and welfare and essential to the economic well-being of the state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.1]
C95, §161F.1

161F.2 Board of supervisors to establish districts — strip coal mining.

The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session to establish, subject to the provisions of this chapter, districts having for their purpose soil conservation and the control of flood waters and to cause to be constructed as hereinafter provided, such improvements and facilities as shall be deemed essential for the accomplishment of the purpose of soil conservation and flood control. Such board shall also have jurisdiction, power and authority at any regular, special or

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adjourned session to establish, in the same manner that the districts hereinabove referred to are established, districts having for their purpose soil conservation in mining areas within the county, and provide that anyone engaged in removing the surface soil over any bed or strata of coal in such district for the purpose of obtaining such coal shall replace the surface soil as nearly as practicable to its original position, and provide that, upon abandonment of such removal operation, all surface soil shall be so replaced. This section shall apply only to surface soil so removed after July 4, 1949, and then only if it is essential for the accomplishment of the purpose of soil conservation and flood control within the purview of this chapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.2]
C95, §161F.2

161F.3 Combination of functions.

Such districts shall have the power to combine in their functions activities affecting soil conservation, flood control and drainage, or any of these objects, singly or in combination with another.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.3]
C95, §161F.3

161F.4 Old districts combined.

If any levee or drainage district or improvement established either by legal proceedings or by private parties shall desire to include in the activities of such district soil conservation or flood control projects, the board upon petition, as for the establishment of an original levee or drainage district, shall establish a new district covering and including such old district and improvement together with any additional lands deemed necessary. All outstanding indebtedness of the old levee or drainage district shall be assessed only against the lands included therein.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.4]
C95, §161F.4

161F.5 Approval of commissioners.

A district shall not be established by a board of supervisors under this chapter unless the organization of the district is approved by the commissioners of a soil and water conservation district established under chapter 161A and which is included all or in part within the district, nor shall a district be established without the approval of the department of natural resources.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.5; 82 Acts, ch 1199, §75, 96]
87 Acts, ch 23, §50
C95, §161F.5

161F.6 Chapters made applicable — definitions.

1. In the organization, operation, and financing of districts established under this chapter, the provisions of chapter 468 shall apply and any procedure provided under chapter 468 in connection with the organization, financing, and operation of any drainage district shall apply to the organization, financing, and operation of districts organized under this chapter.

2. As used in this chapter or chapter 468:

a. *"Drainage"* shall be deemed to include in its meaning soil erosion and flood control or any combination of drainage, flood control, and soil erosion control.

b. *"Drainage certificates"* or *"drainage bonds"* shall be deemed to include certificates or bonds issued in behalf of any district organized under the provisions of this chapter.

c. *"Drainage district"* shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467C.6]
C95, §161F.6
2009 Acts, ch 133, §69

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CHAPTER 161G

MISSISSIPPI RIVER BASIN HEALTHY WATERSHEDS INITIATIVE

161G.1 Definitions.
161G.2 Mississippi river basin healthy watersheds initiative fund.
161G.3 Mississippi river basin healthy watersheds initiative.

161G.1 Definitions.

1. *"Department"* means the department of agriculture and land stewardship.
2. *"Fund"* means the Mississippi river basin healthy watersheds initiative fund created pursuant to section 161G.2.

2010 Acts, ch 1191, §21

161G.2 Mississippi river basin healthy watersheds initiative fund.

1. A Mississippi river basin healthy watersheds initiative fund is created within the department.
2. The fund is composed of money appropriated by the general assembly to the fund and moneys available to and obtained or accepted by the department from the United States, the state, or any other source for placement in the fund.
3. The fund shall be used by the department to support the Mississippi river basin healthy watersheds initiative as provided in section 161G.3.
4. The moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2010 Acts, ch 1191, §22
Referred to in §161G.1

161G.3 Mississippi river basin healthy watersheds initiative.

1. The department shall implement a voluntary program to assist in improving the health of the Mississippi river basin, including water quality and wildlife habitat.
2. The department shall implement the program consistent with requirements of the United States department of agriculture in its administration of the Mississippi river basin healthy watersheds initiative.
3. To the extent allowed by the United States department of agriculture, the department of agriculture and land stewardship may do all of the following:

a. Provide for conservation systems that manage and optimize nitrogen and phosphorus within fields to minimize runoff and reduce downstream nutrient loading.

b. Assist agricultural producers with a system of practices that will control soil erosion, improve soil quality, restore and enhance wildlife habitat, and manage runoff and drainage water for improved water quality.

c. Avoid, control, and trap nutrient runoff and maintain agricultural productivity.

d. Partner with landowners to implement a range of land stewardship practices, including but not limited to conservation tillage, nutrient management, and other innovative practices.

2010 Acts, ch 1191, §23; 2012 Acts, ch 1023, §26
Referred to in §161G.2

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SUBTITLE 2

ANIMAL INDUSTRY

Referred to in §159.1, 159.5

CHAPTER 162

CARE OF ANIMALS IN COMMERCIAL ESTABLISHMENTS

Referred to in §717B.2, 717B.3, 717B.3A, 717B.8, 717F.4

162.1 Purpose and scope.
162.2 Definitions.
162.2A Application, issuance, and renewal of authorizations.
162.2B Fees.
162.2C Commercial establishment fund.
162.3 Operation of a pound — certificate of registration.
162.4 Operation of an animal shelter — certificate of registration.
162.4A Operation of a research facility — certificate of registration.
162.5 Operation of a pet shop — state license.
162.5A Operation of a boarding kennel — state license.
162.6 Operation of a commercial kennel — state license.
162.7 Operation of a dealer — state license or permit.
162.8 Operation of a commercial breeder — state license or permit.
162.9 Boarding kennel operator's license. Repealed by 2010 Acts, ch 1030, §26, 29.
162.9A Operation of a public auction — state license or permit.
162.10 Qualified research facilities — adoption program.
162.10A Commercial establishments — standard of care.
162.10B Commercial establishments — inspecting state licensees and registrants.
162.10C Commercial establishments — monitoring permittees.
162.10D Commercial establishments — disciplinary actions.
162.11 Exceptions.
162.12 Denial or revocation of license or registration.
162.12A Civil penalties.
162.13 Criminal penalties — confiscation.
162.14 Custody by animal warden.
162.15 Violation by animal warden.
162.16 Rules.
162.17 Reserved.
162.18 Fees. Repealed by 2010 Acts, ch 1030, §26, 29.
162.19 Abandoned animals destroyed.
162.20 Sterilization.

162.1 Purpose and scope.

1. The purpose of this chapter is to accomplish all of the following:

a. Ensure that all dogs and cats handled by commercial establishments are provided with humane care and treatment.

b. Regulate the transportation, sale, purchase, housing, care, handling, and treatment of dogs and cats by persons engaged in transporting, buying, or selling them.

c. Provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

d. Authorize the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.

e. Protect the public from zoonotic disease.

2. This chapter does not apply to livestock as defined in section 717.1 or any other agricultural animal used in agricultural production as provided in chapter 717A.

[C75, 77, 79, 81, §162.1]

96 Acts, ch 1034, §7; 2010 Acts, ch 1030, §1, 29; 2021 Acts, ch 76, §40

Referred to in §162.11

162.2 Definitions.

As used in this chapter, except as otherwise expressly provided:

1. *"Adequate feed"* means the provision at suitable intervals of not more than twenty-four

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hours or longer if the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.

2. *"Adequate water"* means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four hours at any interval.

3. *"Animal shelter"* means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

4. *"Animal warden"* means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

5. *"Animal Welfare Act"* means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.

6. *"Authorization"* means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.

7. *"Boarding kennel"* means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a consideration.

8. *"Commercial breeder"* means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder.

9. *"Commercial establishment"* or *"establishment"* means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

10. *"Commercial kennel"* means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.

11. *"Dealer"* means any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats, or both, as a principal or agent, or who claims to be so engaged.

12. *"Department"* means the department of agriculture and land stewardship.

13. *"Euthanasia"* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

14. *"Federal license"* means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.

15. *"Federal licensee"* means a person to whom a federal license as a dealer or exhibitor is issued.

16. *"Housing facilities"* means any room, building, or area used to contain a primary enclosure or enclosures.

17. *"Permittee"* means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.

18. *"Person"* means person as defined in chapter 4.

19. *"Pet shop"* means a facility where vertebrate animals, excluding fish, not born and reared on the facility's premises are bought, sold, exchanged, or offered for sale or exchange to the public, at retail. *"Pet shop"* does not include a facility if one of the following applies:

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a. The facility receives less than one thousand dollars from the sale or exchange of vertebrate animals, excluding fish, during a twelve-month period.

b. The facility sells or exchanges less than twelve vertebrate animals, excluding fish, during a twelve-month period.

20. *"Pound"* means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

21. *"Primary enclosure"* means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, or compartment.

22. *"Public auction"* means any place or location where dogs or cats, or both, are sold at auction to the highest bidder regardless of whether the dogs or cats are offered as individuals, as a group, or by weight.

23. *"Registrant"* means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.

24. *"Research facility"* means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

25. *"State fiscal year"* means the fiscal year described in section 3.12.

26. *"State licensee"* means any of the following:

a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.

b. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to section 162.2A.

27. *"Vertebrate animal"* means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

[C75, 77, 79, 81, §162.2]

86 Acts, ch 1245, §611; 88 Acts, ch 1186, §1 – 4; 92 Acts, ch 1094, §1; 92 Acts, ch 1212, §6; 95 Acts, ch 43, §4; 2005 Acts, ch 3, §40; 2009 Acts, ch 133, §70; 2010 Acts, ch 1030, §2, 3, 29; 2023 Acts, ch 64, §24; 2023 Acts, ch 154, §1; 2024 Acts, ch 1177, §17

Referred to in §162.11, 162.20, 165B.5, 169.5, 351.37, 351.45, 351.46, 717.1A, 717.2, 717.5, 717A.1, 717B.1, 717B.2, 717B.3, 717B.3A, 717B.4, 717B.8, 717D.3, 717F.2, 717F.7, 717F.10

Further definitions, see §159.1

162.2A Application, issuance, and renewal of authorizations.

1. The department shall provide for the operation of a commercial establishment by issuing or renewing an authorization, including any of the following:

a. A certificate of registration for a pound, animal shelter, or research facility.

b. A state license for a boarding kennel, commercial kennel, or pet shop.

c. A state license or permit for a commercial breeder, dealer, or public auction. A federal licensee must apply for and be issued either a permit or a state license in lieu of a permit.

2. A person must be issued a separate state license, certificate of registration, or permit for each commercial establishment owned or operated by the person.

3. A person must apply for the issuance or renewal of an authorization on forms and according to procedures required by rules adopted by the department. The application shall contain information required by the department, including but not limited to all of the following:

a. The person's name.

b. The person's principal office or place of business.

c. The name, address, and type of establishment covered by the authorization.

4. The authorization expires on an annual basis as provided by the department, and must be renewed by the commercial establishment on an annual basis on or before the authorization's expiration date.

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5. *a.* A commercial establishment applying for the issuance or renewal of a permit shall provide the department with proof that the person is a federal licensee.

b. The department shall not require that it must enter onto the premises of a commercial establishment in order to issue a permit. The department shall not require that it must enter onto the premises of a commercial establishment in order to renew a permit, unless it has reasonable cause to monitor the commercial establishment as provided in section 162.10C.

2010 Acts, ch 1030, §4, 29; 2023 Acts, ch 154, §2
Referred to in §162.2, 162.3, 162.4, 162.4A, 162.5, 162.5A, 162.6, 162.7, 162.8, 162.9A, 162.11, 162.13, 717B.1, 717F.1

162.2B Fees.

The department shall establish, assess, and collect fees as provided in this section.

1. A commercial establishment shall pay authorization fees to the department for the issuance or renewal of a certificate of registration, state license, or permit.

a. For the issuance or renewal of a certificate of registration, seventy-five dollars.

b. For the issuance or renewal of a state license or permit, one hundred seventy-five dollars.

2. The department shall retain all fees that it collects under this section for the exclusive purpose of administering and enforcing the provisions of this chapter. The fees shall be considered appropriated receipts as defined in section 8.2. The general assembly shall appropriate moneys to the department each state fiscal year necessary for the administration and enforcement of this chapter.

2010 Acts, ch 1030, §5, 29; 2024 Acts, ch 1177, §18; 2024 Acts, ch 1185, §145
Referred to in §162.2C, 162.11

162.2C Commercial establishment fund.

1. A commercial establishment fund is created in the state treasury under the management and control of the department.

2. The fund shall include moneys collected by the department in fees as provided in section 162.2B and moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the department and shall be used exclusively to carry out the provisions of this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

2010 Acts, ch 1191, §25, 26

162.3 Operation of a pound — certificate of registration.

A pound shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. A pound may sell dogs or cats under its control if sales are allowed by the department. The pound shall maintain records as required by the department in order for the department to ensure the pound's compliance with the provisions of this chapter.

[C75, 77, 79, 81, §162.3]

88 Acts, ch 1186, §5; 88 Acts, ch 1272, §12; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §6, 29

162.4 Operation of an animal shelter — certificate of registration.

An animal shelter shall only operate pursuant to a certificate of registration issued or renewed by the department as provided in section 162.2A. An animal shelter may sell dogs or cats if sales are allowed by the department. The animal shelter facility shall maintain records as required by the department in order for the department to ensure the animal shelter's compliance with the provisions of this chapter.

[C75, 77, 79, 81, §162.4]

88 Acts, ch 1186, §6; 2010 Acts, ch 1030, §7, 29

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162.4A Operation of a research facility — certificate of registration.

A research facility shall only operate pursuant to a certificate of registration issued by the department as provided in section 162.2A. The research facility shall maintain records as required by the department in order for the department to ensure the research facility's compliance with the provisions of this chapter. A research facility shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §8, 29

Referred to in §717F.1

162.5 Operation of a pet shop — state license.

A pet shop shall only operate pursuant to a state license issued or renewed by the department pursuant to section 162.2A. The pet shop shall maintain records as required by the department in order for the department to ensure the pet shop's compliance with the provisions of this chapter. A pet shop shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.5]

88 Acts, ch 1186, §7; 88 Acts, ch 1272, §13; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §9, 29

Referred to in §717E.3

162.5A Operation of a boarding kennel — state license.

A boarding kennel shall only operate pursuant to a state license issued by the department as provided in section 162.2A. The boarding kennel shall maintain records as required by the department in order for the department to ensure the boarding kennel's compliance with the provisions of this chapter. A boarding kennel shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §10, 29

162.6 Operation of a commercial kennel — state license.

A commercial kennel shall only operate pursuant to a state license issued or renewed by the department as provided in section 162.2A. A commercial kennel shall maintain records as required by the department in order for the department to ensure the commercial kennel's compliance with the provisions of this chapter. A commercial kennel shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.6]

88 Acts, ch 1186, §8; 88 Acts, ch 1272, §14; 89 Acts, ch 15, §1; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §11, 29

162.7 Operation of a dealer — state license or permit.

A dealer shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A dealer who is a state licensee shall maintain records as required by the department in order for the department to ensure compliance with the provisions of this chapter. A dealer who is a permittee may but is not required to maintain records. A dealer shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.7]

88 Acts, ch 1186, §9; 88 Acts, ch 1272, §15; 89 Acts, ch 15, §2; 89 Acts, ch 296, §17; 2010 Acts, ch 1030, §12, 29

Referred to in §162.11

162.8 Operation of a commercial breeder — state license or permit.

A commercial breeder shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A commercial breeder

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who is a state licensee shall maintain records as required by the department in order for the department to ensure the commercial breeder's compliance with the provisions of this chapter. A commercial breeder who is a permittee may but is not required to maintain records. A commercial breeder shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

[C75, 77, 79, 81, §162.8]

88 Acts, ch 1186, §10; 88 Acts, ch 1272, §16; 89 Acts, ch 296, §18; 2010 Acts, ch 1030, §13, 29

Referred to in §162.11

162.9 Boarding kennel operator's license. Repealed by 2010 Acts, ch 1030, §26, 29. See §162.5A.

162.9A Operation of a public auction — state license or permit.

A public auction shall only operate pursuant to a state license, or a permit, issued or renewed by the department as provided in section 162.2A. A public auction which is a state licensee shall maintain records as required by the department in order for the department to ensure the public auction's compliance with the provisions of this chapter. A public auction which is a permittee may but is not required to maintain records. A public auction shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter or a similar authorization issued or renewed by another state.

2010 Acts, ch 1030, §14, 29

Referred to in §162.11

162.10 Qualified research facilities — adoption program.

1. As used in this section, unless the context otherwise requires:

a. "Animal rescue organization" means a person other than an animal shelter operating on a nonprofit basis to place unwanted, abandoned, abused, or stray dogs or cats in permanent adopted homes as provided by rules adopted by the department.

b. (1) *"Qualified research facility"* means a research facility, including but not limited to a regents institution, that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose; and that receives moneys from the state or federal government.

(2) *"Qualified research facility"* includes a research facility that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, in collaboration with a research facility described in subparagraph (1).

c. "Retired animal" means a dog or cat confined at a qualified research facility, if the dog or cat has been previously used for research, education, testing, or another scientific purpose; and the dog or cat is no longer required to be confined by the qualified research facility for any of those purposes.

2. A qualified research facility shall establish an adoption program for retired animals confined at the qualified research facility for placement in a permanent adoptive home. In order to be eligible for adoption under the program, the retired animal must have no substantial medical condition, and pose no safety risk to the public, that would prevent the dog's or cat's successful integration into a permanent adoptive home.

3. Once a dog or cat becomes a retired animal and is eligible for adoption under the adoption program, the qualified research facility must do at least one of the following:

a. Offer to transfer ownership and custody of the retired animal to an animal shelter or animal rescue organization to facilitate the transfer of ownership and custody of the retired animal to a person for placement into the person's permanent adoptive home. A qualified research facility must enter into an agreement with one or more animal shelters or animal rescue organizations electing to participate in the program.

b. Offer to transfer ownership and custody of the retired animal to a person for private placement in the person's permanent adoptive home according to an arrangement agreed to by the qualified research facility and the person.

2022 Acts, ch 1072, §1

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162.10A Commercial establishments — standard of care.

1. *a.* A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:

(1) Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering.

(2) Veterinary care.

b. A commercial establishment, other than a research facility or pet shop, shall provide for the standard of care for dogs and cats in its possession or under its control, and a research facility or pet shop shall provide for the standard of care for vertebrate animals in its possession or under its control.

2. *a.* Except as provided in paragraph *"b"*, a commercial establishment shall comply with rules that the department adopts to implement subsection 1. A commercial establishment shall be regulated under this paragraph *"a"* unless the person is a permittee as provided in paragraph *"b"*.

b. A permittee is not required to comply with rules that the department adopts to implement a standard of care as provided in subsection 1 for state licensees and registrants. The department may adopt rules regulating a standard of care for a permittee, so long as the rules are not more restrictive than required for a permittee under the Animal Welfare Act. However, the department may adopt prescriptive rules relating to the standard of care. Regardless of whether the department adopts such rules, a permittee meets the standard of care required in subsection 1 if it voluntarily complies with rules applicable to state licensees or registrants. A finding by the United States department of agriculture that a permittee complies with the Animal Welfare Act is not conclusive when determining that the permittee provides a standard of care required in subsection 1.

3. A commercial establishment fails to provide for a standard of care as provided in subsection 1 if the commercial establishment commits abuse as described in section 717B.2, neglect as described in section 717B.3, or torture as provided in section 717B.3A.

2010 Acts, ch 1030, §15, 29; 2024 Acts, ch 1177, §19

Referred to in §162.10C, 162.11, 162.12A, 162.13, 717B.2, 717B.3, 717B.3A

162.10B Commercial establishments — inspecting state licensees and registrants.

The department may inspect the commercial establishment of a registrant or state licensee by entering onto its business premises at any time during normal working hours. The department may inspect records required to be maintained by the state licensee or registrant as provided in this chapter. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

2010 Acts, ch 1030, §16, 29

162.10C Commercial establishments — monitoring permittees.

1. The department may monitor the commercial establishment of a permittee by entering onto its business premises at any time during normal working hours. The department shall monitor the commercial establishment for the limited purpose of determining whether the permittee is providing for a standard of care required for permittees under section 162.10A. If the owner or person in charge of the commercial establishment refuses admittance, the department may obtain an administrative search warrant issued under section 808.14.

2. In order to enter onto the business premises of a permittee's commercial establishment, the department must have reasonable cause to suspect that the permittee is not providing for the standard of care required for permittees under section 162.10A. Reasonable cause must be supported by any of the following:

a. An oral or written complaint received by the department by a person. The complainant must provide the complainant's name and address and telephone number. Notwithstanding chapter 22, the department's record of a complaint is confidential, unless any of the following apply:

(1) The results of the monitoring are used in a contested case proceeding as provided in chapter 17A or in a judicial proceeding.

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(2) The record is sought in discovery in any administrative, civil, or criminal case.

(3) The department's record of a complaint is filed by a person other than an individual.

b. A report prepared by a person employed by the United States department of agriculture that requires a permittee to take action necessary to correct a breach of standard of care required of federal licensees by the Animal Welfare Act or of permittees by section 162.10A. The department is not required to dedicate any number of hours to viewing or analyzing such reports.

3. When carrying out this section, the department may cooperate with the United States department of agriculture. The department shall report any findings resulting in an enforcement action under section 162.10D to the United States department of agriculture.

2010 Acts, ch 1030, §17, 29
Referred to in §162.2A, 162.11

162.10D Commercial establishments — disciplinary actions.

1. The department may take disciplinary action against a person by suspending or revoking the person's authorization for violating a provision of this chapter or chapter 717B, or who commits an unlawful practice under section 714.16.

2. The department may require an owner, operator, or employee of a commercial establishment subject to disciplinary action under subsection 1 to complete a continuing education program as a condition for retaining an authorization. This section does not prevent a person from voluntarily participating in a continuing education program.

3. The department shall administer the continuing education program by either providing direct instruction or selecting persons to provide such instruction. The department is not required to compensate persons for providing the instruction, and may require attendees to pay reasonable fees necessary to compensate the department providing the instruction or a person selected by the department to provide the instruction. The department shall, to every extent possible, select persons to provide the instruction by consulting with organizations that represent commercial establishments, including but not limited to the Iowa pet breeders association.

4. The department shall establish the criteria for a continuing education program which shall include at least three and not more than eight hours of instruction. The department shall provide for the program's beginning and ending dates. However, a person must complete the program in twelve months or less.

2010 Acts, ch 1030, §18, 29; 2010 Acts, ch 1193, §41, 80
Referred to in §162.10C, 162.11, 162.13

162.11 Exceptions.

1. This chapter does not apply to a federal licensee except as provided in the following:

a. Section 162.1, subsection 2, and sections 162.2, 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

b. Section 162.1, subsection 1, but only to the extent required to implement sections described in paragraph *"a"*.

c. Section 162.16 but only to the extent required to implement sections described in paragraph *"a"*.

2. This chapter does not apply to a place or establishment which operates under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, hospitalized, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine. However, if animals are accepted by such a place, establishment, or hospital for boarding or grooming for a consideration, the place, establishment, or hospital is subject to the licensing or registration requirements applicable to a boarding kennel or commercial kennel under this chapter and the rules adopted by the secretary.

3. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials,

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or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding.

[C75, 77, 79, 81, §162.11]

88 Acts, ch 1186, §13; 2010 Acts, ch 1030, §19, 20, 29

162.12 Denial or revocation of license or registration.

A certificate of registration may be denied to any animal shelter, pound, or research facility and a state license may be denied to any public auction, boarding kennel, commercial kennel, pet shop, commercial breeder, or dealer, or an existing certificate of registration or state license may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under this chapter or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, research facility, or those practices by the commercial breeder or dealer, are not in compliance with this chapter or with the rules adopted pursuant to this chapter. The premises of each registrant or state licensee shall be open for inspection during normal business hours.

[C75, 77, 79, 81, §162.12]

88 Acts, ch 1186, §14; 2010 Acts, ch 1030, §21, 29

Referred to in §717F.7

162.12A Civil penalties.

The department shall establish, impose, and assess civil penalties for violations of this chapter. The department may by rule establish a schedule of civil penalties for violations of this chapter. All civil penalties collected under this section shall be deposited into the general fund of the state.

1. *a.* A commercial establishment that operates pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than five hundred dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Except as provided in paragraph "*b*", each day that a violation continues shall be deemed a separate offense.

b. This paragraph applies to a commercial establishment that violates a standard of care involving housing as provided in section 162.10A. The departmental official who makes a determination that a violation exists shall provide a corrective plan to the commercial establishment describing how the violation will be corrected within a compliance period of not more than fifteen days from the date of approval by the official of the corrective plan. The civil penalty shall not exceed five hundred dollars for the first day of the violation. After that day, the department shall not impose a civil penalty for the violation during the compliance period. The department shall not impose an additional civil penalty, unless the commercial establishment fails to correct the violation by the end of the compliance period. If the commercial establishment fails to correct the violation by the end of the compliance period, each day that the violation continues shall be deemed a separate offense.

2. A commercial establishment that does not operate pursuant to an authorization issued or renewed under this chapter is subject to a civil penalty of not more than one thousand dollars, regardless of the number of animals possessed or controlled by the commercial establishment, for violating this chapter. Each day that a violation continues shall be deemed a separate offense.

2010 Acts, ch 1030, §22, 29

Referred to in §162.11

162.13 Criminal penalties — confiscation.

1. A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.

2. The failure of a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed as provided

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by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.

3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation of the person's authorization as provided in section 162.10D.

4. Dogs, cats, and other vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.

5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this subsection is a separate offense.

[C75, 77, 79, 81, §162.13]

83 Acts, ch 149, §1; 88 Acts, ch 1186, §15; 94 Acts, ch 1103, §1; 2010 Acts, ch 1030, §23, 29
Referred to in §162.11

162.14 Custody by animal warden.

An animal warden, upon taking custody of any animal in the course of the warden's official duties, shall immediately make a record of the matter in the manner prescribed by the secretary and the record shall include a complete description of the animal, reason for seizure, location of seizure, the owner's name and address if known, and all license or other identification numbers, if any. Complete information relating to the disposition of the animal shall be added in the manner provided by the secretary immediately after disposition.

[C75, 77, 79, 81, §162.14]

162.15 Violation by animal warden.

Violation of any provision of this chapter which relates to the seizing, impoundment, and custody of an animal by an animal warden shall constitute a simple misdemeanor and each animal handled in violation shall constitute a separate offense.

[C75, 77, 79, 81, §162.15]

162.16 Rules.

The department shall adopt rules and promulgate forms necessary to administer and enforce the provisions of this chapter.

[C75, 77, 79, 81, §162.16]

2010 Acts, ch 1030, §24, 29
Referred to in §162.11

162.17 Reserved.

162.18 Fees. Repealed by 2010 Acts, ch 1030, §26, 29.

162.19 Abandoned animals destroyed.

1. Whenever any animal is left with a veterinarian, boarding kennel or commercial kennel pursuant to a written agreement and the owner does not claim the animal by the agreed date, the animal shall be deemed abandoned, and a notice of abandonment and its consequences shall be sent within seven days by certified mail to the last known address of the owner. For fourteen days after mailing of the notice the owner shall have the right to reclaim the animal upon payment of all reasonable charges, and after the fourteen days the owner shall be deemed to have waived all rights to the abandoned animal. If despite diligent effort an owner cannot be found for the abandoned animal within another seven days, the veterinarian, boarding kennel, or commercial kennel may humanely destroy the abandoned animal.

2. Each veterinarian, boarding kennel or commercial kennel shall warn its patrons of the provisions of this section by a conspicuously posted notice or by conspicuous type in a written receipt.

[C77, 79, 81, §162.19]

2021 Acts, ch 76, §150

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162.20 Sterilization.

1. A pound or animal shelter shall not transfer ownership of a dog or cat by sale or adoption, unless the dog or cat is subject to sterilization. The sterilization shall involve a procedure which permanently destroys the capacity of a dog or cat to reproduce, either by the surgical removal or alteration of its reproductive organs, or by the injection or ingestion of a serum. The pound or animal shelter shall not relinquish custody until it provides for one of the following:

a. Sterilization performed by a veterinarian licensed pursuant to chapter 169.

b. The execution of an agreement with a person intended to be the permanent custodian of the dog or cat. The agreement must provide that the custodian shall have the dog or cat sterilized by a veterinarian licensed pursuant to chapter 169.

2. The pound or animal shelter maintaining custody of the dog or cat may require that a person being transferred ownership of the dog or cat reimburse the pound or animal shelter for the amount in expenses incurred by the pound or animal shelter in sterilizing the dog or cat, if the dog or cat is sterilized prior to the transfer of ownership of the dog or cat to the person.

3. *a.* The sterilization agreement may be on a form which shall be prescribed by the department. The agreement shall contain the signature and address of the person receiving custody of the dog or cat, and the signature of the representative of the pound or animal shelter.

b. The sterilization shall be completed as soon as practicable, but prior to the transfer of the ownership of the dog or cat by the pound or animal shelter. The pound or animal shelter may grant an extension of the period required for the completion of the sterilization if the extension is based on a reasonable determination by a licensed veterinarian.

c. A pound or animal shelter shall transfer ownership of a dog or cat, conditioned upon the confirmation that the sterilization has been completed by a licensed veterinarian who performed the procedure. The confirmation shall be a receipt furnished by the office of the attending veterinarian.

d. A person who fails to satisfy the terms of the sterilization agreement shall return the dog or cat within twenty-four hours following receipt of a demand letter which shall be delivered to the person by the pound or animal shelter personally or by certified mail.

4. *a.* A person who does not comply with the provisions of a sterilization agreement is guilty of a simple misdemeanor.

b. A person who fails to return a dog or cat upon receipt of a demand letter is guilty of a simple misdemeanor.

c. A pound or animal shelter which knowingly fails to provide for the sterilization of a dog or cat is subject to a civil penalty of up to two hundred dollars. The department may enforce and collect civil penalties according to rules which shall be adopted by the department. Each violation shall constitute a separate offense. Moneys collected from civil penalties shall be deposited into the general fund of the state and are appropriated on July 1 of each year in equal amounts to each track licensed to race dogs to support the racing dog adoption program as provided in section 99D.27. Upon the third offense, the department may suspend or revoke a certificate of registration issued to the pound or animal shelter pursuant to this chapter. The department may bring an action in district court to enjoin a pound or animal shelter from transferring animals in violation of this section. In bringing the action, the department shall not be required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, that irreparable damage or loss will result if the action is brought at law, or that unique or special circumstances exist.

5. This section shall not apply to the following:

a. The return of a dog or cat to its owner by a pound or animal shelter.

b. The transfer of a dog or cat by a pound or animal shelter which has obtained an enforcement waiver issued by the department. The pound or shelter may apply for an annual waiver each year as provided by rules adopted by the department. The department shall grant a waiver, if it determines that the pound or animal shelter is subject to an ordinance by a city or county which includes stricter requirements than provided in this section. The

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department shall not charge more than ten dollars as a waiver application fee. The fees collected by the department shall be deposited in the general fund of the state.

c. The transfer of a dog or cat to a research facility as defined in section 162.2 or a person licensed by the United States department of agriculture as a class B dealer pursuant to 9 C.F.R. ch. 1, subch. A, pt. 2. However, a class B dealer who receives an unsterilized dog or cat from a pound or animal shelter shall either sterilize the dog or cat or transfer the unsterilized dog or cat to a research facility provided in this paragraph. The class B dealer shall not transfer a dog to a research facility if the dog is a greyhound registered with the national greyhound association and the dog raced at a track associated with pari-mutuel racing unless the class B dealer receives written approval of the transfer from a person who owned an interest in the dog while the dog was racing.

93 Acts, ch 134, §1; 2008 Acts, ch 1058, §16; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1023, §27

CHAPTER 163

INFECTIOUS AND CONTAGIOUS DISEASES AMONG ANIMALS

Referred to in §159.5, 159.6, 165B.2, 166A.4

Definitions applicable to chapter; see §159.1

SUBCHAPTER I

GENERAL PROVISIONS

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SUBCHAPTER I

GENERAL PROVISIONS

PART 1

ADMINISTRATION AND ENFORCEMENT, GENERAL DEFINITIONS, AND RULES

163.1 Powers of department.

The department shall administer and enforce the provisions of this chapter and rules adopted by the department pursuant to this chapter. In administering the provisions of this chapter, the department shall have power to do all of the following:

1. Provide for quarantining animals afflicted with an infectious or contagious disease, or that have been exposed to such disease, whether within or without the state.

2. Determine and employ the most efficient and practical means for the identification and control of an infectious or contagious disease afflicting animals that may threaten or actually threatens animals in this state.

3. Establish, maintain, enforce, and regulate quarantine and other measures relating to the movement and care of animals that may be exposed or afflicted with an infectious or contagious disease.

4. Provide for the disinfection of suspected yards, buildings, or articles, and for the destruction of animals as may be deemed necessary by the department.

5. Enter any place where any animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is exposed to or afflicted with an infectious or contagious disease.

6. Regulate or prohibit the arrival in, departure from, and passage through the state of animals exposed to or afflicted with an infectious or contagious disease; and in case of a violation of any such regulation or prohibition, to detain any animal at the owner's expense.

7. Regulate or prohibit the movement of animals into the state which, in the department's determination, for any reason, may be detrimental to the health of animals in the state.

8. Lease facilities in order to carry out and administer the provisions of this chapter related

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to an infectious or contagious disease or a foreign animal disease preparedness and response effort.

9. Cooperate with and arrange for assistance from the United States department of agriculture in performing its duties under this chapter.

10. Impose civil penalties as provided in this chapter. The department may refer cases for prosecution to the attorney general.

[S13, §2538-s; C24, 27, 31, 35, 39, §**2643;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.1]

91 Acts, ch 32, §1; 2001 Acts, ch 136, §1; 2004 Acts, ch 1163, §1; 2025 Acts, ch 134, §29, 30; 2026 Acts, ch 1139, §18

NEW subsection 8 and former subsections 8 and 9 renumbered as 9 and 10

163.2 General definitions.

As provided in this chapter, unless the context otherwise requires:

1. *"Certificate of veterinary inspection"* or *"certificate"* means a legible record, made on an official form of the state of origin or the animal and plant health inspection service of the United States department of agriculture, and issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the animal and plant health inspection service, which shows that an animal listed on the form meets the health requirements of the state of destination.

2. *"Control"* means the prevention, suppression, or eradication of an infectious or contagious disease afflicting an animal within the state.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Foot and mouth disease"* means a virus of the family picornaviridae, genus aphthovirus, including any immunologically distinct serotypes.

5. *"Infectious or contagious disease"* means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, classical swine fever, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, pseudorabies as provided in chapter 166D, or any other transmissible, transferable, or communicable disease so designated by the department.

6. *"Move"* or *"movement"*, except as provided in subchapter III, means to ship, transport, or deliver an animal.

[C24, 27, 31, 35, 39, §**2644;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.2]

2001 Acts, ch 170, §1, 3; 2004 Acts, ch 1089, §1; 2004 Acts, ch 1163, §2; 2009 Acts, ch 133, §202; 2011 Acts, ch 84, §1, 5; 2012 Acts, ch 1095, §34

Referred to in §163A.1, 164.1, 165.1A, 166A.1, 166D.2, 172E.2, 670.4, 717A.2

163.2A Rules.

1. The department shall adopt rules pursuant to chapter 17A to administer and enforce this chapter.

2. If the department determines that rules described in subsection 1 are required to be adopted and take effect on an emergency basis to prevent or control the outbreak of an infectious or contagious disease afflicting animals, the department may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph *"b"*, to administer and enforce this chapter. The rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this subsection shall also be published as a notice of intended action as provided in section 17A.4.

2025 Acts, ch 134, §31, 32

Former §163.2A transferred to §163.3; 2025 Acts, ch 134, §32

163.2B Confidentiality.

1. Notwithstanding section 22.7, all information and records relating to an infectious or contagious disease received or collected by the department pursuant to this chapter, including rules adopted under this chapter by the department, is confidential to the extent it identifies any of the following:

a. The name, address, and contact information of any person owning or caring for an animal suspected of or being affected with any infectious or contagious disease.

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b. Any location where an animal suspected of or being affected with any infectious or contagious disease has been kept.

c. Information that when considered together leads to the identity of a person described in paragraph *"a"* or a location or premises described in paragraph *"b"*.

2. Notwithstanding subsection 1, the department, in acting as the lawful custodian of the confidential record, may disclose the record or any part of the record if it is deemed necessary by the state veterinarian to protect the public health or the health or well-being of animals within the state.

2026 Acts, ch 1139, §19
NEW section

PART 2

STATEWIDE PREPAREDNESS AND AUTHORIZATION

163.3 Part — definitions.

As used in this part, unless the context otherwise requires:

1. *"Animal"* means any livestock or agricultural animal as defined in section 717A.1.

2. *"Interested person"* means the owner of an animal; a person caring for the animal, if different from the owner of the animal; or a person holding a perfected agricultural lien or security interest in the animal under chapter 554.

2020 Acts, ch 1036, §1, 16
C2021, §163.2A
2025 Acts, ch 134, §32
C2026, §163.3

163.3A Veterinary emergency preparedness and response.

1. The department may provide veterinary emergency preparedness and response services necessary to prevent or control a serious threat to the public health, public safety, or the state's economy caused by the transmission of disease among animals. The services may include measures necessary to ensure that all such animals carrying disease are properly identified, segregated, treated, or destroyed as provided in this Code.

2. The services shall be performed under the direction of the department and may be part of measures authorized by the governor under a declaration or proclamation issued pursuant to chapter 29C. In such case, the department shall cooperate with the department of health and human services under chapter 135, the department of homeland security and emergency management, and local emergency management agencies as provided in chapter 29C.

3. The secretary or the secretary's designee shall appoint veterinarians licensed pursuant to chapter 169 or persons in related professions or occupations who are qualified, as determined by the secretary, to serve on a voluntary basis as members of one or more veterinary emergency response teams. The secretary shall provide for the registration of persons as part of the appointment process. The secretary may cooperate with the Iowa board of veterinary medicine in implementing this section.

4. *a.* A registered member of an emergency response team who acts under the authority of the secretary shall be considered an employee of the state for purposes of defending a claim on account of damage to or loss of property or on account of personal injury or death under chapter 669. The registered member shall be afforded protection under section 669.21. The registered member shall also be considered an employee of the state for purposes of disability, workers' compensation, and death benefits under chapter 85.

b. The department shall provide and update a list of the registered members of each emergency response team, including the members' names and identifying information, to the department of administrative services. Upon notification of a compensable loss suffered by a registered member, the department of administrative services shall seek authorization

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from the executive council to pay as an expense from the appropriations addressed in section 7D.29 those costs associated with covered benefits.

2005 Acts, ch 151, §2; 2011 Acts, ch 131, §27, 158; 2013 Acts, ch 29, §47; 2020 Acts, ch 1036, §3, 16; 2023 Acts, ch 19, §279

Referred to in §163.3C, 163.3D, 163.3F, 163.3G

163.3B Foreign animal disease preparedness and response fund.

1. A foreign animal disease preparedness and response fund is created in the state treasury under the control and management of the department.

2. The fund shall include moneys appropriated by the general assembly credited to the fund. The fund may include other moneys available to and obtained or accepted by the department as provided in section 159.6A, including but not limited to the federal government, other public sources, or private sources.

3. Moneys in the fund are appropriated to the department for the following purposes:

a. Developing, establishing, and implementing a foreign animal disease preparedness and response strategy as described in section 163.3C.

b. Supporting activities related to animal health and disease response that strengthen the state's overall ability to prevent, prepare for, and respond to emerging or reemerging animal diseases, including but not limited to salaries, support, maintenance, and miscellaneous purposes.

4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

2017 Acts, ch 168, §28; 2025 Acts, ch 156, §27

163.3C Foreign animal disease preparedness and response strategy.

1. The department shall develop and establish a foreign animal disease preparedness and response strategy for use by the department in order to prevent, control, or eradicate the transmission of foreign animal diseases among populations of animals. The strategy may be part of the department's veterinary emergency preparedness and response services as provided in section 163.3A. The strategy shall provide additional expertise and resources to increase biosecurity efforts that assist in the prevention of a foreign animal disease outbreak in this state. In developing and establishing the strategy, the department shall consult with interested persons including but not limited to the following:

a. The Iowa cattlemen's association.
b. The Iowa state dairy association.
c. The Iowa pork producers association.
d. The Iowa sheep producers industry association.
e. The Iowa turkey federation.
f. The north central poultry association or its successor organization.
g. The college of veterinary medicine at Iowa state university.
h. The livestock health advisory council created in section 267.2.

2. The department shall implement the foreign animal disease preparedness and response strategy if necessary to prevent, control, or eradicate the transmission and incidence of foreign animal diseases that may threaten or actually threaten animals in this state. In implementing the strategy, the department may utilize emergency response measures as otherwise required under section 163.3A. The department may but is not required to consult with interested persons when implementing the strategy.

3. *a.* In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

(1) The name, address, and contact information of an interested person.
(2) The location of the premises where the animals are kept.
(3) An identification number assigned to the premises where the animals are kept.

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b. The information described in paragraph *"a"* is a confidential record as provided in section 22.7. Nothing in this subsection limits the department in acting as the lawful custodian of the confidential record from disclosing the record or any part of the record to another person if the department determines that such disclosure will assist in implementing, administering, or enforcing the foreign animal disease preparedness and response strategy.

2017 Acts, ch 168, §29; 2020 Acts, ch 1036, §4 – 6, 16; 2021 Acts, ch 149, §3; 2026 Acts, ch 1200, §51

Referred to in §22.7(39A), 163.3B, 163.3F
Subsection 1, paragraph f amended

163.3D Emergency measures — abandoned animals — authorization and seizure.

1. *a.* The department may seize one or more abandoned animals pursuant to an authorization providing emergency measures to prevent or control the transmission of an infectious or contagious disease among any population or species of animals.

b. The authorization must be any of the following:

(1) A declaration or proclamation issued by the governor pursuant to chapter 29C, including as provided in section 163.3A.

(2) An order issued by the secretary or the secretary's designee pursuant to a provision in this subtitle.

(3) Any other provision of law in this subtitle that requires the department to control the transmission of an infectious or contagious disease among a population or species of animals in this state.

c. If there is a conflict between a measure authorized to be taken under paragraph *"a"*, that is less restrictive than the standards or procedures provided in this section, the measures authorized to be taken under paragraph *"a"* shall prevail.

2. The department may appoint veterinary assistants or special assistants as provided in section 163.3G as required to administer this section.

3. It is presumed that an abandoned animal belonging to a species subject to emergency measures as provided in subsection 1 has been exposed to an infectious or contagious disease as provided in the authorization.

4. As part of the seizure of an abandoned animal, the department may take, impound, and retain custody of the animal, including by maintaining the animal in a manner and at a location determined by the department to be reasonable under the emergency circumstances. The department may take action as provided in this subtitle to ensure that all animals exposed to an infectious or contagious disease are properly identified, tested, segregated, treated, or destroyed as provided in this subtitle.

5. *a.* The department may seize an animal if the department has a reasonable suspicion the animal has been abandoned, including by entering onto public or private property or into a private motor vehicle, trailer, or semitrailer parked on public or private property, as provided in this subsection.

b. The department may enter onto private property or into a private motor vehicle, trailer, or semitrailer to seize an abandoned animal if the department obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

c. An abandoned animal shall only be seized by the department pursuant to the following conditions:

(1) The department provides written notice of its abandonment determination to all reasonably identifiable interested persons. The department shall make a good-faith effort to provide the notice to interested persons by regular mail, hand delivery, telephone, electronic mail, or other reasonable means. The notice shall include all of the following:

(a) The name and address of the department.

(b) A description of the animal subject to seizure.

(c) The delivery date of the notice.

(d) A statement informing the interested person that the animal may be seized pursuant to this chapter within one day following the delivery date of the notice. The statement must

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specify a date, time, and location for delivery of the interested person's response designated by the department, as provided in this subsection.

(e) A statement informing the interested person that in order to avoid seizure of the animal, the person must respond to the notice in writing, stating that the animal has not been abandoned and identifying what measures are being taken to care for and manage the animal.

(2) Notwithstanding subparagraph (1), if the department determines that it is not feasible to provide direct notice of its abandonment determination to an interested person, the department shall deliver a constructive notice of the determination to that person by any reasonable manner, which may include posting the notice at or near the place where the animal is located. The department shall also post the constructive notice on the department's internet site.

d. The department may seize the animal if the department fails to receive a written response by the interested person by the end of normal office hours of the next day the department is available to receive the response after written notice of the department's abandonment determination is delivered.

e. Upon a determination by the department that exigent circumstances exist, the department may enter onto private property without a warrant and may seize an abandoned animal, in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

6. If an animal is seized pursuant to this section, the department shall post a notice in a conspicuous place at the location where the animal was seized. The notice shall state the animal has been seized by the department pursuant to this section and at least briefly describe where and when the animal was seized, the species and number of animals seized, and that a dispositional proceeding is to be conducted pursuant to section 163.3E.

2020 Acts, ch 1036, §7, 16
Referred to in §163.3E, 163.3F, 459.501

163.3E Emergency measures — abandoned animals — dispositional proceeding.

1. *a.* The department shall file a petition with the district court for the disposition of an animal seized pursuant to section 163.3D as soon as practicable.

b. The court shall notify the department and all interested persons of the dispositional proceeding in a manner determined reasonable by the court. The court shall hear the matter within twenty-four hours from the time the department's petition is filed. The court may grant a continuance by a motion of the department or upon petition by an interested person. However, the interested person shall post a bond or other security with the department in an amount determined by the court, which shall not be more than the amount sufficient to provide for the maintenance of the animal for the duration of the continuance.

2. Upon a determination by the department that exigent circumstances exist, the dispositional proceeding may be conducted by an administrative law judge in the same manner as an emergency adjudicative proceeding pursuant to section 17A.18A. The administrative law judge shall notify the department and all interested persons of the dispositional proceeding in a manner determined reasonable by the administrative law judge given the circumstances in the case. The procedures provided in this section may be supplemented or modified by a declaration or proclamation issued by the governor or an order issued by the secretary or the secretary's designee pursuant to section 163.3D.

3. *a.* A court or administrative law judge shall issue an order for the disposition of the animal after making any of the following determinations:

(1) That no interested person holds a legal interest in the seized animal. In that case, the animal shall be deemed abandoned and the order shall extinguish all prior legal interests in the animal. The order shall grant an undivided ownership interest in the animal free from any security interest or other agricultural lien or encumbrance to the department.

(2) That an interested person holds a legal interest in the seized animal, and the department has reasonable suspicion to believe that the animal has been exposed to an infectious or contagious disease. In that case, the order shall provide for the disposition of

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the animal in the same manner as if the department had identified the animal as having been exposed to the infectious or contagious disease under the authorization provided in section 163.3D.

(3) That a person holds a legal interest in the seized animal, and there is no reasonable suspicion that the seized animal has been exposed to an infectious or contagious disease. In that case, the order shall direct the department to transfer custody of the animal to the interested person. In the event the animal is returned to the interested person, the department shall not be subject to any claim for damages caused by the seizure if the department's actions were taken pursuant to the department's emergency efforts to establish and maintain quarantine in response to a disease outbreak, as set forth in section 669.14, subsection 3.

b. A reasonable suspicion asserted by the department may be based on any credible evidence that shows the animal's possible exposure to an infectious or contagious disease or the animal was abandoned. This paragraph *"b"* does not require the department to conduct a test of an animal to determine whether an animal has been exposed.

c. If two or more interested parties may be transferred custody of an animal by the department pursuant to paragraph *"a"*, subparagraph (3), the court or administrative law judge shall order the department to transfer the animal to the owner or otherwise to the interested person best able to care for the animal without prejudicing the rights of any other interested person. However, in any cause of action brought by an interested person contesting the order to transfer under this subsection, the department shall not be included as a party.

4. *a.* In a dispositional proceeding conducted by a court or administrative law judge under this section, or in a separate cause of action brought by the department against an interested person, the court or administrative law judge may award the department all of the following:

(1) An amount necessary to reimburse the department for expenses incurred in seizing and maintaining an abandoned animal as well as any costs for the disposition of the abandoned animal.

(2) Expenses related to the investigation and adjudication of the case.

b. In a dispositional proceeding conducted by a court under this section, or in a separate cause of action brought by the department against an interested person, the court may award the department court costs and reasonable attorney fees.

c. An award ordered under this subsection shall be paid by an interested party who is transferred a seized animal by the court or administrative law judge, or the owner of the seized animal as determined by the court or administrative law judge. The amount awarded the department shall be subtracted from the proceeds, if any, received by the department from the disposition of the animal. Any amount awarded by a court shall be taxed as part of the costs of the cause of action.

d. If more than one interested person holds a legal interest in the animal, the court or administrative law judge shall calculate the respective contributions of the interested persons based upon the percentage of legal interest in the seized animal held by each interested person. The amount paid to the department shall be sufficient to allow the department to repay the livestock remediation fund as provided in section 459.501 and fully reimburse the department for all costs, fees, and expenses incurred by the department under this section.

2020 Acts, ch 1036, §8, 16
Referred to in §163.3D, 163.3F, 459.501

163.3F Interference with official acts.

1. A person shall not interfere with an official act of the department taken in the performance of a duty to prevent or control the transmission of an infectious or contagious disease among a population or species of animals, if the official act is authorized as part of any of the following:

a. A veterinary emergency preparedness and response service pursuant to section 163.3A.

b. A foreign animal disease preparedness and response strategy pursuant to section 163.3C.

c. An emergency measure pursuant to section 163.3D or 163.3E.

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2. Under this section, an official act of the department may be performed by a departmental employee, or a veterinary or special assistant appointed pursuant to section 163.3G.

2020 Acts, ch 1036, §9, 16
Referred to in §163.61

163.3G Veterinary and special assistants.

The secretary or the secretary's designee may appoint one or more veterinarians licensed pursuant to chapter 169 in each county as assistant veterinarians. The secretary may also appoint one or more special assistants as may be necessary in cases of emergency, including as provided in section 163.3A.

[C24, 27, 31, 35, 39, §**2645;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.3]
2005 Acts, ch 151, §1; 2020 Acts, ch 1036, §2, 14, 16
C2021, §163.3G
Referred to in §163.3D, 163.3F

163.4 Powers of assistants.

Assistant veterinarians shall have power, under the direction of the department, to perform all acts necessary to carry out the provisions of law relating to infectious and contagious diseases among animals, and shall be furnished by the department with the necessary supplies and materials which shall be paid for out of the appropriation for the eradication of infectious and contagious diseases among animals.

[C24, 27, 31, 35, 39, §**2646;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.4]
2014 Acts, ch 1026, §33

163.5 Oaths.

Assistant veterinarians shall have power to administer oaths and affirmations to appraisers acting under this and the following chapters of this subtitle.

[C24, 27, 31, 35, 39, §**2647;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.5]
2014 Acts, ch 1026, §34
Analogous provisions, §63A.2

PART 3

REGULATION

163.6 Slaughter facilities — blood samples.

1. As used in this section, unless the context otherwise requires:

a. "Department" means the department of agriculture and land stewardship unless the United States department of agriculture is otherwise specified.

b. "Slaughtering establishment" means a person engaged in the business of slaughtering animals, if the person is an establishment subject to the provisions of chapter 189A which slaughters animals for meat food products as defined in section 189A.2.

2. The department may require that samples of blood be collected from animals at a slaughtering establishment in order to determine if the animals are infected with an infectious or contagious disease, according to rules adopted by the department of agriculture and land stewardship. Upon approval by the department, the collection shall be performed by either of the following:

a. A slaughtering establishment under an agreement executed by the department and the slaughtering establishment.

b. A person authorized by the department.

3. An authorized person collecting samples shall have access to areas where the animals are confined in order to collect blood samples. The department shall notify the slaughtering establishment in writing that samples of blood must be collected for analysis. The notice shall be provided in a manner required by the department.

4. In carrying out this section, a person authorized by the department to collect blood

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samples from animals as provided in this section shall have the right to enter and remain on the premises of the slaughtering establishment in the same manner and on the same terms as a meat inspector authorized by the department, including the right to access facilities routinely available to employees of the slaughtering establishment such as toilet and lavatory facilities, lockers, cafeterias, areas reserved for work breaks or dining, and storage facilities.

5. The slaughtering establishment shall provide a secure area for the permanent storage of equipment used to collect blood, an area reserved for collecting the blood, including the storage of blood during the collection, and a refrigerated area used to store blood samples prior to analysis. The area reserved for collecting the blood shall be adjacent to the area where the animals are killed, unless the authorized person and the slaughtering establishment select another area.

6. The department is not required to compensate a slaughtering establishment for allowing a person authorized by the department to carry out this section.

98 Acts, ch 1056, §1; 2001 Acts, ch 136, §2; 2002 Acts, ch 1119, §21; 2009 Acts, ch 41, §203

163.7 State and federal rules.

The rules adopted by the department regarding interstate shipments of animals shall not be in conflict with the rules of the United States department of agriculture, unless there is an outbreak of a malignant contagious disease in any locality, state, or territory, in which event the department of agriculture and land stewardship may place an embargo on such locality, state, or territory.

[C24, 27, 31, 35, 39, §**2649;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.7]

2012 Acts, ch 1095, §19

163.8 Enforcement of rules.

The assistant veterinarians appointed under this chapter shall enforce all rules of the department, and in so doing may call to their assistance any peace officer.

[S13, §2538-s; C24, 27, 31, 35, 39, §**2650;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.8]

163.9 College at Ames to assist.

The dean of the veterinary college of the Iowa state university of science and technology is authorized to use the equipment and facilities of the college in assisting the department in carrying out the provisions of this chapter.

[C24, 27, 31, 35, 39, §**2651;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.9]

163.10 Quarantining or destroying animals.

The department may quarantine or destroy any animal exposed to or afflicted with an infectious or contagious disease.

[C24, 27, 31, 35, 39, §**2652;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.10]

2004 Acts, ch 1163, §3; 2011 Acts, ch 131, §28, 158; 2025 Acts, ch 156, §28

163.11 Examination of imported animals.

1. A person shall not move an animal into this state, except to a public livestock market where federal inspection of livestock is maintained, for work, breeding, or dairy purposes, unless such animal has been examined and found free from all infectious or contagious diseases.

2. A person shall not bring in any manner into this state any cattle for dairy or breeding purposes unless such cattle have been tested within thirty days prior to date of importation by the agglutination test for contagious abortion or abortion disease, and shown to be free from such disease.

3. Animals for feeding purposes, however, may be brought into the state without

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inspection, under such regulations as the department may prescribe except that this subsection shall not apply to swine.

[C24, 27, 31, 35, 39, §**2653;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.11]

2004 Acts, ch 1163, §4; 2015 Acts, ch 29, §28

Referred to in §163.12

163.12 Freedom from disease — certificate.

Freedom from disease as specified in section 163.11 shall be established by a certificate of veterinary inspection signed by a veterinarian acting under either the authority of the department of agriculture and land stewardship, or of the United States department of agriculture. A copy of the certificate shall be attached to the waybill accompanying a shipment, and a copy of the certificate shall be delivered to the department.

[C24, 27, 31, 35, 39, §**2654;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.12]

2004 Acts, ch 1163, §5

Referred to in §163.14

163.13 Certificate attached to bill of lading. Repealed by 2005 Acts, ch 19, §125.

163.14 Intrastate movement.

An animal, other than an animal to be moved for immediate slaughter, shall be inspected when required by the department, and accompanied by the certificate of veterinary inspection provided in section 163.12 when moved from a point in this state to another point within the state where federal inspection is not maintained.

[C24, 27, 31, 35, 39, §**2656;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.14]

2004 Acts, ch 1163, §6

163.15 Tuberculosis — program of eradication.

If the secretary of agriculture determines that the outbreak of the infectious or contagious disease tuberculosis among an animal population constitutes a threat to the general welfare or the public health of the inhabitants of this state, the secretary shall formulate a program of eradication which shall include the condemnation and destroying of the animals exposed to or afflicted with the disease tuberculosis. The program shall not be effective until the program has been approved by the executive council.

[SS15, §2538-1a – 8a; C24, 27, 31, 35, 39, §**2657;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.15]

2002 Acts, ch 1101, §1; 2004 Acts, ch 1163, §7, 8; 2011 Acts, ch 131, §29 – 32, 158; 2015 Acts, ch 133, §3 – 6; 2025 Acts, ch 156, §29, 30

Referred to in §163.51

163.16 Tuberculosis in imported animals — compensation restricted. Repealed by 2025 Acts, ch 156, §41.

163.17 Local boards of health.

All local boards of health shall assist the department in the prevention, suppression, control, and eradication of contagious and infectious diseases among animals, whenever requested to do so.

[C24, 27, 31, 35, 39, §**2659;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.17]

Local boards of health, chapter 137

163.18 False representation.

A person shall not knowingly make a false representation about the shipment of an animal that is being or will be made, with the intent to avoid or prevent the animal's inspection that is conducted in order to determine whether the animal is free from disease.

[C24, 27, 31, 35, 39, §**2660;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.18]

2001 Acts, ch 136, §3

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163.19 Sale or exposure of infected animals.

No owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, shall sell or barter the same for breeding, dairy, work, or feeding purposes, or permit such animal to run at large or come in contact with any other animal.

[C97, §5018; C24, 27, 31, 35, 39, §**2661;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.19]

163.20 Glanders.

No owner or person having charge of any animal, knowing the same to be affected with glanders, shall permit such animal to be driven upon any highway, and no keeper of a public barn shall knowingly permit any animal having such disease to be stabled in such barn.

[C24, 27, 31, 35, 39, §**2662;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.20]

163.21 Penalties. Repealed by 2001 Acts, ch 136, §10.

163.22 Annual estimate. Repealed by 2005 Acts, ch 19, §125.

163.23 False certificates of veterinary inspection.

A veterinarian shall not issue a certificate of veterinary inspection for an animal knowing that the animal described in the certificate was not the same animal from which tests were made as a basis for issuing the certificate. A veterinarian shall not otherwise falsify a certificate.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.23]

2001 Acts, ch 136, §4; 2004 Acts, ch 1163, §9

163.24 Using false certificate.

A person shall not conduct a transaction to import, export, or transport an animal within this state or sell or offer for sale an animal if the person uses a certificate of veterinary inspection in connection with the transaction knowing that the animal described in the certificate was not the animal from which tests were made as a basis for issuing the certificate. A person shall not otherwise use an altered or otherwise false certificate in connection with such transaction.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.24]

2001 Acts, ch 136, §5; 2004 Acts, ch 1163, §10

163.25 Altering certificate.

1. A person shall not remove or alter a tag or mark of identification appearing on an animal, tested or being tested for disease, if the tag or mark of identification is authorized by the department or inserted by any qualified veterinarian.

2. A person shall not falsify any of the following:

a. A certificate of vaccination, issued by a person authorized to vaccinate the animal.

b. A certificate of veterinary inspection.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.25]

2001 Acts, ch 136, §6; 2012 Acts, ch 1095, §20

SUBCHAPTER II

FEEDING GARBAGE TO ANIMALS

163.26 Definition.

For the purposes of this subchapter, *"garbage"* means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts. *"Garbage"* includes all waste material, by-products of a kitchen, restaurant, hotel, or slaughterhouse, every refuse accumulation of animal, fruit, or vegetable matter, liquids or otherwise, or grain not consumed, that is collected from hog sales pen floors in public stockyards. Animals or parts of animals, which are processed by slaughterhouses or rendering establishments, and which as part of the processing are heated

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to not less than 212 degrees Fahrenheit for thirty minutes, are not garbage for purposes of this chapter.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.26]

86 Acts, ch 1245, §612; 87 Acts, ch 115, §27; 2001 Acts, ch 136, §9; 2012 Acts, ch 1095, §21; 2013 Acts, ch 30, §38

163.27 Boiling garbage — feeding restrictions.

1. Garbage shall not be fed to an animal unless such garbage has been heated to a temperature of 212 degrees Fahrenheit for thirty minutes, or other acceptable method, as provided by rules adopted by the department. However, this requirement shall not apply to an individual who feeds to the individual's own animals only the garbage obtained from the individual's own household.

2. A person shall not feed public or commercial garbage to swine.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §163.27]

2006 Acts, ch 1010, §56; 2012 Acts, ch 1095, §22; 2014 Acts, ch 1026, §35

163.28 Licenses. Repealed by 2013 Acts, ch 90, §216.

163.29 Penalty. Repealed by 2001 Acts, ch 136, §10.

SUBCHAPTER III

MOVEMENT OF SWINE

Referred to in §163.2

163.30 Swine movement — definitions — dealer licenses, permits, and fees.

1. This section shall apply to all swine moved interstate and intrastate, except swine moved directly to slaughter or to a livestock market for sale directly to a slaughtering establishment for immediate slaughter.

2. When used in this subchapter:

a. *"Dealer"* means any person who is engaged in the business of buying for resale, or selling, or exchanging swine as a principal or agent or who claims to be so engaged, but does not include the owner or operator of a farm who does not claim to be so engaged and who sells or exchanges only those swine which have been kept by the person solely for feeding or breeding purposes.

b. *"Move"* or *"movement"* means to ship, transport, or deliver swine by land, water, or air, except that *"move"* or *"movement"* does not mean a relocation.

c. *"Relocate"* or *"relocation"* means to ship, transport, or deliver swine by land, water, or air, to different premises, if the ownership of the swine does not change, the prior and new premises are located within the state, and the shipment, transportation, or delivery between the prior and new premises occurs within the state.

d. *"Separate and apart"* means a manner of holding swine so as not to have physical contact with other swine on the premises.

3. A person shall not act as a dealer unless the department issues the person a dealer's license. The person must be licensed as a dealer regardless of whether the swine originate in this state or another jurisdiction or the person resides in this state or another jurisdiction. The jurisdiction may be in another state or a foreign nation.

a. The fee for a dealer's license is ten dollars. A dealer's license expires on the first day of the second July following the date of issue. An initial license shall be numbered and any subsequent or renewed license issued to that dealer shall retain the same license number.

b. To be issued a license, an applicant must file a surety bond with the department. The applicant shall file a standard surety bond of ten thousand dollars with the secretary named as trustee, for the use and benefit of anyone damaged by a violation of this section, except that the bond shall not be required for dealers who are bonded in the same or a greater amount than required pursuant to the federal Packers and Stockyards Act. In addition, the

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department may require that a licensee file evidence of financial responsibility with the department prior to a license being issued or renewed as provided in section 202C.2.

c. Each employee or agent doing business by buying for resale, selling, or exchanging feeder swine in the name of a licensed dealer must obtain a permit issued by the department showing the person is employed by or represents a licensed dealer. A permit shall be issued upon the department's approval of a completed application. An application form shall be furnished by the department. The fee for a permit is six dollars. A permit shall expire on the first day of the second July following the date of issue.

d. A permittee shall not represent more than one dealer. Failure of a licensee or permittee to comply with this chapter or a rule made pursuant to this chapter is cause for revocation by the secretary of the permit or license after notice to the alleged offender and the holding of a hearing by the secretary. Rules shall be made in accordance with chapter 17A. A rule, the violation of which is made the basis for revocation, except temporary emergency rules, shall first have been approved after public hearing as provided in section 17A.4 after giving twenty days' notice of the hearing by mailing the notice, by ordinary mail, to every person filing a request for notice accompanied by an addressed envelope with prepaid postage. Any person may file such a request to be listed with any agency for notice for the time and place for all hearings on proposed rules, which request shall be accompanied by a remittance of five dollars. Such fee shall be added to the operating fund of the department. The listing shall expire semiannually on January 1 and July 1.

4. *a.* All swine moved shall be individually identified with a distinctive and easily discernible ear tag affixed in either ear of the animal or other identification acceptable to the department, which has been specified by rule promulgated under the department's rulemaking authority. The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section.

b. Every seller, dealer and market operator shall keep a record of the ear tag numbers, or other approved identification, and the farm of origin of swine moved by or through that person, which records shall be made available by that person to any appropriate representative of the department or the United States department of agriculture.

5. All swine moved shall be accompanied by a certificate of veterinary inspection issued by the state of origin and prepared and signed by a veterinarian. The certificate shall show the point of origin, the point of destination, individual identification, immunization status, and, when required, any movement permit number assigned to the shipment by the department. All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department.

a. However, swine may be moved intrastate directly to an approved state, federal, or auction market without identification or certification, if the swine are to be identified and certificated at the state, federal, or auction market.

b. Registered swine for exhibition or breeding purposes which can be individually identified by a method approved by the department are excepted from the identification requirement.

c. Native Iowa swine moved from farm to farm shall be excepted from the identification requirement if the owner transferring possession of the feeder pigs executes a written agreement with the person taking possession of the feeder pigs. The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days. The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

6. The department may combine a certificate of veterinary inspection with a certificate of inspection required under chapter 166D.

7. The department may require issuance of movement permits on certain categories of swine moved, prior to their movement, pursuant to rules adopted by the department. The rules shall be adopted when in the judgment of the secretary, such movement would otherwise threaten or imperil the eradication of classical swine fever in Iowa.

8. All swine moved shall be quarantined separate and apart from other swine located at the Iowa farm of destination for thirty days beginning with their arrival at such premises, or

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if such incoming swine are not held separate and apart, all swine on such premises shall be thus quarantined, except animals moving from such premises directly to slaughter.

9. There can only be one transfer by a dealer, involving not more than two markets, prior to quarantine.

10. The use of anti-classical swine fever serum or antibody concentrate shall be in accordance with rules adopted by the department.

11. Any swine found by a registered veterinarian to have any infectious or contagious disease after delivery to a livestock sale barn or auction market for resale, other than for slaughter, shall be immediately returned to the consignor's premises to be quarantined separate and apart for fifteen days. Such swine shall not be moved from such premises for any purpose unless a certificate of veterinary inspection accompanies the swine's movement or unless the swine are sent to slaughter.

[C62, 66, §163.30; C71, §163.30 – 163.33; C73, 75, 77, 79, 81, §163.30]

87 Acts, ch 115, §28; 91 Acts, ch 32, §2; 97 Acts, ch 183, §1, 13; 98 Acts, ch 1056, §2; 2003 Acts, ch 90, §1; 2003 Acts, ch 108, §41; 2004 Acts, ch 1101, §27; 2004 Acts, ch 1163, §11, 12; 2009 Acts, ch 133, §203, 204; 2010 Acts, ch 1069, §21; 2011 Acts, ch 34, §37; 2011 Acts, ch 46, §7; 2012 Acts, ch 1095, §24, 35; 2017 Acts, ch 159, §18, 19, 56

Referred to in §163.61, 166D.2, 166D.10, 202C.1, 202C.2

163.31 Falsification of certificates — penalty. Repealed by 2001 Acts, ch 136, §10.

163.32 Exhibitions.

1. As used in this section, *"exhibition"* means an exhibit, demonstration, show, or competition involving swine which occurs as follows:

a. As part of an event on the Iowa state fairgrounds under the control of the Iowa state fair authority under chapter 173.

b. A fair event under the control of a fair under chapter 174.

c. An event classified as an exhibition by rules adopted by the department.

2. This section applies to a swine which is moved from a premises to the location where an exhibition occurs.

3. The sponsor of an exhibition must retain a veterinarian licensed pursuant to chapter 169 to supervise the health of swine moved to the location of the exhibition. The sponsor of the exhibition shall submit an exhibition report to the department on a form and according to procedures required by the department. The exhibition report must contain information required by the department which must at least include all of the following:

a. The name of the exhibition and the address of its location.

b. The name and address of the veterinarian.

c. The date that the exhibition occurred.

d. The name and address of the owner of the swine.

e. The address of the premises from which the swine was moved to the exhibition. The exhibition report must also include the address of the premises to which the swine was moved after the exhibition if such premises is a different premises.

2011 Acts, ch 84, §2, 5

Referred to in §166D.2

163.33 Feral swine.

1. *"Feral swine"* means any swine running at large.

2. A person shall not knowingly release swine to become feral swine.

3. Upon discovery of feral swine on public or private property, the department may destroy or order the destruction of the feral swine. However, the department shall not destroy the feral swine or order the feral swine's destruction, unless the department concludes, after conducting a reasonable inquiry in the area where the feral swine is located, that the feral swine's ownership cannot be determined. The department may call upon a peace officer or appropriate state or federal agency, including but not limited to the department of natural resources or the department of public safety, to enforce this section as set forth in section 159.16.

4. A person may destroy feral swine if the feral swine is on the person's property

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or is damaging the person's personal property. The person shall immediately notify the department of the destruction of the feral swine and allow for possible testing of the feral swine by the department.

5. This section shall not be construed to limit the powers of the department otherwise granted by law.

2020 Acts, ch 1036, §10, 16

SUBCHAPTER IV

IDENTIFICATION OF SWINE CONSIGNED FOR SLAUGHTER

163.34 Purpose.

The purpose of this subchapter is to establish a positive means of identifying all boars, sows and stags purchased for slaughter on their arrival at the first point of concentration after such sale. The purpose of such swine identification program is to facilitate eradication of swine diseases.

[C77, §172A.15; C79, 81, §163.34]

2001 Acts, ch 136, §9

163.35 Definitions.

1. *"Livestock dealer, livestock market operator, or stockyard operator"* means any person engaged in the business of buying for resale, or selling, or exchanging swine as a principal or agent, or one who claims to be so engaged, but does not include the owner or operator of a farm who does not claim to be so engaged, and who sells or exchanges only those swine which have been kept by that person solely for feeding or breeding purposes.

2. *"Person"* means a person as defined in section 4.1, subsection 20.

3. *"Slaughtering establishment"* means any person engaged in the business of slaughtering live animals or receiving or buying live animals for slaughter.

4. *"Stag"* means a male swine that has formerly been used for breeding purposes but that has subsequently been castrated.

[C77, §172A.16; C79, 81, §163.35]

86 Acts, ch 1245, §613

163.36 Identification required.

1. All boars, sows and stags received for sale or shipment to slaughter by a livestock dealer, livestock market operator or stockyard operator shall be identified at the first point of concentration by such dealer or operator by application of a slap tattoo or other identification approved by the department.

2. All boars, sows and stags consigned directly from a farm to a slaughtering establishment shall be identified at the first point of concentration by the consignee.

[C77, §172A.17; C79, 81, §163.36]

Referred to in §163.37

163.37 Form of identification required.

1. The slap tattoo or other means of identification required by section 163.36 shall be in accordance with regulations of the department.

2. Each person required by section 163.36 to identify animals shall record such identification on forms specified and furnished by the department. The identification shall include the tattoo specifications, the date of application, and the name, address and county of residence of the person who owned or controlled the herd from which the animals originated.

3. Such records shall be maintained for a length of time as required by and pursuant to

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chapter 8A, subchapter VI, and at the point of concentration and shall be made available for inspection by the department at reasonable times.

[C77, §172A.18; C79, 81, §163.37]

2003 Acts, ch 92, §2; 2023 Acts, ch 19, §1383

163.38 and 163.39 Reserved.

SUBCHAPTER V

BREEDING BULLS

163.40 Definitions.

As used in this subchapter:

1. *"Breeding bull"* means a male animal of dairy or beef bovine genus used for breeding purposes.
2. *"Lease"* when used as a verb means to physically deliver a breeding bull pursuant to a lease agreement.
3. *"Licensee"* means a person required to obtain a license pursuant to section 163.41.

[C79, 81, §163.40]

2000 Acts, ch 1049, §1; 2001 Acts, ch 136, §9

163.41 License required.

1. A person shall not engage in the business of leasing a breeding bull without having obtained a license issued by the department and registering each breeding bull with the department as provided in section 163.42. The license may be obtained upon completing an application for approval by the department. The license fee is twenty dollars. The license shall expire on the first day of the second July following the date of issue.
2. An application for a license shall be made on a form provided by the department and shall contain the name of the person engaged in the business of leasing breeding bulls as lessor, the address of such business, the registration number of each breeding bull, and a description as to breed, color and other distinguishing marks, leased as lessor, and such other information as the secretary of agriculture may specify by rule adopted pursuant to chapter 17A.
3. For the purposes of this section, a person is engaged in the business of leasing a breeding bull within this state as lessor if the person leases any breeding bull to an Iowa resident more than once in any calendar year for a fee.

[C79, 81, §163.41]

2001 Acts, ch 136, §9; 2017 Acts, ch 159, §20, 56

Referred to in §163.40

163.42 Registration of breeding bulls.

The department shall issue to each licensee a tag or an identifying mark if the lessor desires this method of identification, for each breeding bull to be leased by the licensee. Each tag or identifying mark shall have an identification number which shall be a permanent identification number for such breeding bull and, upon disposition of such animal, the licensee shall notify the department of such disposition and the name and address of the buyer if such animal is sold. When an additional breeding bull to be leased is acquired by a licensee, the department shall issue a tag or approve an identifying mark for such animal without fee. The tag or identifying mark shall be permanently attached to the breeding bull.

[C79, 81, §163.42]

Referred to in §163.41, 163.43

163.43 Certificate required.

1. A person shall not be a party to a lease of a breeding bull within this state in which the lessor is a licensee, unless the breeding bull is accompanied by a certificate of veterinary

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inspection. For the purposes of this section, a breeding bull is leased within this state if it is leased to an Iowa resident.

2. The certificate of veterinary inspection shall be issued by a licensed veterinarian who examines the breeding bull and signs the certificate. The certificate shall include all of the following:

a. A statement that, to the best of the knowledge and belief of the veterinarian, the breeding bull is apparently free from an infectious or contagious disease.

b. A statement that the breeding bull has reacted negatively to a test for brucellosis conducted within six months prior to the date that the veterinarian signs the certificate.

c. If the breeding bull does not originate from this state, a statement providing that importing the breeding bull satisfies applicable importation requirements.

d. The identification number of the breeding bull as required pursuant to section 163.42.

e. The date that the certificate was issued.

3. The certificate of veterinary inspection shall not be valid after the term of the lease expires or after the breeding bull moves from the lessee's premises. Thereafter, a new certificate must be issued as required in this section.

4. One copy of the certificate of veterinary inspection shall be issued to the licensee who shall maintain the certificate as part of the licensee's business records. One copy of the certificate shall be issued to the lessee when the breeding bull is delivered to the lessee. A licensee shall show the certificate upon request to any person designated by the department to enforce the provisions of this section.

[C79, 81, §163.43]

2000 Acts, ch 1049, §2; 2004 Acts, ch 1163, §13

163.44 Records of breeding bull.

The licensee shall maintain records of each lease of a breeding bull. The records shall contain the name and address of the person to whom a breeding bull is leased, the date of each lease, and a description and the identification number of the breeding bull involved. A lessee or any agent of the department shall have the right to inspect, upon demand to the licensee, those records concerning the bull presently being leased by the lessee.

[C79, 81, §163.44]

163.45 Denial, revocation, or suspension of a license.

The department of agriculture and land stewardship may refuse to issue or renew and may suspend or revoke a license issued under this subchapter for any violation of the provisions of this subchapter or rules adopted relating to the leasing of a breeding bull.

[C79, 81, §163.45]

2001 Acts, ch 136, §9

163.46 Sale of semen.

The owner of a breeding bull located within this state shall not sell the semen from that bull for the purpose of artificial insemination unless the owner is in possession of a certificate of veterinary inspection signed and issued by a licensed veterinarian within six months before the date the semen is collected. The certificate shall not be valid if the bull is moved to other premises between the date of examination and the date of collection. The certificate shall show that on the date of issue the breeding bull had been tested negative for brucellosis and, to the best knowledge and belief of the examining veterinarian, was free from any infectious or contagious disease.

[C79, 81, §163.46]

2000 Acts, ch 1049, §3; 2004 Acts, ch 1163, §14

163.47 Exemptions.

The provisions of this subchapter shall not apply to 4-H or future farmers of America organizations engaged in breeding programs.

[C79, 81, §163.47]

95 Acts, ch 67, §13; 2001 Acts, ch 136, §9

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163.48 through 163.50 Reserved.

SUBCHAPTER VI

FOOT AND MOUTH DISEASE

163.51 Security measures.

1. The department may establish security measures in order to control outbreaks of foot and mouth disease in this state, including by providing for the prevention, suppression, and eradication of foot and mouth disease. In administering and enforcing this section, the department may adopt rules and shall issue orders in a manner consistent with sound veterinary principles and federal law for the control of outbreaks of the disease. The department may implement the security measures by doing any of the following:

a. If the department determines that an animal is infected with or exposed to foot and mouth disease, or the department suspects that an animal is so infected or exposed, the department may provide for all of the following:

(1) The quarantine, condemnation, or destruction of the animal. The department may establish quarantined areas and regulate activities in the quarantined areas, including movement or relocation of animals or other property within, into, or from the quarantined areas. This section does not authorize the department to provide for the destruction of personal property other than an animal.

(2) The inspection or examination of the animal's premises in order to perform an examination or test to determine whether the animal is or was infected or exposed or whether the premises is contaminated. The department may take a blood or tissue sample of any animal on the premises.

(3) The compelling of a person who is the owner or custodian of the animal to provide information regarding the movement or relocation of the animal or the vaccination status of the animal or the herd where the animal originates. The department may issue a subpoena for relevant testimony or records as defined in section 523C.1. In the case of a failure or refusal of the person to provide testimony or records, the district court upon application of the department or the attorney general acting upon behalf of the department, may order the person to show cause why the person should not be held in contempt. The court may order the person to provide testimony or produce the record or be punished for contempt as if the person refused to testify before the court or disobeyed a subpoena issued by the court.

b. The department may provide for the cleaning and disinfection of real or personal property if the department determines that the property is contaminated with foot and mouth disease or suspects that the property is contaminated with foot and mouth disease.

2. *a.* If the department determines that there is a suspected outbreak of foot and mouth disease in this state, the department shall immediately notify all of the following:

(1) The governor or a designee of the governor. The notification shall contain information regarding actions being implemented or recommended in order to determine if the outbreak is genuine and measures to control a genuine outbreak.

(2) The administrative unit of the United States department of agriculture responsible for controlling outbreaks in this state.

b. If the department confirms an outbreak of foot and mouth disease in this state, the department shall cooperate with the governor; federal agencies, including the United States department of agriculture; and state agencies, including the department of homeland security and emergency management, in order to provide the public with timely and accurate information regarding the outbreak. The department shall cooperate with organizations representing agricultural producers in order to provide all necessary information to agricultural producers required to control the outbreak.

3. The department shall cooperate with federal agencies, including the United States department of agriculture, other state agencies and law enforcement entities, and agencies of other states. Other state agencies and law enforcement entities shall assist the department.

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4. *a.* To the extent that an animal's owner would not otherwise be compensated, section 163.15 shall apply to the owner's loss of any animal destroyed under this section.

b. Upon the request of the executive council, the department shall develop and submit a plan to the executive council that compensates an owner for property, other than an animal, that is inadvertently destroyed by the department as a result of the department's regulation of activities in a quarantined area. The plan shall not be implemented without the approval of at least three members of the executive council. The payment of the compensation under the plan shall be made in the same manner as provided in section 163.15. The owner may submit a claim for compensation prior to the plan's implementation. The executive council may apply the plan retroactively, but not earlier than June 1, 2001.

5. Nothing in this section limits the department's authority to regulate animals or premises under other provisions of state law, including this chapter.

2001 Acts, ch 170, §2, 3; 2002 Acts, ch 1119, §22; 2003 Acts, ch 179, §157; 2013 Acts, ch 29, §48; 2020 Acts, ch 1063, §67

163.52 through 163.60 Reserved.

SUBCHAPTER VII

PENALTIES — INJUNCTIVE RELIEF

163.61 Civil penalties.

1. The department shall establish, by rule, civil penalties which may be administratively or judicially assessed. The attorney general shall cooperate with the department in the assessment and collection of civil penalties.

2. Except as provided in subsection 3, a person violating a provision of this chapter, or a rule adopted pursuant to this chapter, shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. In the case of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars.

3. Notwithstanding the provisions of subsection 2, all of the following apply:

a. A person who falsifies a certificate of vaccination or certificate of veterinary inspection shall be subject to a civil penalty of not more than five thousand dollars for each reference to an animal falsified on the certificate. However, a person who falsifies a certificate issued pursuant to chapter 166D shall be subject to a civil penalty as provided in this section or section 166D.16, but not both. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of animals falsified on the certificate.

b. A person required to be licensed as a dealer pursuant to section 163.30 and who is not issued a license by the department pursuant to that section, but does business as a dealer, shall be subject to a civil penalty of at least one thousand dollars but not more than five thousand dollars. Each day that the person does business as a dealer without being issued a license constitutes a separate offense. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars during any one year.

c. A person who interferes with an official act as provided in section 163.3F shall be subject to a civil penalty of at least one hundred dollars but not more than ten thousand dollars. In the case of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than two hundred fifty thousand dollars arising out of the same violation.

4. Moneys collected from civil penalties shall be deposited into the general fund of the state.

2001 Acts, ch 136, §7; 2004 Acts, ch 1095, §1, 6; 2004 Acts, ch 1163, §15; 2012 Acts, ch 1095, §25; 2020 Acts, ch 1036, §11, 16

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163.62 Injunctive relief.

The department or the attorney general acting on behalf of the department may apply to the district court for injunctive relief in order to restrain a person from acting in violation of this chapter. In order to obtain injunctive relief, the department shall not be required to post a bond or prove the absence of an adequate remedy at law unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to issuing a temporary or permanent restraining order.

2001 Acts, ch 136, §8
Referred to in §165B.4

CHAPTER 163A

BRUCELLOSIS CONTROL IN SWINE

163A.1 Definitions.
163A.2 through 163A.4 Repealed by 2012 Acts, ch 1095, §32.
163A.5 Interstate shipments.
163A.6 Exhibition swine.
163A.7 Reactor tag.
163A.8 Swine for slaughter.
163A.9 Rules.
163A.10 Penalty.
163A.11 Educational program herds. Repealed by 2012 Acts, ch 1095, §32.
163A.12 Owner requesting test.

163A.1 Definitions.

As used in this chapter:

1. *"Accredited veterinarian"* means a veterinarian who is licensed by the state in which the veterinarian practices, is approved by the department of agriculture and land stewardship or the livestock sanitary authority of that state, and is accredited by the United States department of agriculture.

2. *"Brucellosis"* means the disease wherein an animal of the porcine species is infected with brucella microorganisms irrespective of the occurrence or absence of clinical symptoms of infectious abortion.

3. *"Brucellosis test"* means the test for brucellosis which is approved by the department and administered in accordance with the techniques approved by the department.

4. *"Certificate of veterinary inspection"* or *"certificate"* means the same as defined in section 163.2.

5. *"Infected animal"* or *"reactor"* means an animal which has given a positive reaction as determined by departmental standards to the brucellosis test.

6. *"Licensed veterinarian"* means a veterinarian licensed to practice in Iowa.

7. *"Negative animal"* means an animal which does not give a positive reaction to the brucellosis test.

8. *"Official brucellosis test report"* means a legible record made on an official form prescribed by the department.

9. *a. "Validated brucellosis-free herd"* means:

(1) A herd which has had at least one test made on all boars, sows and gilts over six months of age with no positive reactions; or

(2) A herd which has been tested pursuant to a test approved by rule of the Iowa department of agriculture and land stewardship pursuant to chapter 17A, which test is in compliance with the recommended uniform methods and rules of the animal and plant health inspection service of the United States department of agriculture.

b. The validation made pursuant to paragraph *"a"*, subparagraph (1), shall be in force and effect for one year from the date of the last test and shall be renewable on an annual basis by the completion of a single test on boars, sows and gilts over six months of age with no positive reactions. A validation made pursuant to paragraph *"a"*, subparagraph (2), shall be

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in force and effect and shall be renewable in the manner specified in the rule adopted by the Iowa department of agriculture and land stewardship.

c. If the Iowa department of agriculture and land stewardship adopts a rule under paragraph *"a"*, subparagraph (2), and the recommended uniform methods and rules of the animal and plant health inspection service of the United States department of agriculture are subsequently changed, the Iowa department of agriculture and land stewardship shall not change its rule if the effect would be to make less restrictive the standards or procedures for validating a brucellosis-free herd.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.1]
86 Acts, ch 1245, §614; 2000 Acts, ch 1058, §20; 2004 Acts, ch 1163, §16
Further definitions; see §159.1

163A.2 through 163A.4 Repealed by 2012 Acts, ch 1095, §32.

163A.5 Interstate shipments.

1. Except as provided in subsection 2, breeding swine four months of age and over, entering this state for breeding or exhibition purposes, shall be accompanied by a certificate of inspection issued by an accredited veterinarian of the state of origin. The certificate shall show that such swine meet this state's entry requirements and are negative to the test for brucellosis conducted by an official laboratory of the state of origin within thirty days of entry.

2. *a.* Swine may enter the state or be exhibited without a test for brucellosis if one of the following applies:

(1) The swine are from a brucellosis-free herd as validated according to rules adopted by the department.

(2) The swine are from a state that is declared to be brucellosis-free as recognized by the department.

b. The swine must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian of the state of origin or a veterinarian employed by the animal and plant inspection service of the United States department of agriculture. The certificate must indicate whether the swine are from a state that is declared to be brucellosis-free. If the swine are from a brucellosis-free herd, the certificate must indicate the herd number and show that the herd has been tested within the past twelve months.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.5]
2004 Acts, ch 1163, §17

163A.6 Exhibition swine.

Any breeding swine four months of age and over for exhibition within this state shall meet all requirements for exhibition purposes.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.6]
2012 Acts, ch 1095, §31

163A.7 Reactor tag.

All swine showing a positive reaction to the brucellosis test shall be tagged in the left ear with a reactor identification tag and moved to slaughter on such form as shall be designated by the department within a thirty-day period from the date of test. The herd of origin shall be placed under immediate quarantine to be retested no sooner than thirty days or later than sixty days from the date of the test showing the positive reaction. Such quarantine shall remain in effect until a complete negative herd test is conducted on all swine intended or used for breeding purposes.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.7]

163A.8 Swine for slaughter.

Swine from herds under quarantine may be moved to slaughter on a form designated for this purpose and issued by the department or an accredited veterinarian.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.8]

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163A.9 Rules.

The department may make and adopt reasonable rules for the administration and enforcement of the provisions of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.9]

Referred to in §163A.12

163A.10 Penalty.

Any person who shall violate any provision of this chapter or any rule adopted thereunder by the department of agriculture and land stewardship shall be guilty of a serious misdemeanor.

[C62, 66, 71, 73, 75, 77, 79, 81, §163A.10]

163A.11 Educational program herds. Repealed by 2012 Acts, ch 1095, §32.

163A.12 Owner requesting test.

If the owner requests the department to inspect and test breeding swine for brucellosis, and agrees to comply with the rules made by the department under section 163A.9, the department may designate a veterinarian to make an inspection and test, with the expense to be paid as provided in section 164.6 for cattle brucellosis testing.

[C73, 75, 77, 79, 81, S81, §163A.12; 81 Acts, ch 117, §1020]

83 Acts, ch 123, §71, 209; 2025 Acts, ch 156, §31

CHAPTER 164

BRUCELLOSIS — BOVINE AND DESIGNATED ANIMALS

Infectious and contagious diseases among animals, see chapter 163

164.1 Definitions.
164.2 Eradication area.
164.3 Female animals vaccinated.
164.4 Rules.
164.5 Request for inspection and official test.
164.6 Expense of inspection and official test.
164.7 Copy of report provided to owner.
164.8 Test at auction premises.
164.9 Retest by order or request — expense.
164.10 Report of laboratory tests to department.
164.11 Identification mark.
164.12 Quarantined marking.
164.13 Unlawful acts.
164.14 Imported designated animals.
164.15 Quarantined designated animals.
164.16 Movement or slaughter permit.
164.17 Quarantined for slaughter permit.
164.18 Unlawful sale or purchase.
164.19 Quarantine.
164.20 Appraisal of value of bovine animals.
164.21 Indemnification of owner.
164.22 Moneys administered.
164.23 through 164.28 Reserved.
164.29 Reciprocal agreements.
164.30 Tagging designated animals received for sale or slaughter.
164.31 Penalty.

164.1 Definitions.

As used in this chapter:

1. *"Animal"* means a nonhuman vertebrate.
2. *"Bovine animal"* means bison or cattle.
3. *"Certificate of veterinary inspection"* or *"certificate"* means the same as defined in section 163.2.
4. *"Class free state"* means there has been no known brucellosis in bovine animals for a period of twelve months. A state is classified as class free, class A, class B, and class C, according to guidelines set forth in 9 C.F.R. §78.1.
5. *"Condemned"* or *"reactor"* applies to a designated animal reacting to an official test conducted to determine if a designated animal is infected with brucellosis.
6. *"Department"* means the department of agriculture and land stewardship.
7. *"Designated animal"* means a bovine animal or any other species of animal that the

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department by rule determines is capable of carrying and spreading brucellosis, including elk or goats.

8. *"Official calfhood vaccination"* means the vaccination of a female calf of any species of bovine animal between the ages of four months and ten months with brucella vaccine approved for that species of bovine animal by the United States department of agriculture, if the vaccination has been administered by a veterinarian according to the rules established by the department.

9. *"Official test"* means a test for brucellosis approved for a species of designated animal by the department and to the extent applicable by the United States department of agriculture which is conducted under the supervision of, or the authorization from, the department.

10. *"Owner"* includes any person owning or leasing a designated animal.

11. *"Quarantine"* means the entire herd of designated animals must be confined to a premises designated by the department, if any reactor is disclosed.

12. *"Registered purebred"* includes cattle with a certificate from herdbooks where registered.

13. *"State-approved premises"* means an area, including a feedlot or grazing area, established at the discretion of the department for the care and feeding of untested designated animals as provided by the department. However, for cattle, *"state-approved premises"* means an area where untested heifers over six months of age but under eighteen months of age are subject to care and feeding.

14. *"Veterinarian"* means a licensed accredited veterinarian authorized by the department.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §164.1]

86 Acts, ch 1036, §1 – 3; 86 Acts, ch 1245, §615; 97 Acts, ch 124, §1; 2004 Acts, ch 1163, §18; 2017 Acts, ch 159, §21

Further definitions; see §159.1

164.2 Eradication area.

This state is declared to be a brucellosis eradication area. An owner shall allow the owner's designated animals to be tested when ordered by the department or a representative of the department. The owner shall confine and restrain the designated animal in a suitable place so that a test can be conducted. If the owner refuses to confine and restrain the designated animal, after a reasonable time the department may employ sufficient assistance to properly confine and restrain the designated animal. The expense for obtaining assistance shall be paid by the owner.

[C66, 71, 73, 75, 77, 79, 81, §164.2]

97 Acts, ch 124, §2

164.3 Female animals vaccinated.

Native female bovine animals of any breed between the ages of four months and twelve months may be officially vaccinated for brucellosis according to procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department of agriculture and land stewardship. The expense of the vaccination shall be borne in the same manner as provided in section 164.6.

[C54, §164.11; C58, 62, §164.28; C66, 71, 73, 75, 77, 79, 81, §164.3]

86 Acts, ch 1036, §4; 97 Acts, ch 124, §3; 2017 Acts, ch 159, §22; 2018 Acts, ch 1041, §49

164.4 Rules.

1. The department may adopt rules as provided in chapter 17A relating to the official testing of designated animals, the disposal by segregation and quarantine or slaughter of condemned designated animals, the operation of state-approved premises, the disinfection of the premises where designated animals are kept, the introduction of designated animals into a herd of other designated animals, the control and eradication of brucellosis, the prevention of the spread of brucellosis to designated animals in this state, and the proper enforcement of this chapter.

2. The department shall not adopt rules relating to cattle that are less restrictive than

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the uniform methods and rules for brucellosis eradication promulgated by the United States department of agriculture, APHIS 91-1, as effective January 1, 1996, but may adopt rules that are more restrictive.

3. The department may implement any procedure provided in the uniform methods and rules if approved jointly by state and federal animal health officials, including but not limited to the use of quarantined pastures, quarantined feedlots, or other options permitted under the uniform methods and rules.

[C46, 50, 54, 58, 62, §164.2; C66, 71, 73, 75, 77, 79, 81, §164.4]
86 Acts, ch 1036, §5; 96 Acts, ch 1079, §8; 97 Acts, ch 124, §4
Referred to in §164.6

164.5 Request for inspection and official test.

Upon request by the owner for a departmental inspection of the owner's designated animals for brucellosis, the department may designate a veterinarian to make an inspection of the designated animals. If authorized by the department, the veterinarian may conduct an official test on the designated animals.

[C46, 50, 54, 58, 62, §164.3; C66, 71, 73, 75, 77, 79, 81, §164.5]
97 Acts, ch 124, §5

164.6 Expense of inspection and official test.

The expense for an inspection and official test of a designated animal other than for bovine animals shall be borne by the owner. If the designated animal is a bovine animal, and the owner agrees to comply with and carry out the provisions of this chapter and the rules adopted by the department under section 164.4, the expense of the inspection and test may be borne by the United States department of agriculture.

[C46, 50, 54, 58, 62, §164.4; C66, 71, 73, 75, 77, 79, 81, §164.6]
83 Acts, ch 123, §72, 209; 97 Acts, ch 124, §6; 2025 Acts, ch 156, §32
Referred to in §163A.12, 164.3, 164.9

164.7 Copy of report provided to owner.

A veterinarian or the department shall provide a report to the owner of a designated animal showing the results of an official test conducted by a veterinarian. The report may be a copy of a test chart.

[C46, 50, 54, 58, 62, §164.5, 164.6; C66, 71, 73, 75, 77, 79, 81, §164.7]
97 Acts, ch 124, §7

164.8 Test at auction premises.

A designated animal purchased at an auction market may be officially tested on the auction market premises, in the new owner's name at the owner's request and expense. This official test must be made within twenty-four hours from the time of sale. If the test discloses reactors, the herd of origin shall be placed under quarantine.

[C66, 71, 73, 75, 77, 79, 81, §164.8]
97 Acts, ch 124, §8

164.9 Retest by order or request — expense.

The department may order a retest of designated animals at any time, if the department determines that a retest is necessary. In case of reactors, one retest shall be granted the owner of the designated animals by the department upon the request of the owner or owner's veterinarian before the designated animals are permanently marked as reactors. The expense of the retest of reactors shall be borne in the same manner as provided in section 164.6.

[C46, 50, 54, 58, 62, §164.7; C66, 71, 73, 75, 77, 79, 81, §164.9]
86 Acts, ch 1036, §6; 97 Acts, ch 124, §9

164.10 Report of laboratory tests to department.

A report of tests conducted by a laboratory under this chapter shall be made in writing to the department within seven days immediately following the completion of the tests. The

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department shall supply forms for the report. The report shall be signed by the director of the laboratory or the person conducting the test.

[C46, 50, 54, 58, 62, §164.8; C66, 71, 73, 75, 77, 79, 81, §164.10]

97 Acts, ch 124, §10

164.11 Identification mark.

A designated animal subjected to an official test shall be plainly and permanently marked for identification in a manner authorized by the department. Native grade bovine carrying the calfhood vaccination and calves vaccinated after importation from other states shall be tattooed in the ear. Officially vaccinated purebred registered cattle must receive a vaccination tattoo and either an official vaccination tag or a purebred identification tattoo. The vaccination tattoo and the vaccination tag number or the purebred identification tattoo shall be evidenced on the official certificate of vaccination.

[C46, 50, 54, 58, 62, §164.9; C66, 71, 73, 75, 77, 79, 81, §164.11]

97 Acts, ch 124, §11

164.12 Quarantined marking.

A designated animal which is quarantined as a result of a test for brucellosis shall be plainly and permanently marked for identification by a veterinarian making the test in a manner authorized by the department and to the extent applicable by the United States department of agriculture.

[C46, 50, 54, 58, 62, §164.10; C66, 71, 73, 75, 77, 79, 81, §164.12]

97 Acts, ch 124, §12

164.13 Unlawful acts.

An owner shall not sell or transfer ownership of a designated animal, allow the commingling of designated animals belonging to two or more owners, or allow the commingling of designated animals with other designated animals under feeder quarantine on a state-approved premises, unless the commingled designated animals are accompanied by a negative brucellosis test report issued by a veterinarian, conducted within thirty days. The provisions of this section do not apply to the following:

1. Bovine animals under six months of age, spayed heifers, or steers.
2. Official vaccinates of bovine animals other than dairy cattle under twenty-four months of age or dairy cattle under twenty months of age, if not postparturient.
3. Designated animals which are consigned directly to slaughter.
4. Designated animals which are imported for exhibition purposes, if any of the following apply:

a. When under the test-eligible ages as provided by the department for designated animals other than bovine. For bovine the test-eligible ages are as provided in this section. The designated animal must be accompanied by an official vaccination certificate as provided by the department. A bovine animal which is six months or older must be accompanied with a vaccination certificate.

b. Designated animals of any age when accompanied by a report of a negative brucellosis test conducted within thirty days.

c. Designated animals originating from a herd in a class free state or designated animals from a brucellosis-free herd.

5. Designated animals originating from a herd in a class free state or designated animals from a certified brucellosis-free herd.
6. Designated animals moved to a state-approved premises.

[C54, 58, 62, §164.11; C66, 71, 73, 75, 77, 79, 81, §164.13]

86 Acts, ch 1036, §7; 97 Acts, ch 124, §13

164.14 Imported designated animals.

1. Female designated animals other than female bovine animals, which are under an age established by the department, and female bovine animals over six months and under eighteen months of age, may enter the state for feeding purposes to be consigned

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to a state-approved premises under quarantine, if the female designated animals are not postparturient. The designated native female animals that have been consigned to the state-approved premises may be released from the state-approved premises if they have been any of the following:

a. Consigned to slaughter.

b. Consigned to a federally approved market.

c. Consigned to another quarantined premises.

d. Tested negative for brucellosis at the owner's expense. The test shall be made not less than sixty days after the last consignment to the premises and shall include all animals on the premises.

2. Female designated animals, other than female bovine, over an age established by the department and female bovine over eighteen months of age may enter the state if the designated animals are any of the following:

a. Consigned to a federally approved market.

b. Consigned to a slaughter plant for immediate slaughter.

c. Accompanied by a certificate of veterinary inspection showing a record of a negative brucellosis test, when required, accomplished within thirty days of importation.

[C54, 58, 62, §164.11(7a); C66, 71, 73, 75, 77, 79, 81, §164.14]
86 Acts, ch 1036, §8; 97 Acts, ch 124, §14; 2004 Acts, ch 1163, §19

164.15 Quarantined designated animals.

A designated animal shall not be brought into contact with a condemned designated animal held in quarantine. If a designated animal is added to the quarantined lot, the designated animal shall become a part of the lot and held subject to the same requirements as apply to the quarantined designated animals.

[C46, 50, 54, 58, 62, §164.12; C66, 71, 73, 75, 77, 79, 81, §164.15]
97 Acts, ch 124, §15

164.16 Movement or slaughter permit.

A designated animal shall not be slaughtered, have its location changed, or be moved from quarantine except as authorized by an official written permit issued by the department or by a veterinarian.

[C46, 50, 54, 58, 62, §164.13; C66, 71, 73, 75, 77, 79, 81, §164.16]
97 Acts, ch 124, §16

164.17 Quarantined for slaughter permit.

When a written order has been issued by the department or its authorized representative for the removal of a quarantined designated animal to slaughter, the designated animal shall be tagged and handled within fifteen days after the date of testing. Within thirty days the designated animal shall be moved and slaughtered under the direct supervision of a duly authorized agent or representative of the United States department of agriculture at a time and place designated by the department. A designated animal quarantined because of brucellosis shall be disposed of by its owner within a period not to exceed forty-five days from the date on which blood samples were drawn disclosing it as a reactor.

[C46, 50, 54, 58, 62, §164.14; C66, 71, 73, 75, 77, 79, 81, §164.17]
97 Acts, ch 124, §17

164.18 Unlawful sale or purchase.

A person shall not sell, offer for sale, or purchase a designated animal which is quarantined as a result of an official test, except as provided by rules adopted by the department.

[C46, 50, 54, 58, 62, §164.15; C66, 71, 73, 75, 77, 79, 81, §164.18]
97 Acts, ch 124, §18

164.19 Quarantine.

The department may issue any quarantine order deemed necessary for the control and eradication of brucellosis and the proper enforcement of this chapter. A lot or group of

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designated animals in which reactors have been disclosed shall be under quarantine along with any designated animal from which the lot or group originated or commingled. The designated animals may be sold for slaughter under permit, or returned to their place of origin. In case of hardship the department may upon investigation of the case alter a quarantine order to the extent that the department determines that it is necessary to alleviate the hardship and protect the industry and prospective purchasers. The department shall adopt rules pursuant to chapter 17A necessary in order to administer this section.

[C46, 50, 54, 58, 62, §164.16; C66, 71, 73, 75, 77, 79, 81, §164.19]

97 Acts, ch 124, §19

164.20 Appraisal of value of bovine animals.

Before being slaughtered, quarantined bovine animals shall be appraised at their cash value for dairy and breeding purposes by the owner and a representative of the department, a representative of the United States department of agriculture, or by the owner and both of the representatives. If these parties cannot agree as to the amount of the appraisal, three competent and disinterested persons shall be appointed to render a final appraisal. One person shall be appointed by the department, one by the owner, and one by the first two appointed persons.

[C46, 50, 54, 58, 62, §164.18; C66, 71, 73, 75, 77, 79, 81, §164.20]

97 Acts, ch 124, §20

164.21 Indemnification of owner.

1. The owner of a bovine animal shall be indemnified for the bovine animal as provided in this section. The department shall certify the claim of the owner for the bovine animal slaughtered in accordance with this chapter. An infected bovine animal herd may be completely depopulated and indemnity paid when, in the opinion of the department and the veterinary service of the United States department of agriculture, the disease cannot be adequately controlled by routine testing.

2. The owner may be indemnified by the United States department of agriculture.

[C46, 50, 54, 58, 62, §164.19; C66, 71, 73, 75, 77, 79, 81, §164.21]

83 Acts, ch 123, §73, 209; 86 Acts, ch 1036, §9; 97 Acts, ch 124, §21; 2017 Acts, ch 54, §76; 2025 Acts, ch 156, §33, 34

164.22 Moneys administered.

All moneys appropriated by the state for carrying out the provisions of this chapter shall be administered by the department for the payment of the indemnity, salaries, and other necessary expenses.

[C46, 50, 54, 58, 62, §164.20; C66, 71, 73, 75, 77, 79, 81, §164.22]

97 Acts, ch 124, §22

164.23 through 164.28 Reserved.

164.29 Reciprocal agreements.

The department to every extent practical shall enter into reciprocal agreements with other states to provide that designated animals which are covered by certificates of vaccination in this state and other states may be transported and sold in interstate commerce between this state and the other states.

[C50, 54, 58, 62, §164.27; C66, 71, 73, 75, 77, 79, 81, §164.29]

97 Acts, ch 124, §23

164.30 Tagging designated animals received for sale or slaughter.

1. The department shall provide requirements for tagging designated animals which are received for sale or shipment to a slaughtering establishment.

a. Bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag shall be affixed to the animal as directed by the department.

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b. A livestock trucker delivering a designated animal to an out-of-state market, livestock dealer, livestock market operator, stockyard operator, or slaughtering establishment shall identify a designated animal which is not tagged as provided in this section, at the time of taking possession or control of the designated animal. A livestock trucker may be exempted from this requirement if the designated animal's farm of origin is identified when delivered to a livestock market, stockyard, or slaughtering establishment which agrees to accept responsibility for tagging the designated animal.

2. *a.* A person required to identify a designated animal in accordance with this section shall file a report of the identification on forms and as specified by the department, including the following for bovine animals:

(1) The back-tag number and date of application.

(2) The name, address, and county of residence of the person who owned or controlled the herd from which the bovine animal originated.

(3) The type of bovine animal. If the bovine animal is cattle, the person shall identify whether the animal was a beef or dairy type.

b. Each report shall cover all bovine animals identified during the preceding week.

3. A person shall not remove a tag affixed to a designated animal, unless the person is authorized by the department, and removes the tag according to instructions and policies established by the department. The removal of a tag by a person who is unauthorized by the department shall be a violation of this section and subject to the penalties provided in section 164.31.

[C71, 73, 75, 77, 79, 81, §164.30]

97 Acts, ch 124, §24; 2009 Acts, ch 41, §263

164.31 Penalty.

A person guilty of violating a provision of this chapter is guilty of a simple misdemeanor.

[C66, §164.30; C71, 73, 75, 77, 79, 81, §164.31]

97 Acts, ch 124, §25

Referred to in §164.30

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CHAPTER 165

ERADICATION OF BOVINE TUBERCULOSIS

Referred to in §159.6

Control and eradication of infectious and contagious diseases among animals; see chapter 163

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165.36 Importation of cattle.

165.1 Cooperation.

The department is authorized to cooperate with the United States department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

[C24, 27, 31, 35, 39, §**2665;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.1]

2012 Acts, ch 1095, §26

165.1A Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of agriculture and land stewardship.

2. *"Certificate of veterinary inspection"* or *"certificate"* means the same as defined in section 163.2.

2004 Acts, ch 1163, §20

Further definitions, see §159.1

165.2 State as accredited area.

1. The state of Iowa is declared to be and is established as an accredited area for the eradication of bovine tuberculosis from the dairy and breeding cattle of the state. It shall be the duty of the department to eradicate bovine tuberculosis in all of the counties of the state in the manner provided by law as it appears in this chapter. The department shall proceed with the examination, including the tuberculin test, of all such cattle as rapidly as practicable and as is consistent with efficient work.

2. An owner of dairy or breeding cattle in the state shall conform to and abide by the rules adopted by the department and rules promulgated by the United States department of agriculture. The owner shall follow instructions of the department of agriculture and land stewardship and the United States department of agriculture designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

[C24, 27, 31, 35, 39, §**2666;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.2]

86 Acts, ch 1245, §616; 2012 Acts, ch 1095, §27; 2025 Acts, ch 156, §35

165.3 Appraisal.

Before being tested, such animals shall be appraised at their cash value for breeding, dairy, or beef purposes by the owner and a representative of the department, or a representative of the United States department of agriculture, or by the owner and both of such representatives.

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If these parties cannot agree as to the amount of the appraisal, there shall be appointed three competent and disinterested persons, one by the department, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final. Every appraisal shall be under oath or affirmation and the expense of the same shall be paid by the state, except as provided in this chapter.

[C24, 27, 31, 35, 39, §**2668;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.3]

2012 Acts, ch 1095, §28

165.4 Presence of tuberculosis.

If, after such examination, tubercular animals are found, the department shall have authority to order such disposition of them as it considers most desirable and economical. If the department deems that a due regard for the public health warrants it, it may enter into a written agreement with the owner, subject to such conditions as it may prescribe, for the separation and quarantine of such diseased animals. Subject to such conditions, the diseased animals may continue to be used for breeding purposes.

[C24, 27, 31, 35, 39, §**2669;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.4]

Referred to in §165.5

165.5 Nonright to receive compensation.

Any animal retained, under section 165.4, by the owner for ninety days after it has been adjudged infected with tuberculosis shall not be made the basis of any claim for compensation against the state.

[C24, 27, 31, 35, 39, §**2670;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.5]

165.6 Amount of indemnity. Repealed by 2025 Acts, ch 156, §41.

165.7 Pedigree.

The pedigree of purebred cattle shall be proved by certificate of registry from the herdbooks where registered.

[C24, 27, 31, 35, 39, §**2672;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.7]

165.8 Right to receive pay. Repealed by 2025 Acts, ch 156, §41.

165.9 Preference in examinations.

The department in making examinations of cattle shall give priority to applications by owners for the testing of dairy cattle from which are sold, or are offered for sale, in cities milk or milk products in liquid or condensed form.

[C24, 27, 31, 35, 39, §**2674;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.9]

165.10 Examination by department.

The department may at any time, on its own motion, make an examination of any herd.

[C24, 27, 31, 35, 39, §**2675;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.10]

2025 Acts, ch 156, §36

165.11 Records public.

All records pertaining to animals infected with tuberculosis shall be open for public inspection and the department shall furnish such information relative thereto as may be requested.

[C24, 27, 31, 35, 39, §**2676;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.11]

165.12 Tuberculosis-free herds.

The department shall establish rules for determining when a herd of cattle, tested and maintained under the provisions of this chapter, the laws of the United States, and the rules of the department and regulations of the United States department of agriculture, shall be considered as tuberculosis-free. When any herd meets such requirements, the owner shall be entitled to a certificate from the department of agriculture and land stewardship showing that the herd is a tuberculosis-free accredited herd. Such certificate shall be revoked whenever

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the herd no longer meets the necessary requirements for an accredited herd, but the herd may be reinstated as an accredited herd upon subsequent compliance with such requirements.

[C24, 27, 31, 35, 39, §**2677;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.12]

2012 Acts, ch 1095, §29

165.13 Tuberculin.

The department shall have control of the sale, distribution, and use of all tuberculin in the state, and shall formulate rules for its distribution and use. Only a licensed veterinarian shall apply a tuberculin test to cattle within this state.

[C24, 27, 31, 35, 39, §**2678;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.13]

165.14 Inspectors and assistants.

The department may appoint one or more accredited veterinarians as inspectors for each county and one or more persons as assistants to such inspectors. Such inspectors, with the assistance of such person or persons, shall test the breeding cattle subject to test, as provided in this chapter, and shall be subject to the direction of the department in making such tests.

[C24, 27, 31, 35, 39, §**2679;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.14]

165.15 Accredited veterinarian.

An accredited veterinarian is one who has successfully passed an examination set by the department and the United States department of agriculture and may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

[C24, 27, 31, 35, 39, §**2680;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.15]

86 Acts, ch 1245, §617; 2012 Acts, ch 1095, §30

165.16 Equipment for inspector.

The department may furnish each inspector with the necessary tuberculin and other material, not including instruments and utensils, necessary to make the tests provided for in this chapter.

[C24, 27, 31, 35, 39, §**2681;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.16]

165.17 Compensation.

An inspector shall receive compensation for such testing as determined by the department.

[C24, 27, 31, 35, 39, §**2682;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.17]

For expenses related to the use of an automobile, see §70A.9 et seq.

165.18 Iowa animal disease prevention fund.

1. An Iowa animal disease prevention fund is created in the state treasury under the control and management of the department.

2. The fund shall include moneys appropriated by the general assembly credited to the fund. The fund may include other moneys available to and obtained or accepted by the department as provided in section 159.6A, including but not limited to the federal government, other public sources, or private sources.

3. Moneys in the fund are appropriated to the department to develop, establish, and implement an animal disease prevention strategy.

4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of a fiscal year shall not revert.

83 Acts, ch 123, §74, 209; 84 Acts, ch 1178, §1; 2007 Acts, ch 22, §44; 2025 Acts, ch 156, §37

165.19 through 165.25 Reserved.

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165.26 Permitting test.

Every owner of dairy or breeding cattle in the state shall permit the owner's cattle to be tested for tuberculosis as provided in this chapter, and shall confine the cattle in a proper place so that the examination and test can be applied. If the owner refuses to so confine the cattle the department may employ sufficient help to properly confine them and the expense of such help shall be paid by the owner. Such owner shall comply with all the requirements for the establishment and maintenance of a tuberculosis-free accredited herd.

[C24, 27, 31, 35, 39, §**2699;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.26]

2025 Acts, ch 156, §38

165.27 Penalty.

Any owner of dairy or breeding cattle in the state who prevents, hinders, obstructs, or refuses to allow a veterinarian authorized by the department to conduct such tests for tuberculosis on the owner's cattle, shall be deemed guilty of a simple misdemeanor.

[S13, §2538-s; C24, 27, 31, 35, 39, §**2700;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.27]

Referred to in §165.29

165.28 Preventing test.

1. The cattle owned by any owner who violates the provisions of this chapter, or which have reacted to the tuberculin test, shall be quarantined by the department until the law is complied with. When such quarantine is established no beef or dairy products shall be sold from cattle under quarantine until the test has been applied or the quarantine released.

2. The accredited veterinarians appointed under this chapter shall enforce this quarantine and all of the rules of the department of agriculture and land stewardship of the state of Iowa and of the provisions of this chapter, and in so doing may call to their assistance any peace officer of the state.

[C24, 27, 31, 35, 39, §**2701;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.28]

2021 Acts, ch 76, §150

165.29 Notice.

Before any action is commenced under section 165.27, upon request of the secretary of agriculture, the board of supervisors of any county shall cause such owner to be served with a written notice of the provisions of this chapter, at least fifteen days before the commencement of the action.

[C24, 27, 31, 35, 39, §**2702;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.29]

165.30 and 165.31 Reserved.

165.32 Retest.

The secretary of agriculture may order a retest of any dairy or breeding cattle at any time when, in the secretary's opinion, it is necessary to do so, and shall, once in three years, order the tuberculin testing of any cattle to conform to and comply with the regulations of the federal bureau of animal industry in any county where the percentage of bovine tuberculosis has been reduced to one-half of one percent or less, subject to the provisions of this chapter with reference to the disposition or slaughtering of animals found to be reactors when given a tuberculin test. Such county shall be a modified accredited county, and it shall be unlawful for any person to transport any dairy or breeding cattle into such county unless they have been examined for tuberculosis as provided in this chapter.

[C27, 31, 35, §2704-b1; C39, §**2704.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.32]

Referred to in §165.33

165.33 Penalty.

Any person found guilty of violating the provisions of section 165.32 shall be deemed guilty of a simple misdemeanor.

[C31, 35, §2704-c1; C39, §**2704.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.33]

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165.34 Reserved.

165.35 Township animal board of health.

The township trustees in such county are hereby constituted the animal board of health in their respective townships and they shall by April 1 of each year and at such other times as they shall deem advisable, make a survey and report to the department all breeding cattle brought into their respective townships from outside of the county.

[C27, 31, 35, §2704-b3; C39, §**2704.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.35]

165.36 Importation of cattle.

No dairy or breeding cattle shall be shipped, driven on foot, or transported, into the state of Iowa, except upon one of the following conditions:

1. That such cattle come from a herd which has been officially accredited as a tuberculosis-free accredited herd by the state from which such cattle come or by the department of agriculture of the United States; or
2. That such cattle come from an area officially declared as a modified accredited area by such state or the department of agriculture of the United States, and the herd from which they originate, if previously infected, has passed two tests free from tuberculosis; or
3. That such cattle are brought into this state under quarantine to be tuberculin tested for tuberculosis and fully examined in not less than sixty days nor more than ninety days. The test must be applied by a veterinarian accredited by the department and at the expense of the owner. Such cattle brought in under quarantine shall be accompanied by a certificate of veterinary inspection issued by a veterinarian accredited by the state from which the cattle are imported or by the animal and plant health inspection service of the United States department of agriculture showing them to be free from tuberculosis. The department of agriculture and land stewardship shall not release its quarantine until an examination has been made and the department determines that such cattle are not afflicted with tuberculosis.

[C31, 35, §2704-c2; C39, §**2704.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §165.36]

2004 Acts, ch 1163, §21

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CHAPTER 165A

JOHNE'S DISEASE CONTROL

Referred to in §172E.3

165A.1	Definitions.	165A.4	Infected cattle.
165A.2	Administration and enforcement.	165A.5	Enforcement — penalty.
165A.3	Determination of infection.		

165A.1 Definitions.

1. *"Concentration point"* means a location or facility where cattle are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of cattle from various sources. *"Concentration point"* includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.
2. *"Department"* means the department of agriculture and land stewardship.
3. *"Infected"* means infected with Johne's disease as provided in section 165A.3.
4. *"Johne's disease"* means a disease caused by the bacterium Mycobacterium paratuberculosis, and which is also referred to as paratuberculosis disease.
5. *"Separate and apart"* means to hold cattle so that neither the cattle nor organic material originating from the cattle has physical contact with other animals.
6. *"Slaughtering establishment"* means a slaughtering establishment operated under

the provision of the federal Meat Inspection Act, 21 U.S.C. §601 et seq., or a slaughtering establishment that has been inspected by the state.

2001 Acts, ch 101, §1; 2012 Acts, ch 1095, §46, 47; 2023 Acts, ch 64, §25

165A.2 Administration and enforcement.

The provisions of this chapter, including departmental rules adopted pursuant to this chapter, shall be administered and enforced by the department. The department may assess and collect civil penalties against persons in violation of this chapter as provided in section 165A.5. The attorney general may assist the department in the enforcement of this chapter.

2001 Acts, ch 101, §2

165A.3 Determination of infection.

The department shall adopt rules providing methods and procedures to determine whether cattle are infected, which may include detection and analysis of Johne's disease using techniques approved by the United States department of agriculture.

2001 Acts, ch 101, §3; 2012 Acts, ch 1095, §48

Referred to in §165A.1

165A.4 Infected cattle.

Cattle infected with Johne's disease shall be accompanied by an owner-shipper statement. A person shall not sell infected cattle other than directly to a slaughtering establishment, or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. Cattle infected with Johne's disease that are kept at a concentration point shall be kept separate and apart.

2001 Acts, ch 101, §4; 2002 Acts, ch 1119, §23; 2012 Acts, ch 1095, §49

165A.5 Enforcement — penalty.

1. A person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars. The proceeding to assess a civil penalty shall be conducted as a contested case proceeding under chapter 17A.

2. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of this chapter including a rule adopted pursuant to this chapter.

3. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

2001 Acts, ch 101, §5; 2001 Acts, ch 176, §62

Referred to in §165A.2, 172E.3

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CHAPTER 165B

CONTROL OF PATHOGENIC VIRUSES IN POULTRY

Referred to in §163.2

165B.1 Definitions.
165B.2 Administration and enforcement.
165B.3 Determination of infection.
165B.4 Infected and exposed poultry — civil penalty — injunctive relief.
165B.5 Restricted concentration points — civil penalties.

165B.1 Definitions.

1. "*Concentration point*" means a location or facility where poultry originating from the same or different sources are assembled for any purpose. However, a concentration point does not include an animal feeding operation as defined in section 459.102 if the poultry are provided care and feeding for purposes of egg production or slaughter.

2. *"Department"* means the department of agriculture and land stewardship.

3. *"Law enforcement officer"* means a state patrol officer or a regularly employed member of a police force of a city or county, including but not limited to a sheriff's office, who is responsible for the prevention and detection of a crime and the enforcement of the criminal laws of this state.

4. *"Manure"* means the same as defined in section 459.102.

5. *"Pathogenic virus"* means any of the following:

a. A recognized serotype of the virus avian paramyxovirus which is classified as a velogenic or mesogenic strain of that virus and which may be transmitted to poultry.

b. A recognized serotype of the virus commonly referred to as avian influenza which may be transmitted to poultry.

6. *"Poultry"* means domesticated fowl which are chickens, ducks, or turkeys.

7. *"Separate and apart"* means to hold poultry so that neither the poultry nor organic material originating from the poultry has physical contact with other animals.

8. *"Slaughtering establishment"* means a slaughtering establishment operated under the provisions of the federal Meat Inspection Act, 21 U.S.C. §601 et seq., or a slaughtering establishment that has been inspected by the state.

2004 Acts, ch 1089, §2; 2005 Acts, ch 35, §31

165B.2 Administration and enforcement.

1. *a.* The provisions of this chapter, including departmental rules adopted pursuant to this chapter, shall be administered and enforced by the department. The department shall establish, by rule, civil penalties which may be administratively or judicially assessed. The department may impose, assess, and collect the civil penalties. The attorney general or county attorney may bring a judicial action or prosecution necessary to enforce the provisions of this chapter.

b. The department shall retain moneys from civil penalties that it collects under this chapter. The moneys are appropriated to the department for the administration and enforcement of this chapter. Notwithstanding section 8.33, such moneys shall not revert, but shall be retained by the department for the purposes described in this paragraph. The department shall submit a report to the chairpersons of the joint appropriations subcommittee on agriculture and natural resources by January 5 of each year. The report shall state, at a minimum, the total amount of moneys collected during the past calendar year and describe how these moneys were expended.

2. The provisions of this chapter do not limit the authority of the department, another state agency, or a political subdivision to regulate or bring an enforcement action against a person based on another provision of law, including but not limited to provisions in chapter 163, 717B, or 717D.

2004 Acts, ch 1089, §3

165B.3 Determination of infection.

The department may adopt rules if necessary to provide methods and procedures to determine whether poultry are infected with a pathogenic virus, which may include detection and analysis of the disease using techniques approved by the United States department of agriculture.

2004 Acts, ch 1089, §4

165B.4 Infected and exposed poultry — civil penalty — injunctive relief.

1. A person who is the owner or custodian of poultry infected with or exposed to a pathogenic virus shall keep the poultry separate and apart, and shall dispose of infected or exposed poultry in accordance with requirements of the department. The person shall ensure the premises where such poultry are kept are sanitized as required by the department. The person shall dispose of the poultry carcasses, eggs, or manure as provided by the department.

2. A person who violates this section is subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars, as determined by the department. In the case

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of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars.

3. The department may seek injunctive relief as provided in section 163.62.

2004 Acts, ch 1089, §5

165B.5 Restricted concentration points — civil penalties.

1. A person shall not operate a restricted concentration point. A restricted concentration point includes, but is not limited to, all of the following:

a. A concentration point where poultry are sold, bartered, or offered for sale or barter, if the concentration point is part of a market where poultry are sold, bartered, or offered for sale or barter to the general public.

b. A concentration point where poultry are placed together as part of a contest, including but not limited to an event conducted for purposes of producing violent contact between the poultry.

2. Subsection 1 does not apply to any of the following:

a. A slaughtering establishment, public stockyard, livestock auction market, state or federal market, livestock buying station, or a livestock dealer's yard, truck, or facility.

b. A fair conducted pursuant to chapter 173 or 174.

c. An event sanctioned by the department.

d. A 4-H function.

e. An event sponsored or sanctioned by the Iowa turkey marketing council, the Iowa turkey federation, the national turkey federation, the north central poultry association or its successor organization, the Iowa egg council, the American egg board, or the American poultry association.

3. *a.* A person who owns or operates a restricted concentration point is subject to a civil penalty of five thousand dollars for the first violation and twenty-five thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

b. A person who has a legal interest in infected poultry or has custody of infected poultry which are located at a restricted concentration point is subject to a civil penalty of five thousand dollars for the first violation and twenty-five thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

c. A person who transports poultry to or from a restricted concentration point is subject to a civil penalty of one thousand dollars for the first violation and five thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

d. A person who purchases, offers to purchase, barters, or offers to barter for poultry at a restricted concentration point is subject to a civil penalty of one hundred dollars for the first violation and one thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

e. A person who charges admission for entry into a restricted concentration point where a contest occurs or otherwise holds, advertises, or conducts the contest is subject to a civil penalty of one thousand dollars for the first violation and five thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

f. A person who attends or participates in a contest at a restricted concentration point where a contest occurs is subject to a civil penalty of one hundred dollars for the first violation and one thousand dollars for each subsequent violation. Each day that a violation continues constitutes a separate violation.

4. This subsection applies to poultry maintained at a restricted concentration point, or poultry transported to or from a restricted concentration point.

a. The department or a law enforcement officer may confiscate poultry before a contested case proceeding or judicial hearing is conducted to determine whether this section has been violated. If the department or a court determines that a violation of this section has occurred, the poultry are conclusively deemed to be infected with a pathogenic virus. The poultry shall be kept separate and apart until destroyed by euthanasia as defined in section 162.2.

b. The department shall provide that real or personal property that is exposed to the poultry shall be sanitized as required to eliminate the source of the pathogenic virus. As part of the sanitation, the department shall provide for the disposal of poultry carcasses,

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eggs, or manure. Upon inspection, the department shall certify that the sanitization has been performed as required by this paragraph.

c. The department may utilize the procedures provided in section 17A.18A in order to enforce the provisions of this section. The attorney general or county attorney may petition the district court for an expedited hearing.

d. The department shall be reimbursed by the owner of the poultry or property for costs required to carry out this subsection. However, if the enforcement action is brought due to the activity of a law enforcement officer of a political subdivision, the political subdivision shall be reimbursed by the owner of the poultry or property for those costs. The department or political subdivision shall certify the amount to the county auditor of any county in which the owner is a titleholder of real property. The amount shall be placed upon the tax books and shall be a lien upon the real property, and collected with interest and penalties after due, in the same manner as other unpaid property taxes.

2004 Acts, ch 1089, §6; 2004 Acts, ch 1175, §329; 2005 Acts, ch 3, §41; 2026 Acts, ch 1200, §52

Subsection 2, paragraph e amended

CHAPTER 166

CLASSICAL SWINE FEVER VIRUS AND SERUM

Referred to in §159.6

166.1 Definitions.
166.2 Rules.
166.3 Permit to manufacture or sell.
166.4 Application for permit.
166.5 Manufacturer's permit.
166.6 Dealer's permit.
166.7 Liability on bond.
166.8 New or additional bond.
166.9 Liability of manufacturer.
166.10 Fees.
166.11 Inspection of premises.
166.12 Manufacturer's or dealer's permit.
166.13 Revocation of permit.
166.14 Revocation by department.
166.15 Prohibited sales.
166.16 Sales — limitation.
166.17 through 166.28 Reserved.
166.29 Reports by manufacturers and dealers.
166.30 through 166.33 Reserved.
166.34 Seizure of samples.
166.35 Condemnation and destruction.
166.36 Defacing labels.
166.37 Price of virus.
166.38 Compensation.
166.39 Violations.
166.40 Reserved.
166.41 Classical swine fever vaccine prohibited — emergency.
166.42 Biological products reserve — use.

166.1 Definitions.

When used in this chapter:

1. *"Biological products"* shall include and be deemed to embrace only anti-classical swine fever serum and viruses which are either virulent or nonvirulent, alive or dead.

2. *"Dealer"* includes every person who, for profit, sells, dispenses, or distributes, or offers to do so, either as principal or agent, biological products, except:

a. A manufacturer selling direct to any person licensed under this chapter to sell, dispense, or distribute such biological products.

b. A regularly licensed veterinarian who uses such biological products in the veterinarian's professional practice and does not use it for sale or distribution to any other person.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Manufacturer"* includes every person engaged in the preparation, at any stage of the process, of biological products, except those engaged in such preparation in any state or governmental institution.

5. *"Place of business"* is construed to mean each place or premises where biological products are sold, or where biological products are stored or kept for the purpose of sale,

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dispensation or distribution, or where biological products are offered for sale, dispensation or distribution.

6. "*Secretary*" means the secretary of agriculture.

[SS15, §2538-w12; C24, 27, 31, 35, 39, §**2705;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.1]

2005 Acts, ch 19, §34; 2012 Acts, ch 1095, §36; 2017 Acts, ch 159, §23

Further definitions; see §159.1

166.2 Rules.

The department shall have power to make such rules governing the manufacture, sale, and distribution of biological products as it deems necessary to maintain their potency and purity.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2706;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.2]

166.3 Permit to manufacture or sell.

Every person, before engaging as a manufacturer of, or dealer in, biological products shall obtain from the department a permit for that purpose and shall be required to have a separate permit for each place of business. A pharmacy licensed under chapter 155A shall not be required to obtain a dealer's permit to deal in biological products.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2707;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.3]

87 Acts, ch 215, §42

166.4 Application for permit.

Every application for such a permit shall be made on a form provided by the department, which form shall call for such information as the department shall deem necessary, including the name and place of business of the applicant.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2708;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.4]

166.5 Manufacturer's permit.

An application for a permit to manufacture biological products shall be accompanied by evidence satisfactory to the department that the applicant is the holder of a valid, unrevoked, United States department of agriculture license for the manufacture and sale of such biological products.

[C24, 27, 31, 35, 39, §**2709;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.5]

166.6 Dealer's permit.

An application for a permit to deal in biological products shall be accompanied by a separate bond for each place of business, with sureties to be approved by the department, in the sum of five thousand dollars for each place of business, which bond shall be conditioned:

1. To faithfully comply with all laws governing the warehousing, sale, and distribution of biological products, and with all the rules of the department relating to such biological products.

2. To indemnify any person who uses any such biological products sold by the principal and is damaged by the negligence of the principal, or any of the principal's agents, in the warehousing, handling, sale, or distribution of such biological products.

3. To pay to the state all penalties which may be adjudged against the principal.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2710;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.6]

99 Acts, ch 114, §10

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166.7 Liability on bond.
The principal on such bond shall be liable to every person for any damage caused by the negligence of the principal or of the principal's agents, notwithstanding the execution of the bond.
[C24, 27, 31, 35, 39, §**2711;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.7]

166.8 New or additional bond.
When judgment is rendered on such bond, the principal shall immediately execute and file with the department a new or additional bond, conditioned as the original bond, and in an amount to be fixed by the department, which will furnish the same amount of security that was furnished before the original bond was impaired.
[C24, 27, 31, 35, 39, §**2712;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.8]

166.9 Liability of manufacturer.
A manufacturer shall be liable to an injured person for all damages which occur:
1. By reason of the negligence of the manufacturer or the manufacturer's employees in the manufacture, warehousing, handling, or distribution of biological products.
2. By reason of the failure of the manufacturer, or the manufacturer's employees, to discharge any duty imposed by law, or by the rules of the department.
[C24, 27, 31, 35, 39, §**2713;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.9]

166.10 Fees.
Fees for permits shall be paid by the manufacturer or dealer to the department when the application for such permit is made and shall be:
1. In case of a manufacturer, twenty-five dollars for each plant at which it is proposed to manufacture biological products.
2. In case of a dealer, five dollars for each place of business, warehouse or distributing agency of the dealer.
[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2714;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.10]

166.11 Inspection of premises.
The premises upon which the business authorized by such permit is carried on shall be subject at all times to inspection by the department. Before issuing an original permit, the department may cause the proposed premises to be inspected, and shall make such requirements regarding the physical conditions and sanitation of said premises as it may deem necessary to secure and maintain the potency and purity of the biological products. If such requirements are not complied with and maintained, the permit shall be refused or revoked as the case may be.
[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2715;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.11]

166.12 Manufacturer's or dealer's permit.
Every permit issued to a manufacturer or dealer shall expire on the first day of July following the date of issuance. A renewal of the same shall be subject to all the conditions, including fees, that are required in the case of an original permit.
[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2716;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.12]

166.13 Revocation of permit.
Such a permit shall be automatically revoked:
1. In case of a dealer, by the dealer's failure to execute and file with the department a new and approved bond when required by law, or by the dealer's failure to obtain a separate permit and to file a separate bond in the amount of five thousand dollars for each place of business.

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2. In case of a manufacturer, by the manufacturer's ceasing to be the holder of a United States department of agriculture license for the manufacture and sale of biological products.

3. In case of either a manufacturer or dealer, for discrimination in the price at which such biological products are sold, and such permit shall not in such case be renewed for one year.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2717;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.13]

166.14 Revocation by department.

Such a permit may also be revoked by the department at any time after a reasonable notice and hearing:

1. For violation of the terms, conditions, and requirements on which it was issued.

2. For violation of any law, or of any rule of the department, relating to the business authorized by such permit.

3. In case of a dealer's permit, when a judgment has been rendered on the bond, or when the security of such bond has become impaired in any other way and no new bond is given as required by the department.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2718;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.14]

166.15 Prohibited sales.

No biological products shall be sold, offered for sale, distributed, or used, unless produced at a plant which, at the time of producing, held a United States department of agriculture license for the manufacture of such biological products.

[SS15, §2538-w3; C24, 27, 31, 35, 39, §**2719;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.15]

166.16 Sales — limitation.

A person shall not sell, distribute, use, or offer to sell, distribute, or use virulent blood or virus from classical-swine-fever-infected swine except for one or more of the following purposes:

1. For the purpose of interstate or foreign shipment of such blood or virus.

2. For the purpose of research at any biological laboratory or by any manufacturer of biological products.

3. For the purpose of testing biological products by any governmental authority or by any manufacturer of biological products.

4. For the purpose of manufacturing any biological products or for the purpose of producing immune swine to be used in the production of anti-classical swine fever serum.

[SS15, §2538-w5; C24, 27, 31, 35, 39, §**2720;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.16]

2012 Acts, ch 1095, §37, 38

Referred to in §166.41

166.17 through 166.28 Reserved.

166.29 Reports by manufacturers and dealers.

A person holding a permit as manufacturer or dealer shall make such written reports to the department relative to biological products as it may from time to time require.

[SS15, §2538-w5; C24, 27, 31, 35, 39, §**2733;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.29]

166.30 through 166.33 Reserved.

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166.34 Seizure of samples.

The department may seize, at any time or place, for examination, samples of biological products manufactured or kept for use or sale within the state.

[S13, §2538-w6; C24, 27, 31, 35, 39, §**2738;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.34]

166.35 Condemnation and destruction.

The department shall have power to condemn and destroy any biological products which it deems unsafe.

[S13, §2538-w6; C24, 27, 31, 35, 39, §**2739;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.35]

166.36 Defacing labels.

No person shall remove or deface any label upon the bottles or packages containing any biological products or change the contents from the original container except for immediate use.

[SS15, §2538-w8; C24, 27, 31, 35, 39, §**2740;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.36]

166.37 Price of virus.

Persons holding permits, either as manufacturers or dealers, shall sell all biological products at a uniform price to all persons to whom sales are made. No rebate on said price shall be given, either directly or indirectly, in any manner whatsoever.

[C24, 27, 31, 35, 39, §**2741;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.37]

166.38 Compensation.

No licensed veterinarian shall receive, directly or indirectly, any compensation of any kind for the handling, sale, or use of any biological products, other than the veterinarian's charges for administering the same, unless the veterinarian makes known in writing the amount of such compensation, if requested to do so by the person using biological products. Any veterinarian violating this section shall be guilty of a simple misdemeanor.

[C24, 27, 31, 35, 39, §**2742;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.38]

Revocation of license, §169.13

166.39 Violations.

Any person who violates any provision of this chapter, or any rule of the department, or who shall hinder or attempt to hinder the department or any duly authorized agent or official thereof in the discharge of that person's duty, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars.

[S13, §2538-w7; C24, 27, 31, 35, 39, §**2743;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §166.39]

166.40 Reserved.

166.41 Classical swine fever vaccine prohibited — emergency.

The sale or use of classical swine fever vaccine, except as provided in section 166.16, is prohibited and a person shall not use such a product in this state. However, in the case of an emergency as defined in section 166.42, a special permit for the use of vaccines may be issued by the secretary.

[C66, 71, 73, 75, 77, 79, 81, §166.41]

2012 Acts, ch 1095, §39

166.42 Biological products reserve — use.

1. The secretary may establish a reserve supply of biological products of approved modified live virus classical swine fever vaccine and of anti-classical swine fever serum or its equivalent in antibody concentrate to be used as directed by the secretary in the event of an emergency resulting from a classical swine fever outbreak. Vaccine and serum or antibody

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concentrate from the reserve supply, if used for such an emergency, shall be made available to swine producers at a price which will not result in a profit. Payment shall be made by the producer to the department and such vaccine shall be administered by a licensed practicing veterinarian. The secretary may cooperate with other states in the accumulation, maintenance and disbursement of such reserve supply of biological products. The secretary, with the advice and written consent of the state veterinarian, and the advice and written consent of the veterinarian-in-charge for Iowa of the animal and plant health inspection service — veterinary services, United States department of agriculture, shall determine when an emergency resulting from a classical swine fever outbreak exists.

2. The secretary is authorized to sell or otherwise dispose of classical swine fever vaccine or serum if the potency of such vaccine or serum is in doubt. Moneys received under provisions of this section shall be paid into the state treasury.

[C71, 73, 75, 77, 79, 81, §166.42]

99 Acts, ch 96, §17; 2000 Acts, ch 1058, §21; 2012 Acts, ch 1095, §40; 2017 Acts, ch 159, §24; 2019 Acts, ch 24, §104

Referred to in §166.41

CHAPTER 166A

SCABIES CONTROL IN SHEEP

166A.1 Definitions.
166A.2 Sheep dealer's license.
166A.3 Injunction.
166A.4 Treatment.
166A.5 Certificate. Repealed by 2012 Acts, ch 1095, §57.
166A.6 Records kept.
166A.7 Slaughter without treatment.
166A.8 Quarantine of infected sheep.
166A.9 Scabies-free areas.
166A.10 Restraint of movement.
166A.11 Sheep entering state.
166A.12 Shearers' reports.
166A.13 Rules.
166A.14 Penalty.

166A.1 Definitions.

1. *"Accredited veterinarian"* means a veterinarian who is licensed by the state in which the veterinarian practices, is approved by the department of agriculture and land stewardship or the livestock sanitary authority of that state, and is accredited by the United States department of agriculture.

2. *"Approved stockyard or livestock market"* means any place where sheep are assembled for public auction, private sale, or on a commission basis which is under state or federal supervision.

3. *"Area"* means one or more counties or portions thereof.

4. *"Certificate of veterinary inspection"* or *"certificate"* means the same as defined in section 163.2.

5. *"Certified scabies-free area"* means an area in which all sheep have been inspected by a representative of the Iowa department of agriculture and land stewardship or of the animal disease eradication division of the United States department of agriculture and are found to be free of any evidence of scabies and such fact is certified to by both agencies.

6. *"Dealer"* means any person who is engaged in the business of buying for resale, selling, or exchanging sheep as a principal or agent or who claims to be so engaged but does not include employees of a dealer doing business in the name of such dealer or the owner or operator of a farm who exchanges only sheep which have been kept by that person solely for feeding or breeding purposes and does not claim to be so engaged, or as a livestock auction market acting strictly on a consignment basis.

7. *"Department"* means the department of agriculture and land stewardship.

8. *"Division"* means the animal disease eradication division of the agricultural research service of the United States department of agriculture.

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9. *"Infected animal"* means an animal of the ovine species which shows clinical evidence of scabies or in which the presence of the scabies mite is demonstrated.

10. *"Scabies"* means a communicable skin disease caused by infestation with mites of the species psoroptes, sarcoptes, chorioptes or psorergates.

11. *"Treatment"* includes but is not limited to administering medication.

[C66, 71, 73, 75, 77, 79, 81, §166A.1]

86 Acts, ch 1245, §618; 2004 Acts, ch 1163, §22; 2012 Acts, ch 1095, §50; 2017 Acts, ch 159, §25

Further definitions; see §159.1

166A.2 Sheep dealer's license.

1. A person shall not act as a dealer unless the person obtains a license issued by the department. The license fee is ten dollars. A license expires on the first day of the second July following date of issue. An initial license shall be numbered and any subsequent or renewed license issued to the dealer shall retain the same number. An application for a license must be prepared on a form furnished by the department.

2. For good and sufficient grounds the department may refuse to grant a license to any applicant. The department may also revoke a license obtained by a dealer for a violation of any provision of this chapter or for the refusal or failure of a dealer to obey the lawful directions of the department.

3. Any person who is licensed as a sheep dealer under chapter 172A shall be exempt from this section.

[C66, 71, 73, 75, 77, 79, 81, §166A.2]

2017 Acts, ch 54, §76; 2017 Acts, ch 159, §26, 56; 2018 Acts, ch 1026, §61

166A.3 Injunction.

Any person engaging in, or claiming to be in, the business of a dealer without obtaining a license may be restrained by injunction, and shall pay all costs made necessary by such procedure.

[C66, 71, 73, 75, 77, 79, 81, §166A.3]

166A.4 Treatment.

All breeding and feeding sheep offered for sale or exchange or otherwise moved or released from any premises, vehicle, or conveyance, shall, within ten days prior to exchange, release, or movement, be treated in an approved manner under the supervision of the department or the animal and plant health inspection service of the United States department of agriculture. When sheep are moved within or from a certified scabies-free area in this state, the sheep must be accompanied by a certificate of veterinary inspection as provided in chapter 163. The treatment shall not be required prior to such movement. Sheep may be moved from a premises to an approved facility for the purpose of treatment under such conditions as may be required by the rules of the department or the regulations of the animal and plant health inspection service of the United States department of agriculture. In addition, sheep are not required to be treated if moved to a livestock auction market until after sale. Sheep are not required to be treated if consigned directly for slaughter.

[C66, 71, 73, 75, 77, 79, 81, §166A.4]

2004 Acts, ch 1163, §23; 2012 Acts, ch 1095, §51

166A.5 Certificate. Repealed by 2012 Acts, ch 1095, §57.

166A.6 Records kept.

Market operators and dealers in sheep shall use satisfactory treatment, approved by the department. Market operators and dealers shall maintain records which show the true origin of the sheep including name and address of the seller or consignor, number, date of receipt, date of treatment, and including all certificates, permits, waybills, and bills of lading for each consignment of sheep consigned to and leaving the market or dealer's premises. All records

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shall be retained for a period of one year and made available upon demand by a representative of the department.

[C66, 71, 73, 75, 77, 79, 81, §166A.6]
2012 Acts, ch 1095, §52

166A.7 Slaughter without treatment.

Animals may be sold for slaughter without treatment. Sheep when inspected at the market or dealer's premises and found free of scabies or no known exposure thereto, may be sold for slaughter purposes without treatment if consigned directly and immediately on a slaughter affidavit to a slaughtering establishment operating under federal, state or municipal meat inspection service.

[C66, 71, 73, 75, 77, 79, 81, §166A.7]
2012 Acts, ch 1095, §53

166A.8 Quarantine of infected sheep.

1. Sheep found to be infected with or exposed to scabies shall be immediately treated, as directed by and under the supervision of the department, at owner's expense. Such sheep shall remain under quarantine until released by the department, except that sheep infected with or exposed to scabies may be moved, without treatment, directly to a slaughter establishment under federal inspection, under permit from the department. No sheep shall be moved into or within the state of Iowa for any purpose except as provided in this chapter and the rules of the department, provided sheep may be moved without treatment between properties owned or rented by the owner of the sheep, if not moved from a noncertified scabies-free area to a certified scabies-free area.

2. Any person may sell or exchange sheep on the farm between November 1 and April 1 without treatment if accompanied by a certificate from a licensed veterinarian that the sheep are free from scabies issued within ten days prior to such sale or exchange until such time as the county is declared a scabies-free area.

[C66, 71, 73, 75, 77, 79, 81, §166A.8]
2012 Acts, ch 1095, §54

166A.9 Scabies-free areas.

When all flocks of sheep within a county have been inspected by a representative of the department and are found to be free of scabies, the department may certify the county as a "scabies-free area."

[C66, 71, 73, 75, 77, 79, 81, §166A.9]

166A.10 Restraint of movement.

Sheep from noncertified scabies-free areas within this state shall not enter certified scabies-free areas unless they have been treated in an approved manner under supervision within ten days preceding movement and satisfactory evidence of treatment accompanies the shipment. However, such sheep may be moved into certified scabies-free areas if consigned directly to a stockyard market, auction market, or slaughter establishment, under federal inspection, provided the sheep are accompanied by a certificate of veterinary inspection stating number, description, consignor, and consignee.

[C66, 71, 73, 75, 77, 79, 81, §166A.10]
2004 Acts, ch 1163, §24; 2012 Acts, ch 1095, §55

166A.11 Sheep entering state.

1. Sheep being moved into the state for breeding or feeding purposes shall be accompanied by a certificate of veterinary inspection stating the sheep are any of the following:

a. From a certified scabies-free area.

b. Treated in an approved manner within ten days prior to movement.

2. Livestock markets, dealers, and individuals shall retain all incoming waybills and

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certificates for a period of one year which shall be made available to the department upon demand.

[C66, 71, 73, 75, 77, 79, 81, §166A.11]

2004 Acts, ch 1163, §25; 2012 Acts, ch 1095, §56

166A.12 Shearers' reports.

All persons engaged in the shearing of sheep shall immediately report any suspicion of or evidence of scabies to the department.

[C66, 71, 73, 75, 77, 79, 81, §166A.12]

166A.13 Rules.

The department is empowered to make and promulgate rules necessary for carrying out the provisions of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §166A.13]

166A.14 Penalty.

Any person, firm or partnership or corporation violating the provisions of this chapter shall be guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §166A.14]

CHAPTER 166B

ERADICATION OF CLASSICAL SWINE FEVER

166B.1 Definitions.
166B.2 General authority.
166B.3 Appraisal and indemnification.
166B.4 Institution of indemnification.
166B.5 Cooperation with United States.
166B.6 Rules.
166B.7 Judicial review.

166B.1 Definitions.

As used in this chapter:

1. *"Classical swine fever"* means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

2. *"Destroy"* means condemn under state authority and slaughter or otherwise kill as a result of or pursuant to such condemnation.

3. *"Exposed"* means all swine in physical contact with a known infected herd or tended by a person having direct contact with an infected herd.

[C66, 71, 73, 75, 77, 79, 81, §166B.1]

86 Acts, ch 1245, §619; 2012 Acts, ch 1095, §41, 42

Further definitions; see §159.1

166B.2 General authority.

The department may destroy or require the destruction of any swine which the state veterinarian knows to be, or suspects is, affected with or exposed to classical swine fever, whenever the department finds such destruction to be necessary to prevent or reduce the danger of the spread of classical swine fever. Disposal of condemned swine shall be under the supervision of a regulatory employee. Salvage of apparently healthy marketable swine is permissible as a minimum provision and may be discontinued in favor of total herd disposition with indemnification as necessary and without such salvage in any case or at any time when it is determined by the department and the United States department of agriculture that the procedure would constitute an undue threat to the eradication program. Before being condemned and ordered to be destroyed, a positive diagnosis of classical swine

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fever affecting the herd must be confirmed by a state or federal laboratory or personnel approved by the department and the United States department of agriculture.

[C66, 71, 73, 75, 77, 79, 81, §166B.2]

2012 Acts, ch 1095, §43

166B.3 Appraisal and indemnification.

The department shall appraise any swine destroyed or ordered destroyed pursuant to this chapter at not to exceed current market value and shall indemnify the owner of such swine in an amount not to exceed two hundred dollars for purebred, inbred or hybrid or breeding swine; and not to exceed one hundred dollars for all other swine, provided that fifty percent or more of all such indemnities are paid by the United States department of agriculture.

[C66, 71, 73, 75, 77, 79, 81, §166B.3]

166B.4 Institution of indemnification.

It is hereby recognized and declared that indemnification for destruction of swine infected with or exposed to classical swine fever is an expression of the public policy of this state but employed only in the final stages of eradication of the disease, or as a means of preventing or minimizing its recurrence. The department shall not therefore institute an initial program of indemnification pursuant to the chapter until it is mutually agreed between the department and the United States department of agriculture that such action is necessary in order to carry out the classical-swine-fever eradication program.

[C66, 71, 73, 75, 77, 79, 81, §166B.4]

2012 Acts, ch 1095, §44

166B.5 Cooperation with United States.

The department may cooperate with the United States, or any department, agency or officer thereof, in the control and eradication of classical swine fever, including the sharing in payment of indemnities for swine destroyed.

[C66, 71, 73, 75, 77, 79, 81, §166B.5]

2012 Acts, ch 1095, §45

166B.6 Rules.

The department of agriculture and land stewardship may make, promulgate, amend, repeal, and enforce necessary rules for implementing this chapter.

[C66, 71, 73, 75, 77, 79, 81, §166B.6]

166B.7 Judicial review.

Judicial review of department action under this chapter may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county, wherein the hogs are situated.

[C66, 71, 73, 75, 77, 79, 81, §166B.7]

2003 Acts, ch 44, §114

CHAPTER 166C

RESERVED

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CHAPTER 166D

PSEUDORABIES CONTROL

Referred to in §163.2, 163.30, 163.61

166D.1 Purpose — rules.
166D.2 Definitions.
166D.3 State pseudorabies advisory committee. Repealed by 2020 Acts, ch 1036, §13, 16.
166D.3A Departmental determination of pseudorabies prevalence.
166D.4 and 166D.5 Repealed by 2000 Acts, ch 1110, §22, 25.
166D.6 Reporting of test results.
166D.7 Noninfected herds.
166D.8 Infected herds.
166D.9 Quarantined herds.
166D.10 Movement of swine.
166D.10A Restricted movement — requirements.
166D.10B Approved premises.
166D.11 Vaccination and testing requirements.
166D.12 Concentration points.
166D.13 Exhibition of swine.
166D.14 Pseudorabies immunization products.
166D.15 Tracing pseudorabies to source or destination herds.
166D.16 Enforcement — penalty — certificates.

166D.1 Purpose — rules.

This chapter provides for measures to control the transmission and incidence, and for the eventual eradication, of pseudorabies among swine within this state. The department shall adopt rules to carry out the provisions of this chapter.

89 Acts, ch 280, §1
Referred to in §166D.10

166D.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Approved premises"* means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is certified by the department to receive, feed, and move or relocate infected swine as provided in section 166D.10B.

2. *"Approved premises permit"* means a permit issued by the department necessary for a person to own and operate an approved premises.

3. *"Breeding swine"* means swine over six months of age.

4. *"Certificate of inspection"* means a document approved by the United States department of agriculture or the department of agriculture and land stewardship, and issued by a licensed veterinarian prior to the interstate or intrastate movement of swine or to the relocation of swine. The certificate of inspection must state all of the following:

a. The number, description, and identification of the swine to be moved.

b. Whether the swine to be moved are known to be infected with or exposed to pseudorabies.

c. The farm of origin.

d. The purpose for moving the swine.

e. The point of destination of the swine.

f. The consignor and each consignee of the swine.

g. Additional information as required by state or federal law.

5. *"Certificate of veterinary inspection"* means the same as defined in section 163.2.

6. *"Cleanup plan"* means a herd cleanup plan or feeder pig cooperator herd cleanup plan as provided in section 166D.8.

7. *"Concentration point"* means a location or facility where swine are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of swine from various sources. *"Concentration point"* includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.

8. *"Cull swine"* means mature swine fed for purposes of direct slaughter. However, *"cull swine"* does not include swine kept for purposes of breeding or reproduction.

9. *"Differentiable test"* means a laboratory procedure approved by the department to

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diagnose pseudorabies. The procedure must be capable of recognizing and distinguishing between vaccine-exposed and field-pseudorabies-virus-exposed swine.

10. *"Differentiable vaccinate"* means a swine which has only been exposed to a differentiable vaccine.

11. *"Differentiable vaccine"* means a vaccine which has a licensed companion differentiable test, and includes a modified-live differentiable vaccine.

12. *"Direct movement"* means movement of swine to a destination without unloading the swine en route, without contact with swine of lesser pseudorabies vaccinate status, and without contact with infected or exposed livestock.

13. *"Epidemiologist"* means a state or federal veterinarian designated to investigate and diagnose suspected pseudorabies in livestock. The epidemiologist must have had special training in the diagnosis and epidemiology of pseudorabies.

14. *"Exhibition"* means the same as defined in section 163.32.

15. *"Exposed"* means an animal that has not been kept separate and apart or isolated from livestock infected with pseudorabies, including all swine in a known infected herd.

16. *"Exposed livestock"* means livestock that have been in contact with livestock infected with pseudorabies, including all livestock in a known infected herd. However, livestock other than swine that have not been exposed to a clinical case of the disease for a period of ten consecutive days shall not be considered exposed livestock. Swine released from quarantine are no longer considered exposed.

17. *"Farm of origin"* means a location where the swine were born, or on which the swine have been located for at least ninety consecutive days immediately prior to movement.

18. *"Feeder pig"* means an immature swine fed for purposes of direct slaughter which weighs one hundred pounds or less.

19. *"Feeder pig cooperator herd"* means a swine herd not currently determined to be pseudorabies negative, that has not experienced clinical signs of pseudorabies in the last six months, that is capable of segregating offspring at weaning into separate and apart production facilities, and has implemented an approved pseudorabies eradication plan.

20. *"Feeder swine"* means swine fed for purposes of direct slaughter, including feeder pigs and cull swine. However, *"feeder swine"* does not include swine kept for purposes of breeding or reproduction.

21. *"Fixed concentration point"* means a concentration point which is a permanent location where swine are assembled for purposes of sale and movement to a slaughtering establishment as provided in section 166D.12.

22. *"Herd"* means a group of swine as established by departmental rule.

23. *"Herd cleanup plan"* means a plan to eliminate pseudorabies from a swine herd. The plan must be developed by an epidemiologist in consultation with the herd owner and the owner's veterinary practitioner. The plan must be approved and signed by the epidemiologist, the owner, and the practitioner. The plan must be approved and filed with the department.

24. *"Herd of unknown status"* means all swine except swine which are part of a known infected herd, swine known to have been exposed to pseudorabies, or swine which are part of a noninfected herd.

25. *"Infected"* means infected with pseudorabies as determined by an epidemiologist whose diagnosis is supported by test results.

26. *"Infected herd"* means a herd that is known to contain infected swine, a herd containing swine exhibiting clinical signs of pseudorabies, or a herd that is infected according to an epidemiologist.

27. *"Inspection service"* means the animal and plant health inspection service, United States department of agriculture.

28. *"Isolation"* means separation of swine within a physical barrier in a manner to prevent swine from gaining access to swine outside the barrier, including excrement or discharges from swine outside the barrier. Swine in isolation must not share a building with a ventilation system common to other swine. Swine in isolation must not be maintained within ten feet of other swine.

29. *"Isowean feeder pig"* means a feeder pig that weighs twenty pounds or less.

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30. *"Known infected herd"* means a herd in which swine have been determined by an epidemiologist to be infected.

31. *"Licensed pseudorabies vaccine"* means a pseudorabies virus vaccine produced under license from the United States secretary of agriculture under the federal Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. §151 et seq.

32. *"Livestock"* means swine, cattle, sheep, goats, horses, ostriches, rheas, or emus.

33. *"Monitored herd"* means a herd of swine, including a feeder swine herd, which has been determined within the past twelve months not to be infected, according to a statistical sampling.

34. *"Move"* or *"movement"* means the same as defined in section 163.30.

35. *"Noninfected herd"* means a herd which is one of the following:

a. A qualified pseudorabies negative herd.

b. A pseudorabies monitored herd.

c. A herd in which the animals have been individually tested negative within the past thirty days.

d. A herd which originates from an area with little or no incidence of pseudorabies as determined by the department based upon epidemiological studies and information relating to the area.

e. A qualified differentiable negative herd.

36. *"Nonvaccinate"* means a swine which has not been exposed to a pseudorabies vaccine.

37. *"Pseudorabies"* means the contagious, infectious, and communicable disease of livestock and other animals known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

38. *"Pseudorabies eradication plan"* means a written herd management program which is based on accepted statistical and epidemiological evaluation and designed to eradicate pseudorabies from the swine herds in a given area.

39. *"Qualified differentiable negative herd"* means a herd in which one hundred percent of the herd's breeding swine have been vaccinated and have reacted negatively to a differentiable test and which have been retested, as provided in this chapter.

40. *"Qualified negative herd"* means a herd in which one hundred percent of the herd's breeding swine have reacted negatively to a test, and have not been vaccinated, and which is retested as provided in this chapter.

41. *"Quarantined herd"* means a herd in which pseudorabies infected or exposed swine are bred, reared, or fed under the supervision and control of the department, as provided in section 166D.9.

42. *"Reaction"* means a result determined by an approved laboratory procedure designed to recognize pseudorabies virus infection or a nondifferentiable vaccinated animal.

43. *"Relocate"* or *"relocation"* means the same as defined in section 163.30.

44. *"Relocation record"* means a record as maintained by the owner of swine in a form and containing information as required by the rules adopted by the department, which indicates a relocation of swine as provided in section 166D.10.

45. *"Restricted movement"* means swine which are moved or relocated as provided in section 166D.10A.

46. *"Separate and apart"* means to hold swine so that neither the swine nor organic material originating from the swine has physical contact with other animals.

47. *"Slaughtering establishment"* means a slaughtering establishment operated under the provision of the federal Meat Inspection Act, 21 U.S.C. §601 et seq., or a slaughtering establishment which has been inspected by the state.

48. *"Stage II county"* means a county designated by the department as in stage II of the national pseudorabies eradication program.

49. *"Statistical sampling"* means a test based on at least a ninety percent probability of detecting at least a ten percent incidence of positive reaction within a herd.

50. *"Test"* means a serum neutralization (SN) test, virus isolation test, ELISA test, or other test approved by the department and performed by a laboratory approved by the department.

51. *"Transportation certificate"* means a written document evidencing that the movement or relocation of swine complies with the requirements of this chapter, and which may be

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a transportation certificate as provided in chapter 172B, or another document approved by the department, including but not limited to one or more types of forms covering different circumstances, as prescribed by the department.

89 Acts, ch 280, §2; 90 Acts, ch 1091, §1 – 3; 92 Acts, ch 1163, §42; 95 Acts, ch 43, §5; 97 Acts, ch 183, §2 – 6, 13; 2000 Acts, ch 1110, §1 – 4, 25; 2001 Acts, ch 24, §34; 2004 Acts, ch 1163, §26; 2010 Acts, ch 1061, §37; 2011 Acts, ch 84, §3, 5; 2019 Acts, ch 59, §56

Further definitions, see §159.1

166D.3 State pseudorabies advisory committee. Repealed by 2020 Acts, ch 1036, §13, 16.

166D.3A Departmental determination of pseudorabies prevalence.

The department shall periodically determine the prevalence of pseudorabies in each county in a manner and according to procedures established by rules adopted by the department.

97 Acts, ch 183, §7, 13

166D.4 and 166D.5 Repealed by 2000 Acts, ch 1110, §22, 25.

166D.6 Reporting of test results.

1. All tests under this chapter must be taken by a test administered by a licensed veterinarian. Test samples are to be collected by or under the direction of the department and a licensed veterinarian. If the test is determined by a laboratory located outside the state of Iowa, the person whose animal has been tested shall be responsible for assuring that the result is reported to the department within fourteen days following completion of the test. Swine sampled shall be identified with a numbered metal ear tag. The department shall make the ear tags available. Ear notches or other numbered identification methods approved by the department may be used at the herd owner's expense.

2. Test results shall be reported on forms prescribed by the department signed by the veterinarian and transmitted to the department within fourteen days following completion of the tests. Copies shall be made available to the attending veterinarian. Upon receipt, the attending veterinarian shall provide copies to the herd owner.

89 Acts, ch 280, §6

166D.7 Noninfected herds.

In administering the pseudorabies eradication program, the department shall regulate noninfected herds as follows:

1. A qualified negative herd must be certified, recertified, and maintained as follows:

a. The herd shall be certified when all breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved or relocated directly from another qualified negative herd. To remain certified, the herd must be retested and recertified each month as provided by the department. The herd shall be recertified when the greater of five head of swine or at least ten percent of the herd's breeding swine react negatively to a test.

b. Before being added to the herd, new swine, including swine returning to the herd after contact with nonherd swine, shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine has been placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than thirty days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified negative herd is located.

c. Swine from another qualified negative herd may be added without isolation or testing.

d. The owner shall make a request to the department for approval or reapproval of a qualified negative herd when the required tests are completed. Upon satisfactory proof that all requirements have been met, the herd shall be recertified by the department.

2. A monitored herd shall be initially certified, recertified, and maintained as follows:

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a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. In order to remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

c. A monitored herd shall not be certified or recertified, if the herd is located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, unless the herd is vaccinated with a modified-live differentiable vaccine pursuant to section 166D.11 and as required by the department.

d. A monitored herd may receive new swine into the herd from a noninfected herd.

3. A qualified differentiable negative herd shall be certified, recertified, and maintained as follows:

a. The herd shall be certified when one hundred percent of breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been directly moved or relocated from a qualified negative herd or qualified differentiable negative herd. A differentiable vaccine must be administered at intervals in accordance with the package insert for that vaccine. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when each month at least ten percent of the herd's breeding swine react negatively to a test.

b. Before adding to the herd new swine, including swine returning to the herd after contact with nonherd swine, the herd shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine have been placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than fifteen days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified differentiable negative herd is located.

c. Swine from a qualified negative or qualified differentiable negative herd may be added without isolation or testing.

d. The owner shall make a request to the department for certification or recertification of a qualified differentiable negative herd when the required tests are completed. Upon satisfactory proof that all requirements have been met, the herd shall be recertified by the department.

89 Acts, ch 280, §7; 90 Acts, ch 1091, §5; 98 Acts, ch 1056, §4; 2000 Acts, ch 1110, §7 – 10, 25; 2000 Acts, ch 1232, §24, 39; 2002 Acts, ch 1119, §140; 2009 Acts, ch 133, §205; 2018 Acts, ch 1026, §62

Referred to in §166D.10

166D.8 Infected herds.

An infected herd which is not quarantined under section 166D.9, shall either adopt a herd cleanup plan or a feeder pig cooperator herd cleanup plan.

1. *a.* A herd cleanup plan shall apply to a herd if feeder pigs are not moved from the herd. The plan shall provide for one of the following:

(1) The testing of all swine capable of being accurately diagnosed with pseudorabies and the removal of infected swine from the herd.

(2) Depopulation.

b. A herd cleanup plan must be implemented as follows:

(1) If the plan provides for the testing and removal of swine, all breeding swine must be tested with a differentiable test and react negatively to the test within fifteen days after the herd is classified by the department as infected. All breeding swine reacting positively to the test must be removed as provided in this section. At least thirty days after removal of the breeding swine reacting positively, all remaining breeding swine must be tested and react negatively to the test. Subsequent testing and removal must be conducted as provided in this subparagraph until all breeding swine react negatively. When all breeding swine are tested and react negatively to the test, the department shall classify the herd as a noninfected herd.

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(2) The herd cleanup plan may provide for the relocation of feeder pigs or cull swine. If the plan provides for the relocation of feeder pigs, the plan must provide for the segregation of feeder pigs and identify in writing the approved premises where feeder pigs or cull swine may be relocated upon approval by the department.

2. *a.* A feeder pig cooperator herd cleanup plan shall apply to a herd if feeder pigs are moved from the herd. The plan shall include all the requirements for a herd cleanup plan. In order to be subject to a feeder pig cooperator herd cleanup plan all of the following conditions must be satisfied:

(1) There must have been no clinical signs of pseudorabies during the past thirty days.

(2) The production operation must be capable of segregating offspring at weaning into facilities separate and apart from the remainder of the herd.

b. The feeder pig cooperator herd cleanup plan may provide for the movement or relocation of feeder pigs or cull swine. If the feeder pig cooperator herd cleanup plan provides for the movement or relocation of feeder pigs or cull swine, the plan must identify in writing the approved premises where the feeder pigs or cull swine may be moved or relocated as provided in section 166D.10B.

3. Costs of testing and vaccination may be paid as provided in section 166D.11.

4. An infected herd not subject to a cleanup plan shall be quarantined within fifteen days of becoming a known infected herd. An infected herd which is not subject to a cleanup plan is a quarantined herd.

5. Swine which are part of a herd subject to a cleanup plan shall only be moved or relocated as required pursuant to section 166D.10. If the location where the herd is kept is an approved premises as provided in section 166D.10B, the cleanup plan shall include terms and conditions for being certified as an approved premises.

89 Acts, ch 280, §8; 98 Acts, ch 1056, §5, 6; 2000 Acts, ch 1110, §11, 25
Referred to in §166D.2, 166D.10, 166D.10B

166D.9 Quarantined herds.

1. Swine which are part of a quarantined herd shall only be moved by restricted movement in accordance with section 166D.10A.

2. A herd shall be released from quarantine when no animal, including livestock, on the premises shows clinical symptoms of pseudorabies. In addition one of the following must occur:

a. The swine have been removed from the premises, and the premises have been cleaned and disinfected under supervision of the department or the inspection service. The disinfectant shall be approved by the department or inspection service. The premises must have been maintained free of swine for thirty days. However, the epidemiologist for good cause may determine that premises shall be maintained free of swine for a period greater or less than thirty days.

b. Swine reacting positively to a test have been removed from the premises. Remaining swine, except suckling pigs, must be tested and react negatively to the test thirty days or more after removal of the herd's swine reacting positively to the test.

c. The swine reacting positively to a test have been removed from the premises. At least thirty days after removal of the positive swine, breeding swine remaining plus a random sample equaling twenty-eight of grower-finishing swine more than two months of age must react negatively to the test. While the state is in stage III or IV of the national pseudorabies program pursuant to federal regulations, the grower-finisher swine must react negatively to a test at least thirty days after reacting negatively to the last test.

3. *a.* While the state is classified in stage I, II, or III of the national pseudorabies program pursuant to federal regulations, the following requirements must be satisfied:

(1) All swine present on the date the quarantine was imposed have been removed.

(2) There must have been no clinical signs of pseudorabies in the herd for at least six months.

(3) The epidemiologist must either conduct two successive statistical samplings at least ninety days apart, or conduct statistical samplings according to rules adopted by the

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department which are consistent with the national pseudorabies eradication program, which reveal no infection within the new breeding swine.

(4) The epidemiologist must either conduct two successive statistical samplings ninety days apart, or conduct statistical samplings according to rules adopted by the department which are consistent with the national pseudorabies eradication program, which reveal no infection in the herd's progeny at least four months of age.

b. A herd removed from quarantine under this subsection shall be tested by statistical sampling one year later, unless an epidemiologist determines that the herd must be tested earlier.

89 Acts, ch 280, §9; 90 Acts, ch 1168, §29; 97 Acts, ch 183, §8, 13; 98 Acts, ch 1056, §7; 2000 Acts, ch 1110, §12 – 14, 25; 2009 Acts, ch 41, §263
Referred to in §166D.2, 166D.8

166D.10 Movement of swine.

1. Except as otherwise provided in this section, a person shall not sell, lease, exhibit, loan, move, or relocate swine within the state unless the swine are accompanied by a certificate of inspection in the same manner as provided for a certificate of veterinary inspection as provided in section 163.30. The department may combine the certificate of inspection with a certificate of veterinary inspection.

2. A certificate of inspection is not required if any of the following apply:

a. The swine are moved to slaughter.

b. The swine are relocated, and all of the following apply:

(1) A transportation certificate accompanies the relocated swine.

(2) The swine's owner maintains information regarding the relocation in relocation records. The department may adopt rules excusing a person from maintaining relocation records, if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(3) A certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, has been issued for the swine within thirty days prior to the date of relocation. The department may adopt rules excusing a person from complying with this subparagraph if the department determines that the purposes of the chapter as provided in section 166D.1 are not furthered by the requirement.

(4) The swine have a current negative pseudorabies status.

c. A person transfers ownership of all or part of a herd, if the herd remains on the same premises. However, the herd must be tested by statistical sampling. If any part of the herd is subsequently moved or relocated, the swine must be moved or relocated in accordance with this section and sections 166D.7, 166D.8, and 166D.10A.

3. A transportation certificate accompanying swine which are relocated as provided in subsection 2, paragraph *"b"*, shall cite the relevant relocation record and certificate of inspection, or certificate of veterinary inspection. The department may provide for the examination of the relocation records on the owner's premises during normal business hours, or may require that reports containing relevant information contained in relocation records and certificates of inspection, or certificates of veterinary inspection, be periodically submitted to the department. For purposes of this section, swine production information contained in relocation records is a trade secret as provided in section 22.7, unless otherwise provided by rules adopted by the department. The department shall provide for the disclosure of confidential information only to the extent required for enforcement of this chapter, the detection and prosecution of public offenses, or to comply with a subpoena or court order. The department shall adopt rules required to administer subsection 2, paragraph *"b"*, and this subsection.

4. *a.* Except as provided in paragraph *"b"*, swine that are moved shall be individually identified as provided in section 163.30, which may include requirements for affixing ear tags to swine.

b. (1) Native Iowa feeder pigs moved from farm to farm within the state shall be exempted from the identification requirements of this subsection if the owner transferring possession of

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the feeder pigs executes a written agreement with the person taking possession of the feeder pigs.

(a) The agreement shall provide that the feeder pigs shall not be commingled with other swine for a period of thirty days.

(b) The owner transferring possession shall be responsible for making certain that the agreement is executed and for providing a copy of the agreement to the person taking possession.

(2) Native Iowa feeder pigs that are moved shall be accompanied by a certificate of inspection, or a certificate of veterinary inspection as provided in section 163.30, unless swine are otherwise exempted from this requirement by this section.

(3) As used in this paragraph *"b"*, *"farm to farm within the state"* does not include the movement or relocation of native Iowa feeder pigs to the possession of a dealer licensed pursuant to section 163.30.

5. Swine from a herd located within this state must be moved or relocated in compliance with this section. If the swine is moved or relocated from a herd located within a county which is designated by the department as in stage II of the national pseudorabies eradication program, the swine shall not be moved or relocated unless in compliance with section 166D.11. Regardless of whether the swine is from a herd located in a stage II county, the following shall govern the movement or relocation of swine within this state:

a. For swine from a noninfected herd, a person shall not move swine for breeding purposes, unless one of the following applies:

(1) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(2) The swine reacts negatively to a differentiable test within thirty days prior to moving the swine.

b. For swine which is exposed, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment.

c. For swine from a herd of unknown status, a person shall not move or relocate the swine, unless one of the following applies:

(1) The swine reacts negatively to a differentiable test within thirty days prior to moving or relocating the swine.

(2) The swine moves by restricted movement to either a fixed concentration point or slaughtering establishment. However, the swine is not required to move by restricted movement if the swine is moved from a fixed concentration point directly to another fixed concentration point or to a slaughtering establishment.

d. For swine which is from an infected herd, a person shall not move or relocate the swine, unless one of the following applies:

(1) If the swine is part of a cleanup plan, the following shall apply:

(a) For swine, other than feeder pigs or cull swine, which are part of a herd subject to a cleanup plan, a person shall only move swine by restricted movement to either a fixed concentration point or slaughtering establishment. A person shall not relocate the swine.

(b) For a feeder pig or cull swine which is part of a herd subject to a herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or relocate the feeder pig or cull swine by restricted movement to an approved premises. For a feeder pig or cull swine which is part of a feeder pig cooperator herd cleanup plan, a person shall only move the feeder pig or cull swine by restricted movement to either a fixed concentration point or slaughtering establishment or move or relocate the feeder pig or cull swine by restricted movement to an approved premises. However, a person shall not move or relocate a feeder pig or cull swine to an approved premises, unless the approved premises is identified in a cleanup plan as provided in section 166D.8, or the department approves the move or relocation to another approved premises. A person shall not move or relocate a cull swine to an approved premises, unless

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the cull swine reacts negatively to a test and is vaccinated with a differentiable vaccine. The test and vaccine must be administered within thirty days prior to the movement or relocation to the approved premises. A noninfected feeder pig is not required to be tested or vaccinated prior to movement or relocation to an approved premises, if the feeder pig is vaccinated upon arrival at the approved premises.

(c) For swine from a herd kept on an approved premises, a person shall only move or relocate the swine by restricted movement as provided in the cleanup plan governing the herd and terms and conditions of the certification required for the approved premises as provided in section 166D.10B.

(2) If the swine is not part of a herd that is subject to a cleanup plan because the herd is quarantined, a person shall only move the swine by restricted movement to either a fixed concentration point or slaughtering establishment.

6. Swine from a herd located outside this state must be moved into and maintained in this state in compliance with this section. A person shall not move swine into this state, except as follows:

a. For swine from a herd, other than a noninfected herd, the swine must be moved either to a fixed concentration point or slaughtering establishment.

b. For swine from a noninfected herd, the swine may be moved to a concentration point or slaughtering establishment. If the swine is not moved to a concentration point or slaughtering establishment, the following shall apply:

(1) Unless the person moves the swine into a county designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) A person shall not move swine into this state for breeding purposes, unless one of the following applies:

(i) The swine is moved from a qualified negative herd or qualified differentiable negative herd.

(ii) The swine reacts negatively to a differentiable test, within thirty days prior to moving the swine.

(b) A person shall not move a feeder swine which is moved into this state, unless the feeder swine reacts negatively to a differentiable test within thirty days prior to movement from a herd in this state.

(2) If a person moves the swine into a county which is designated by the department as in stage II of the national pseudorabies eradication program, the following shall apply:

(a) Except as provided in this subparagraph, the owner of swine shall vaccinate the swine with a modified-live differentiable vaccine, prior to moving swine into the stage II county. A person is not required to vaccinate swine prior to moving swine into the stage II county if one of the following applies:

(i) The swine is part of a herd that cannot be vaccinated under the law of the state or country in which the herd is kept immediately prior to being moved into the stage II county.

(ii) The swine is an isowean feeder pig.

(iii) The swine is moved either to a fixed concentration point or slaughtering establishment.

(b) For swine which are not vaccinated before being moved into a stage II county as provided in this paragraph, the following shall apply:

(i) For swine other than swine moved into a herd within a stage II county as an isowean feeder pig, the swine must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

(ii) For swine moved into a herd within a stage II county as an isowean feeder pig, the swine moved into the herd must be immediately vaccinated with a differentiable vaccine, as provided in section 166D.11. The department may require that the swine be revaccinated with a differentiable vaccine at a later date. The swine shall be considered as part of a herd of unknown status, until tested negative and vaccinated.

7. A person shall not move a swine within this state, other than to a fixed concentration point or slaughtering establishment, if the swine is vaccinated with a vaccine other than a differentiable vaccine approved by the department pursuant to section 166D.14.

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8. Known infected swine moved through a fixed concentration point shall only be moved by restricted movement to a slaughtering establishment.

9. Swine moved under this section to a slaughtering establishment shall be for the exclusive purpose of slaughtering the swine. Swine moved under this section to a fixed concentration point shall be for the exclusive purpose of immediately moving the swine to a slaughtering establishment. Swine moved or relocated under this section to an approved premises shall be for the exclusive purpose of feeding the swine prior to movement or relocation to another approved premises, or movement to either a fixed concentration point or a slaughtering establishment.

89 Acts, ch 280, §10; 90 Acts, ch 1091, §6; 90 Acts, ch 1168, §30; 96 Acts, ch 1214, §30; 97 Acts, ch 183, §9 – 11, 13; 98 Acts, ch 1056, §8 – 10; 2000 Acts, ch 1110, §15, 16, 25; 2002 Acts, ch 1093, §1 – 5, 7; 2002 Acts, ch 1119, §141; 2003 Acts, ch 108, §124, 132; 2004 Acts, ch 1163, §27 – 30; 2009 Acts, ch 133, §71

Referred to in §166D.2, 166D.8, 166D.10A, 166D.10B, 166D.11

166D.10A Restricted movement — requirements.

1. If swine must be moved or relocated by restricted movement as provided in section 166D.10, the swine shall only be transported by direct movement.

2. *a.* If a person moves or relocates swine subject to restricted movement, the person shall only move the swine to either a fixed concentration point or slaughtering establishment or move or relocate the swine to an approved premises.

b. If a person receives swine subject to restricted movement, the person shall only receive the swine at either a fixed concentration point or slaughtering establishment or an approved premises.

3. Swine required to be moved or relocated by restricted movement must be accompanied by a restricted movement permit, as provided by rules which must be adopted by the department. The department shall issue a restricted movement permit to the person moving or relocating the swine. The permit shall include information required by the department, which shall at least include a description of the swine, the name and address of the owner, the name and address of the person receiving the swine, the date of movement or relocation, and the seal number as prescribed by the department, if a seal is required. The moved or relocated swine must also be accompanied by a transportation certificate and certificate of inspection, if required in section 166D.10.

4. *a.* Except as provided in this section, a vehicle moving swine under restricted movement shall contain a cargo area for the swine which shall be sealed to prevent access. The seal shall conform with requirements adopted by the department. Each seal shall be identified by number as required by the department. The vehicle shall be sealed by an accredited veterinarian at the premises where the swine are kept. The seal shall only be removed by a departmental official, an accredited veterinarian, an official of the United States department of agriculture, or the person authorized by the department to receive the swine upon arrival at the fixed concentration point, slaughtering establishment, or approved premises.

b. The department may adopt rules or issue an order to provide that a vehicle moving or relocating feeder swine from a herd which is subject to a cleanup plan is not required to be sealed as otherwise provided in this subsection, if the herd is kept and moved or relocated in compliance with the cleanup plan.

2000 Acts, ch 1110, §17, 25

Referred to in §166D.2, 166D.9, 166D.10, 166D.12

166D.10B Approved premises.

1. A person shall not maintain swine other than feeder pigs or cull swine at an approved premises.

a. A person shall not move or relocate swine to an approved premises, unless all of the following apply:

(1) The swine is a feeder pig or cull swine.

(2) The swine is not exposed or from a herd of unknown status.

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b. A person shall not receive swine at an approved premises, unless the swine is one of the following:

(1) The swine is a feeder pig or cull swine.

(2) The swine is not exposed or from a herd of unknown status.

2. If swine is moved or relocated to an approved premises, the following shall apply:

a. A cull swine shall not be moved or relocated to an approved premises, unless the cull swine reacts negatively to a test and is vaccinated prior to the movement or relocation, as provided in section 166D.10.

b. A noninfected feeder pig must be vaccinated upon arrival at the approved premises.

3. Dead swine must be disposed of in accordance with chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.

4. The following shall apply to the location of an approved premises:

a. An approved premises shall not be located within one and one-half miles from a noninfected herd, other than a qualified negative herd or qualified differentiable negative herd.

b. An approved premises shall not be located within three miles from a qualified negative herd or a qualified differentiable negative herd.

c. An approved premises shall not be located in any of the following:

(1) A county in stage III of the national pseudorabies eradication program, as designated by the department.

(2) A county which has a zero percent prevalence of infection among all herds in the county at any time on or after March 1, 2000, regardless of whether the county subsequently has a greater than zero percent prevalence of infection among all herds in the county.

5. A feeder pig or a cull swine may be kept at the approved premises only for purposes of feeding and restricted movement as provided in section 166D.10.

6. *a.* The department must certify a location as an approved premises pursuant to rules adopted by the department. The department may adopt rules providing for the renewal, suspension, or termination of a certification. The terms and conditions of the certification shall be part of the cleanup plan required for the herd kept at the location pursuant to section 166D.8. Except as provided in this subsection, a location is certified as an approved premises, as long as all of the following apply:

(1) The approved premises complies with the requirements of this section and rules adopted by the department.

(2) The owner of the approved premises or the person managing the approved premises provides to the department during normal business hours access to the approved premises and records required by this subparagraph. Records of swine transfers must be kept for at least one year. Records of vaccinations occurring on the approved premises must be maintained by the owner for at least one year after vaccination. The records shall include information about purchases and sales, the names of buyers and sellers, the dates of transactions, and the number of swine involved in each transaction.

b. The department shall terminate the certification of an approved premises if the county in which the approved premises is located has a zero percent prevalence of infection among all herds in the county, not counting a herd kept at the approved premises. The department shall provide for the suspension or termination of the certification for a violation of a term or condition of the certification. When a certification is suspended, terminated, or not renewed, the location shall remain under a cleanup plan until released pursuant to the provisions of section 166D.8.

2000 Acts, ch 1110, §18, 25; 2002 Acts, ch 1119, §142
Referred to in §166D.2, 166D.8, 166D.10, 166D.11

166D.11 Vaccination and testing requirements.

1. A person shall not use in this state any vaccine that is not a differentiable vaccine.

2. *a.* Except as provided in this section, swine within a county which is designated by the department as in stage II of the national pseudorabies eradication program shall be

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vaccinated with a modified-live differentiable vaccine. The swine located in a stage II county shall be vaccinated as follows:

(1) Except as provided in subparagraph (2), the following applies:

(a) Breeding swine shall at a minimum receive quarterly vaccinations.

(b) Feeder swine shall at a minimum receive one vaccination. The feeder swine shall be vaccinated when the feeder swine reach eight to twelve weeks of age or one hundred pounds, whichever occurs earlier.

(2) If swine are required to be vaccinated prior to or after movement, as provided in section 166D.10, to a stage II county, the swine shall be vaccinated with a modified-live differentiable vaccine as otherwise required in that section.

b. The department shall adopt rules or issue an order that exempts swine from being vaccinated with a modified-live vaccine, as provided in this subsection, based on any of the following:

(1) The swine is part of a qualified negative herd or a qualified differentiable negative herd.

(2) The swine belong to a herd located within a county, if all of the following apply:

(a) The county has a history of zero percent prevalence of infection among all herds in the county, regardless of whether the county currently has a higher than zero percent prevalence of infection among all herds in the county.

(b) All contiguous counties have a zero percent prevalence of infection among herds in that county, as designated by the department.

3. *a.* The person who owns the swine when the swine is required to be vaccinated under this chapter shall be solely liable for providing the vaccine and administering the vaccination. A noninfected feeder pig required to be vaccinated upon arrival at an approved premises as provided in section 166D.10B shall be vaccinated at the expense of the owner who moves the feeder pig. If the swine is transported into this state, the owner shall be deemed to be the person who owns the swine immediately prior to transportation.

b. This subsection does not prohibit the owner of swine from contracting with a person, including a person receiving ownership of swine moved into this state, to provide the vaccination, if the person receives fair compensation for providing the vaccination and the sale price for the swine is not increased because the owner must comply with this subsection.

4. The cost, or any segment of the cost, of purchasing a laboratory product used for testing and vaccination provided in this chapter may be paid for by federal or state funds or a combination of both. Federal or state funds shall not be paid to the owner of a vaccinated herd other than the owner of a herd vaccinated with a modified-live differentiable vaccine.

89 Acts, ch 280, §11; 90 Acts, ch 1091, §7; 2000 Acts, ch 1110, §19, 25
Referred to in §166D.7, 166D.8, 166D.10

166D.12 Concentration points.

A person shall not move swine through a concentration point, except as provided in this section.

1. For swine from a noninfected herd, the swine may be moved through any concentration point. All of the following shall apply:

a. Breeding swine must be kept separate and apart from feeder pigs.

b. Breeding swine must be sold first.

2. *a.* For swine other than swine from a noninfected herd, the swine shall not be moved through a concentration point other than a fixed concentration point, as required by the department. A fixed concentration point shall be used exclusively for the following:

(1) The movement of livestock other than swine.

(2) The immediate movement of swine to a slaughtering establishment.

b. A fixed concentration point shall never be used for the movement of swine other than to a slaughtering establishment.

c. (1) Except as provided in subparagraph (2), a person shall not move swine subject to restricted movement to or from a fixed concentration point or receive swine subject to restricted movement at a fixed concentration point, unless the swine is moved and received in compliance with section 166D.10A.

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(2) A person may move swine from a herd of unknown status from a fixed concentration point other than by restricted movement as provided in section 166D.10A, if the person moves the swine directly to another fixed concentration point or to a slaughtering establishment.

d. Livestock, other than swine, moved to the fixed concentration point must be kept separate and apart.

e. If an infected swine, exposed swine, or swine from a herd of unknown status is moved through a fixed concentration point, the owner of the fixed concentration point shall post and maintain a sign on the premises of the fixed concentration point. The sign must be posted in a conspicuous place clearly visible to persons moving livestock through the fixed concentration point. The notice shall appear in black letters a minimum of one inch high and in the following form:

NOTICE
This facility may sell swine which
have been exposed to pseudorabies.
However, all swine are moved
immediately to slaughter.

89 Acts, ch 280, §12; 98 Acts, ch 1056, §11; 2000 Acts, ch 1110, §20, 25; 2001 Acts, ch 24, §35; 2002 Acts, ch 1093, §6, 7
Referred to in §166D.2

166D.13 Exhibition of swine.

1. Swine from an infected herd shall not be displayed or shown at any exhibition.
2. Animals infected shall not be shown or displayed at an exhibition.
3. Rules controlling exhibition movement requirements may be adopted by the department in addition to the requirements of this section.

89 Acts, ch 280, §13; 98 Acts, ch 1056, §12; 2011 Acts, ch 84, §4, 5

166D.14 Pseudorabies immunization products.

1. A person shall not use, sell, or distribute or offer to sell or distribute a pseudorabies immunization product within the state unless the products are approved by the secretary. However, the secretary shall approve a pseudorabies immunization product for purposes of product research or testing by a biological laboratory, government authority, or manufacturer of biological products if the secretary concludes that the use will not be detrimental to the state pseudorabies disease program.
2. Only a licensed veterinarian may buy and dispense a department-approved immunization product. The veterinarian must report information relating to the use of the product to the department, including the name and address of the owner and the number of doses used. The report shall be signed by the owner or the owner's agent. The report shall be mailed to the department immediately after the use of the product.
3. A differentiable vaccinate to be classified as a noninfected animal must react negatively to field strains of pseudorabies virus as determined by a companion differentiable serologic test. The swine must be identified as differentiable vaccinated animals.

89 Acts, ch 280, §14; 2017 Acts, ch 54, §76
Referred to in §166D.10

166D.15 Tracing pseudorabies to source or destination herds.

1. The owner of a known infected herd shall furnish to the department all of the following information:

a. A list of sources of feeder pigs or breeding swine during the preceding twelve months.

b. A list of sales of feeder pigs or breeding swine during the preceding twelve months.

2. If pseudorabies is diagnosed in breeding swine or feeder pigs which have been purchased from or sold to another swine producer within ninety days from the sale, the department may require a statistical sample of the breeding herd of the seller or buyer and a statistical sample of the herd progeny over four months. If the owner of the herd refuses to allow the test, the herd shall be classified as a known infected herd.

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3. Tests conducted pursuant to this section shall be completed at the owner's expense unless state funds are available for this purpose.

89 Acts, ch 280, §15

166D.16 Enforcement — penalty — certificates.

1. The provisions of this chapter including departmental rules adopted pursuant to this chapter shall be administered and enforced by the department.

2. Except as provided in this subsection, a person violating a provision of this chapter or any rule adopted pursuant to this chapter shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars.

a. A person who falsifies a certificate of inspection issued pursuant to this chapter shall be subject to a civil penalty of not more than five thousand dollars for each swine falsified on the certificate. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of swine falsified on the certificate.

b. The person who owns swine when the swine are required to be vaccinated under this chapter shall be subject to a civil penalty of two dollars for each swine which is not vaccinated as required.

3. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of this chapter including a rule adopted pursuant to this chapter.

89 Acts, ch 280, §16; 91 Acts, ch 32, §4; 92 Acts, ch 1163, §43; 2000 Acts, ch 1110, §21, 25

Referred to in §163.61

CHAPTER 167

USE AND DISPOSAL OF DEAD ANIMALS

Referred to in §159.6, 166D.10B

Definitions applicable to chapter; see §159.1

167.1 Scope.
167.2 Disposal of dead animals.
167.3 "Disposing" defined.
167.4 Licensing procedure — fees.
167.5 Inspection of place.
167.6 Repealed by 2004 Acts, ch 1162, §5.
167.7 Record of licenses.
167.8 Inspection revealing unsuitable place.
167.9 and 167.10 Repealed by 2004 Acts, ch 1162, §5.
167.11 Disposal plants — specifications.
167.12 Disposing of bodies.
167.13 Rules.
167.14 Annual inspection.
167.15 Transportation of animals — carcasses, parts, or offal material.
167.16 Driving upon premises of another.
167.17 Disinfecting outfit.
167.18 Duty to dispose of dead bodies.
167.19 Penalty.
167.20 Appropriation.
167.21 Reciprocal agreements with other states.
167.22 Chronic wasting disease.

167.1 Scope.

This chapter shall not apply to licensed slaughterhouses, or to the disposal, by licensed slaughterhouses, of the bodies of animals, or any part thereof, slaughtered for human food.

[C24, 27, 31, 35, 39, §**2744;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.1]

167.2 Disposal of dead animals.

No person shall engage in the business of disposing of the bodies of dead animals without first obtaining a license for that purpose from the department.

[C24, 27, 31, 35, 39, §**2745;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.2]

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167.3 "Disposing" defined.

1. A person who receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, or any part thereof, shall be deemed to be engaged in the business of disposing of the bodies of dead animals, and must be the operator or employee of a licensed disposal plant.

2. A disposal plant does not include an operation where the body of a dead animal is cremated, so long as the operation does not use the body of a dead animal for any other purpose described in subsection 1.

[C24, 27, 31, 35, 39, §**2746;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.3]
2009 Acts, ch 154, §1

167.4 Licensing procedure — fees.

1. The following shall apply to a person required to be licensed under this chapter:

a. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.

b. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:

(1) For a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

(2) For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

(3) For a delivery service which transports whole animal carcasses or their parts to a disposal plant or collection point, the person's name and address, the total number of vehicles to be involved in the operation, and the location where the vehicles involved in the operation are to be maintained.

c. The person shall submit a separate application for each location that the person is to operate as a disposal plant, collection point, or a delivery service.

d. The person shall pay a license fee as follows:

(1) For a disposal plant, one hundred dollars.

(2) For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.

(3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.

e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall pay a renewal license fee which shall be for the same amount as the original license fee.

f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.

2. Fees collected pursuant to this section shall be deposited into the general fund of the state.

[C24, 27, 31, 35, 39, §**2747;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.4]
2004 Acts, ch 1162, §1; 2005 Acts, ch 3, §42; 2009 Acts, ch 133, §206
Referred to in §167.15

167.5 Inspection of place.

On receipt of such application, the secretary of agriculture or some person appointed by the secretary, shall at once inspect the building in which the applicant proposes to conduct such business. If the inspector finds that said building complies with the requirements of this chapter, and with the rules of the department, and that the applicant is a responsible and

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suitable person, the inspector shall so certify in writing to such specific findings, and forward the same to the department.

[C24, 27, 31, 35, 39, §**2748;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.5]

167.6 Repealed by 2004 Acts, ch 1162, §5. See §167.4.

167.7 Record of licenses.

The department shall keep a record of all licenses applied for or issued, which shall show the date of application and by whom made, the cause of all rejections, the date of issue, to whom issued, the date of expiration, and the location of the licensed business.

[C24, 27, 31, 35, 39, §**2750;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.7]

167.8 Inspection revealing unsuitable place.

If the inspector finds that said building does not comply with the requirements of this chapter or with the rules of the department, the inspector shall notify the applicant wherein the same fails to so comply. If within a reasonable time thereafter, to be fixed by the inspector, the specified defects are remedied, the department shall make a second inspection, and proceed therewith as in case of an original inspection. Not more than two inspections need be made under one application.

[C24, 27, 31, 35, 39, §**2751;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.8]

167.9 and 167.10 Repealed by 2004 Acts, ch 1162, §5. See §167.4.

167.11 Disposal plants — specifications.

Each place for the carrying on of said business shall, to the satisfaction of the department, be provided with floors constructed of concrete, or some other nonabsorbent material, adequate drainage, be thoroughly sanitary, and adapted to carrying on the business.

This section shall not apply where the state building code, as adopted pursuant to section 103A.7, has been adopted or when the state building code applies throughout the state.

[C24, 27, 31, 35, 39, §**2754;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.11]

2004 Acts, ch 1086, §42

167.12 Disposing of bodies.

The following requirements shall be observed in the disposal of such bodies:

1. Cooking vats or tanks shall be airtight, except proper escapes for live steam.
2. Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance.
3. The skinning and dismembering of bodies shall be done within said building.
4. The building shall be so situated and arranged, and the business therein so conducted, as not to interfere with the comfortable enjoyment of life and property.
5. Such portions of bodies as are not entirely consumed by cooking or burning shall be disposed of by burying as hereafter provided, or in such manner as the department may direct.
6. In case of disposal by burying, the burial shall be to such depth that no part of such body shall be nearer than four feet to the natural surface of the ground, and every part of such body shall be covered with quicklime, and by at least four feet of earth.
7. All bodies shall be disposed of within twenty-four hours after death.

[C24, 27, 31, 35, 39, §**2755;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.12]

167.13 Rules.

The department shall make such reasonable rules for the carrying on and conducting of such business as it may deem advisable, and all persons engaging in such business shall comply therewith.

[C24, 27, 31, 35, 39, §**2756;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.13]

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167.14 Annual inspection.

The department shall inspect each place licensed under this chapter at least once each year, and as often as it deems necessary, and shall see that the licensee conducts the business in conformity to this chapter and the rules made by the department. For a failure or refusal by any licensee to obey the provisions of this chapter or said rules, the department shall suspend or revoke the license held by such licensee.

[C24, 27, 31, 35, 39, §**2757;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.14]

167.15 Transportation of animals — carcasses, parts, or offal material.

1. A person required to be licensed under section 167.4 shall transport a whole or part of an animal carcass or offal material according to requirements adopted by departmental rule.

a. The delivery vehicle's container used for loading and transporting the carcass or offal material shall be constructed according to departmental rules in a manner that prevents parts or liquids associated with the carcass or offal material from escaping during transport.

b. The department shall adopt rules requiring that the delivery vehicle's container be covered when transporting an animal carcass or offal material. However, this requirement shall not apply to a route delivery vehicle used primarily to transport animal carcasses from a farm to another location, unless the department issues a special order as provided in this paragraph. The department may issue such an order and require that the delivery vehicle's container be covered, if the state veterinarian determines that an animal or animal carcass on the farm has been infected or exposed to an infectious or contagious disease or that there has been an outbreak of an infectious or contagious disease in the area where the farm is located.

c. The person shall not overload the delivery vehicle's container with carcasses or offal material.

2. The department shall provide for the inspection of delivery vehicles used to transport carcasses or offal material, and for the inspection of disposal plants, collection points, or other locations in which carcasses or offal material is stored or processed before being delivered to a disposal plant.

[C24, 27, 31, 35, 39, §**2758;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.15]

2004 Acts, ch 1162, §2; 2005 Acts, ch 3, §43

167.16 Driving upon premises of another.

Vehicles when loaded with the carcass of an animal which has died of disease shall be driven directly to the place of disposal or transfer, except that the driver in so driving may stop on the highway for other like carcasses, but the driver shall not drive into the yard or upon the premises of any person unless the driver first obtains the permission of the person to do so.

[C24, 27, 31, 35, 39, §**2759;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.16]

167.17 Disinfecting outfit.

The driver or owner of a vehicle used in conveying animals which said driver or owner has reason to believe died of disease, shall, immediately after unloading said animals, cause the bed, box, tank or other container of such vehicle, the wheels thereof, all canvas and covers, the feet of the animals drawing said conveyance, and the outer clothing of all persons who have handled said carcasses to be disinfected with a solution of at least one part of creosol dip to four parts of water, or with some other equally effective disinfectant.

[C24, 27, 31, 35, 39, §**2760;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.17]

167.18 Duty to dispose of dead bodies.

1. A person who has been caring for or who owns an animal that has died shall not allow the carcass to lie about the person's premises. The carcass shall be disposed of within a reasonable time after death by composting, cooking, burying, or burning, as provided in this chapter, or by disposing of it, within the allowed time, to a person licensed to dispose of it.

2. Subsection 1 does not apply to a veterinarian, issued a valid license or a valid temporary

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permit by the Iowa board of veterinary medicine as provided in chapter 169, who contains a dead animal's carcass in a manner that prevents an outbreak of disease.

[C24, 27, 31, 35, 39, §**2761;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.18]
87 Acts, ch 96, §1; 2009 Acts, ch 154, §2

167.19 Penalty.

A person who violates this chapter or a rule adopted by the department pursuant to this chapter is guilty of a simple misdemeanor. The person may be subject to a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation. However, the state shall be precluded from bringing a criminal action against the person if the department has initiated a civil enforcement proceeding. Moneys collected in civil penalties shall be deposited into the general fund of the state.

[C97, §5019; C24, 27, 31, 35, 39, §**2762;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.19]
2004 Acts, ch 1162, §3

167.20 Appropriation.

The expense attending the inspection provided for in this chapter shall be paid from any unappropriated funds in the state treasury.

[C24, 27, 31, 35, 39, §**2763;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.20]

167.21 Reciprocal agreements with other states.

The department is authorized to enter into reciprocal agreements in behalf of this state with any one or more of the states adjacent to this state, providing for permits to be issued to rendering plants located in either state to transport carcasses to their plants over public highways of this state and the reciprocating state.

[C62, 66, 71, 73, 75, 77, 79, 81, §167.21]

167.22 Chronic wasting disease.

1. As used in this section *"chronic wasting disease"* means the same as defined in section 170.1.

2. Except as otherwise provided in this subsection, a person licensed under this chapter shall not transport the carcass of a deer or elk into this state if the carcass originates from an area outside this state that has a significant prevalence of chronic wasting disease as determined by the state veterinarian. In order to transport the carcass into this state, the person must obtain approval by the state veterinarian in a manner and according to procedures required by the department.

2004 Acts, ch 1162, §4, 6

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CHAPTER 168

BABY CHICKS

168.1	Definitions.	168.5	Requirements of dealers.
168.2	License of dealers.	168.6	Inspection.
168.3	License fee and expiration.	168.7	Administration of chapter.
168.4	Disposal of fees.	168.8	Penalty.

168.1 Definitions.

For the purpose of this chapter:

1. *"Baby chicks"* shall mean all domestic fowls six weeks of age or under.

2. *"Person"* shall include an individual, partnership, a corporation, company, firm, society, association, community sales, public sale pavilions, or other holders of public auctions any place in the state, operating in the state, but the term *"person"* shall not be construed to include any person who hatches for sale one thousand chicks per year or less; and the act, omission, or conduct of any officer, agent or other person acting in a representative capacity may be

imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.1]

86 Acts, ch 1245, §621

Referred to in §10D.1

Further definitions; see §159.1

168.2 License of dealers.

Every person engaged in the business of custom hatching, producing baby chicks for sale in this state, or of selling or offering for sale baby chicks from any place located in this state shall obtain a license from the department for each establishment at which said business is conducted. Applications for such licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.2]

Referred to in §168.3

168.3 License fee and expiration.

The fee for obtaining a license issued under section 168.2 shall be twenty dollars and each such license shall expire on the second July 1 after the date of issue.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.3]

2017 Acts, ch 159, §27, 56

168.4 Disposal of fees.

All fees collected under the provisions of this chapter shall be paid into the state treasury.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.4]

168.5 Requirements of dealers.

All establishments licensed under this chapter shall:

1. Before baby chicks are delivered for sale, determine that the same are in a healthy condition.

2. Provide ample facilities for the proper care and handling of baby chicks on the premises.

3. Maintain sanitary measures such as will properly suppress and prevent the spread of contagious and infectious diseases of baby chicks.

4. When selling or delivering baby chicks to a purchaser in the state, place the same in a box, crate, coop, or other sanitary container for delivery. Each such box, crate, coop, or other container shall be plainly labeled with the name of seller and description of contents. Such description of contents shall include name of breed and variety, percent of guarantee if chicks are sold as sexed chicks, date of hatch, number of chicks, and any tests made on parent stock.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.5]

Referred to in §168.6

168.6 Inspection.

All establishments licensed under this chapter shall be subject to inspection by the department to determine that the requirements of section 168.5 are fully met. The failure to comply with section 168.5 or any of the provisions thereof shall constitute a violation of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.6]

168.7 Administration of chapter.

The secretary of agriculture shall be charged with administration and enforcement of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.7]

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168.8 Penalty.
Any person who violates any provision of this chapter shall be guilty of a simple misdemeanor.
[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §168.8]
2017 Acts, ch 29, §47

CHAPTER 169

VETERINARY PRACTICE

Referred to in §159.6, 162.13, 162.20, 163.3A, 163.3G, 163.32, 167.18, 256.226, 272C.1, 272C.6, 351.45, 351.46, 581.1A, 714.8, 714H.4, 716.7A, 717.1A, 717.2A, 717.3, 717A.1, 717A.2, 717B.1, 717B.2, 717B.3A, 717B.5, 717D.3, 717F.7

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169.32 Supervising veterinarian.
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SUBCHAPTER I

PRACTICE OF VETERINARY MEDICINE — LICENSURE

169.1 Title.
This chapter shall be known as the *"Iowa Veterinary Practice Act"*.
[C79, 81, §169.1]

169.2 Legislative purpose.
This chapter is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this chapter. This chapter shall be liberally construed to effect the legislative purpose.
[C79, 81, §169.2]

169.3 Definitions.

When used in this chapter:

1. *"Accepted livestock management practice"* includes but is not limited to: Dehorning, castration, docking, vaccination, pregnancy testing, clipping swine needle teeth, ear notching, drawing of blood, relief of bloat, draining of abscesses, branding, and other surgical acts of no greater magnitude; artificial insemination, collecting of semen, implanting of growth hormones, feeding commercial feed defined in section 198.3, or administration or prescription of drugs performed by the owner or contract-feeder thereof of livestock, a bona fide employee, or anyone rendering gratuitous assistance with respect to such livestock. Nothing contained herein shall be construed to permit any person except those persons enumerated in this subsection, to provide purportedly gratuitous assistance with regard to the treatment of animals other than advisory assistance, in return for the purchase of goods or services.

2. *"Accredited or approved college of veterinary medicine"* means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the board.

3. *a. "Animal"* means any nonhuman primate, dog, cat, rabbit, rodent, fish, reptile, livestock as defined in section 717.1, or other vertebrate or nonvertebrate life form, living or dead.

b. "Livestock" includes a group of livestock such as a herd or flock.

4. *a. "Animal massage"* means a method of treating the body of an animal for relaxation or hygienic purposes through techniques, with or without the aid of a massage device, that include rubbing, stroking, or kneading the body of the animal.

b. "Animal massage" does not include acupuncture, chiropractic care, diagnosis, diagnostic treatment, prescription, or surgery.

5. *"Board"* means the Iowa board of veterinary medicine.

6. *"ECFVG certificate"* means a current certificate issued by the American veterinary medical association educational commission for foreign veterinary graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited or approved college of veterinary medicine.

7. *"Fee"* means monetary compensation given for a service consisting primarily of an act or acts described in subsection 11, paragraph *"a"*.

8. *"Licensed veterinarian"* means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

9. *"Owner"* means any person, association, partnership, corporation, or other legal entity in whom is vested the ownership, dominion over, or title to an animal, including one who is obligated by law to care for such animal.

10. *"Person"* means natural person or individual.

11. *a. "Practice of veterinary medicine"* means any of the following:

(1) To diagnose, treat, correct, change, relieve or prevent, for a fee, any animal disease, deformity, defect, injury or other physical or mental conditions or cosmetic surgery; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, for a fee; or to evaluate or correct sterility or infertility, for a fee; or to render, advise or recommend with regard to any of the above for a fee.

(2) To represent, directly or indirectly, publicly or privately, an ability or willingness to do an act described in subparagraph (1).

(3) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subparagraph (1).

(4) The performance or use of complementary, alternative, or integrative therapies including veterinary acupuncture, acutherapy, acupressure, manipulative therapy based on techniques practiced in osteopathy and chiropractic medicine, or other similar therapies as specified by rule adopted by the board.

b. "Practice of veterinary medicine" does not include providing authorized veterinary

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medical services to an animal patient by veterinary auxiliary personnel when performing a delegated task under the supervision of a supervising veterinarian as provided in subchapter II.

12. *"Veterinarian"* means a person who has received a doctor of veterinary medicine degree or its equivalent from an accredited or approved college of veterinary medicine.

13. *"Veterinary medicine"* includes veterinary surgery, veterinary obstetrics, veterinary dentistry, and all other branches or specialties of veterinary medicine.

[S13, §2538-m; C24, 27, 31, 35, 39, §**2764, 2765;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.1, 169.2; C79, 81, §169.3]

83 Acts, ch 115, §2; 2023 Acts, ch 155, §1 – 4, 24

Referred to in §717C.1

Further definitions; see §159.1

169.4 License requirement and exceptions.

A person shall not practice veterinary medicine in the state who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board. This chapter shall not be construed to prohibit any of the following:

1. An employee of the federal, state, or local government from performing official duties.

2. A person who is a veterinary student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by an instructor of the college, or acting under the supervision of a supervising veterinarian as provided in subchapter II. The board shall issue to a veterinary medicine student who attends an accredited veterinary medicine college or school and who has been certified as being competent by an instructor of such college or school to perform veterinary duties under the direction of an instructor of veterinary medicine or under the supervision of a supervising veterinarian, a certificate authorizing the veterinary medicine student to perform such functions.

3. A veterinarian currently licensed in another state from consulting with a licensed veterinarian in this state.

4. Any manufacturer, wholesaler, or retailer from advising with respect to or selling in the ordinary course of trade or business, drugs, feeds, including, but not limited to customer-formula feeds as defined in section 198.3, appliances, and other products used in the prevention or treatment of animal diseases.

5. The owner of an animal or the owner's bona fide employees from caring for and treating the animal in the possession of such owner except where the ownership of the animal was transferred solely for the purpose of circumventing this chapter.

6. A member of the faculty of an accredited college of veterinary medicine from performing functions in the classrooms or continuing education. However, those faculty members who have professional responsibility to the owner must be licensed. A temporary permit may be granted for a period not to exceed two years to interns or residents who are on the staff of the college of veterinary medicine of Iowa state university of science and technology. Such permit shall be renewable annually upon the application of the dean of the college of veterinary medicine.

7. Any person from manufacturing, selling, offering for sale, or applying any pesticide, insecticide, or herbicide.

8. Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals.

9. Any veterinary auxiliary personnel when performing delegated tasks under the supervision of a supervising veterinarian as provided in subchapter II.

10. A graduate of a foreign college of veterinary medicine, who has or is in the process of obtaining an ECFVG certificate, when performing delegated tasks under the supervision of a supervising veterinarian as provided in subchapter II.

11. Any person from advising with respect to or performing accepted livestock management practices.

12. Any person from engaging in the full-time study of the improvement of the quality of livestock.

13. Any person from performing post-mortem examinations on swine or cattle.

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14. Any person from collecting or evaluating semen from livestock or poultry, or artificial insemination of livestock and poultry.

15. Any person from castrating, dehorning or branding notwithstanding section 169A.14.

16. A person performing animal massage.

17. *a.* An emergency medical care provider certified pursuant to chapter 147A who elects to provide veterinary medical services by diagnosing or treating a police service dog, if all of the following apply:

(1) The police service dog was on duty under the supervision of a peace officer as defined in section 801.4.

(2) The police service dog suffered a severe injury.

(3) The veterinary medical services are necessary to immediately stabilize the police service dog's condition for later diagnosis or treatment by a licensed veterinarian or the holder of a valid temporary permit.

b. An emergency medical care provider certified pursuant to chapter 147A may elect not to provide veterinary medical services under paragraph *"a"*.

c. If an emergency medical care provider certified pursuant to chapter 147A elects to provide veterinary medical services under paragraph *"a"*, the emergency medical care provider shall not be civilly liable for diagnosing or treating the police service dog if the emergency medical care provider acted reasonably and in good faith.

d. An emergency medical care provider certified pursuant to chapter 147A electing to provide veterinary medical services under paragraph *"a"* shall comply with all of the following:

(1) The emergency medical care provider may diagnose or treat a severely injured police service dog only after the emergency medical care provider furnishes all diagnoses or treatment needed by the last human at the scene of the emergency.

(2) The emergency medical care provider shall not use equipment, or shall discontinue the use of equipment, to diagnose or treat a severely injured police service dog at the scene of an emergency, if any of the following apply:

(a) The equipment is needed to diagnose or treat a human at the scene of the emergency.

(b) The equipment is dispatched to another location.

(3) The emergency medical care provider shall not diagnose or treat a severely injured police service dog, or shall discontinue diagnosing or treating a severely injured police service dog, at the scene of an emergency, if any of the following apply:

(a) The emergency medical care provider is dispatched to another location.

(b) A vehicle used to transport the emergency medical care provider is dispatched to another location.

e. A severely injured police service dog shall not be transported in a vehicle that provides emergency medical or ambulance services.

[S13, §2538-a; C24, 27, 31, 35, 39, §**2766;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.3; C79, 81, §169.4]

83 Acts, ch 115, §3; 2023 Acts, ch 155, §5 – 7, 24; 2025 Acts, ch 53, §2

Referred to in §147A.8, 169.33

169.4A Provision of veterinary services.

1. A person, including a corporation, limited liability company, or partnership, established on or after July 1, 1994, shall not provide veterinary medical services, own a veterinary clinic, or practice veterinary medicine in this state, except as otherwise provided in this chapter.

2. Subsection 1 shall not do any of the following:

a. Apply to a veterinarian licensed under this chapter, a partnership formed under chapter 486A and composed of licensed veterinarians, a limited liability partnership formed under chapter 486A and composed of licensed veterinarians, a professional limited liability company organized under chapter 489 and engaging in the practice of veterinary medicine, or a professional corporation organized under chapter 496C and engaging in the practice of veterinary medicine.

b. Prohibit a person from owning an interest in real property or a building where a

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veterinary clinic is located, if veterinary medical services or a veterinary medicine practice is conducted at the clinic by a person described in paragraph *"a"*.

94 Acts, ch 1198, §35; 2015 Acts, ch 77, §1

169.5 Board of veterinary medicine.

1. *a.* The governor shall appoint, subject to confirmation by the senate pursuant to section 2.32, a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians and shall represent the general public, one of whom shall be a farmer involved in the production of agricultural animals. The board shall be known as the Iowa board of veterinary medicine.

b. Each licensed veterinarian board member shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. The representatives of the general public shall be knowledgeable in the area of animal husbandry. A member of the board shall not be employed by or have any material or financial interest in any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

c. Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor is not bound by the recommendations.

2. The members of the board shall be appointed for a term of three years, except the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence and end as provided by section 69.19. Members shall serve no more than three terms or nine years total, whichever is less. Any vacancy in the membership of the board caused by death, resignation, removal, or otherwise, shall be filled for the period of the unexpired term in the same manner as original appointments.

3. Necessary meetings may be called by the president of the board by giving proper notice. Except as provided, a majority of the board constitutes a quorum. Meetings shall be open and public except that the board may meet in closed session to prepare, approve, administer, or grade examinations, or to deliberate the qualifications of an applicant for license or the disposition of a proceeding to discipline a licensed veterinarian.

4. The board shall organize by electing a president and such other officers as may be necessary. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall serve as chairperson of board meetings. The person designated as the state veterinarian shall serve as secretary of the board.

5. The duties of the board shall include carrying on the correspondence of the board, keeping permanent accounts and records of all receipts and disbursements by the board and of all board proceedings, including the disposition of all applications for a license, and keeping a register of all persons currently licensed by the board. The representatives of the general public shall not prepare, grade, or otherwise administer examinations to applicants for a license to practice veterinary medicine. All board records shall be open to public inspection during regular office hours.

6. Members of the board shall set their own per diem compensation, at a rate not exceeding the per diem specified in section 7E.6 for each day actually engaged in the discharge of their duties, as well as compensation for necessary traveling and other expenses. Compensation for veterinarian members of the board shall include compensation for the time spent traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination and the reading of papers, in addition to the time actually spent in conducting examinations, within the limits of funds appropriated to the board.

7. Upon a three-fifths vote, the board may:

a. Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

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b. Issue, renew, or deny issuance or renewal of licenses and temporary permits to practice veterinary medicine in this state.

c. Establish and publish annually a schedule of fees for licensing and registration of veterinarians. The fees shall be set by rule and shall include fees for a license to practice veterinary medicine issued upon the basis of the examination, a license granted on the basis of reciprocity, a renewal of a license to practice veterinary medicine, a certified statement that a licensee is licensed to practice in this state, and an issuance of a duplicate license when the original is lost or destroyed. The fee schedule shall be based on the board's anticipated financial requirements for the year, which shall include but not be limited to the following:

(1) Per diem, expenses, and travel of board members.

(2) Costs to the department for administration of this chapter.

d. Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining licensed veterinarians.

e. Hold hearings on all matters properly brought before the board and administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. An administrative law judge may be appointed pursuant to section 17A.11 to perform those functions which properly repose in an administrative law judge.

f. Employ full-time or part-time personnel, professional, clerical, or special, as are necessary to effectuate the provisions of this chapter.

g. Appoint from its own membership one or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

h. Bring proceedings in the courts for the enforcement of this chapter or any regulations made pursuant to this chapter.

i. Adopt, amend, or repeal rules relating to the qualifications, standards of conduct, the supervision of tasks delegated to veterinary auxiliary personnel by a licensed veterinarian, and disciplinary action of veterinary auxiliary personnel for whom the board has issued a certificate or permit. The rules may provide for the testing of individuals who apply to be issued a certificate of registration as a veterinary technician, apply to be issued a renewal of a certificate of registration, or apply to be reissued a certificate of registration; and the suspension or revocation of a certificate of registration.

j. Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provision of this chapter, including the establishment and publication of standards of professional conduct for the practice of veterinary medicine.

k. Adopt, amend, or repeal rules requiring a veterinarian to have a valid veterinarian-client-patient relationship, except in the case of an emergency, before practicing veterinary medicine on an animal, including by acting as a supervising veterinarian.

8. The powers enumerated in subsection 7 are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

9. A person who provides veterinary medical services, owns a veterinary clinic, or practices in this state shall obtain a certificate from the board and be subject to the same standards of conduct, as provided in this chapter and rules adopted by the board, as apply to a licensed veterinarian, unless the board determines that the same standards of conduct are inapplicable. The board shall issue, renew, or deny a certificate; adopt rules relating to the standards of conduct; and take disciplinary action against the person, including suspension or revocation of a certificate, in accordance with the procedures established in section 169.14. Certification fees shall be established by the board pursuant to subsection 7, paragraph "*j*". Certification fees shall be established in an amount sufficient to fully offset the costs of certification pursuant to this subsection. Certification fees shall be deposited in the general fund of the state and are appropriated to the department to administer the certification provisions of this subsection. This subsection shall not apply to an animal shelter, as defined in section 162.2, that provides veterinary medical services to animals in the custody of the shelter.

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10. The department shall furnish the board with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the department shall assess the costs to the board for such articles and supplies. The board shall also reimburse the department for direct and indirect administrative costs incurred in issuing and renewing the licenses.

[S13, §2538-f, -h, -i, -j, -t; C24, 27, 31, 35, §2799-d1, -d5; C39, §**2773, 2777-2780, 2782, 2784, 2785, 2799.1, 2799.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.11, 169.15 – 169.19, 169.21, 169.22, 169.37, 169.41; C79, 81, §169.5]

83 Acts, ch 115, §4; 84 Acts, ch 1067, §23; 88 Acts, ch 1109, §17; 90 Acts, ch 1256, §31; 98 Acts, ch 1202, §32, 46; 2000 Acts, ch 1183, §1, 3; 2001 Acts, ch 24, §70, 74; 2005 Acts, ch 159, §1; 2009 Acts, ch 133, §72; 2023 Acts, ch 155, §8, 9, 24; 2024 Acts, ch 1170, §96, 241; 2025 Acts, ch 134, §34

169.6 Disclosure of confidential information.

1. A member of the board shall not disclose information relating to the following:

a. Criminal history or prior misconduct of the applicant.

b. Information relating to the contents of the examination.

c. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

2. A member of the board who willfully communicates or seeks to communicate information in violation of subsection 1, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor for each separate offense.

[C75, 77, §169.56; C79, 81, §169.6]

2009 Acts, ch 133, §207

169.7 Status of persons previously licensed.

Any person holding a valid license to practice veterinary medicine in this state on January 1, 1979 shall be recognized as a licensed veterinarian and shall be entitled to retain this status as long as licensee complies with the provisions of this chapter.

[C79, 81, §169.7]

169.8 Qualifications.

1. *a.* Any person desiring a license to practice veterinary medicine in this state shall make written application to the board on a form approved by the board. The application shall show that the applicant is a graduate of an accredited or approved college of veterinary medicine or the holder of an ECFVG certificate. The application shall also show such other information and proof as the board may require by rule. The application shall be accompanied by a fee in the amount established and published by the board.

b. If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination, or if the applicant is eligible for license without examination under section 169.10, the board may grant a license to the applicant.

c. If an applicant is found not qualified to take the examination or for a license without examination, the secretary of the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may request a hearing on the question of the applicant's qualification under the procedure set forth in section 169.14. Any applicant who is found not qualified shall be allowed the return of the application fee.

d. Based upon an applicant's education, experience, and training, the board may grant a limited license to an applicant to perform a restricted range of activities within the practice of veterinary medicine, as specified by the board.

2. *a.* The name, location, number of years of practice of the person to whom a license is issued, the number of the certificate, and the date of registration thereof shall be entered in

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a book kept in the office of the department of agriculture and land stewardship, to be known as the "registry book", and the same shall be open to public inspection.

b. When any person licensed to practice under this chapter changes residence, the board shall be notified within thirty days and such change shall be noted in the registry book.

3. Every individual licensed under this chapter shall keep the license displayed in the place at which an office is maintained.

[S13, §2538-e, -i, -j; C24, 27, 31, 35, 39, §**2767, 2768, 2775, 2776, 2786;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.4, 169.5, 169.13, 169.14, 169.23; C79, 81, §169.8]

83 Acts, ch 115, §5, 6; 90 Acts, ch 1117, §1; 2009 Acts, ch 41, §63

169.9 Examinations.

1. The board shall hold at least one examination during each year and may hold such additional examinations as it deems necessary. The secretary shall give public notice of the time and place for each examination at least ninety days in advance of the date set for the examination. A person desiring to take an examination shall make application at least thirty days before the date of the examination.

2. The preparation, administration, and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to establish competency to practice veterinary medicine in the judgment of the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examination prepared by the national board of veterinary examiners as a part of the examination given to examinees.

3. After each examination, the board shall notify each examinee of the examination result, and the board shall issue licenses to the individuals successfully completing the examination. The board shall record the new licenses and issue a certificate of registration to the new licensees. Any individual failing an examination shall be admitted to any subsequent examination on payment of the application fee.

4. In all written examinations the identity of the individual taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

[S13, §2538-e, -f, -i; C24, 27, 31, 35, 39, §**2772, 2790 – 2792;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.10, 169.27 – 169.29; C79, 81, §169.9]

83 Acts, ch 115, §7; 2017 Acts, ch 54, §76

169.10 License by endorsement.

1. The board may issue a license to practice veterinary medicine in this state without written examination to an applicant who meets all of the following requirements:

a. Has graduated from an accredited college of veterinary medicine or has received a certificate from the educational commission for foreign veterinary graduates at least five years prior to application.

b. Has actively practiced for at least two thousand hours during the five years preceding application.

c. Has not previously failed and not subsequently passed a veterinary licensing examination in this state.

d. Holds a current license to practice veterinary medicine in another state or United States territory or province of Canada.

e. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

f. Provides other information and proof as the board may require by rule.

2. The board may issue a license to practice veterinary medicine in this state without written or oral examination to an applicant who meets all of the following requirements:

a. Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule.

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b. Is not subject to license investigation, suspension, or revocation in any state, United States territory, or province of Canada.

c. Provides other information and proof as the board may require by rule.

[S13, §2538-i, -i1; C24, 27, 31, 35, 39, §**2794 – 2797;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.31 – 169.34; C79, 81, §169.10]

90 Acts, ch 1117, §2

Referred to in §169.8

169.11 Temporary permit.

The board may issue without examination a temporary permit to practice veterinary medicine in this state:

1. To a qualified applicant for license pending examination and the temporary permit shall expire the day after the notice of results of the first examination given after the permit is issued. The temporary permit holder should keep the secretary continually advised of the permit holder's current address.

2. To a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who pays the fee established and published by the board. Such temporary permit shall be issued for a period of no more than one hundred eighty days and no more than one permit shall be issued to a person during each calendar year.

[C79, 81, §169.11]

169.12 License renewal.

1. All licenses shall expire in multiyear intervals as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire and provide the licensee with a form for registration.

2. Any person who shall practice veterinary medicine after license expiration is practicing in violation of this chapter. However, a person may renew an expired license within five years of the date of its expiration by making written application for renewal and paying the current renewal fee plus all delinquent renewal fees. After five years have elapsed since the date of expiration, a license may not be renewed, and the holder must make application for a new license and take the license examination.

3. The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States.

4. Any licensee who is desirous of changing residence to another state or territory shall, upon application to the department and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, §2538-j; C24, 27, 31, 35, 39, §**2769, 2769.1, 2798;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.6, 169.35; C79, 81, §169.12]

2017 Acts, ch 54, §76

Referred to in §169.13

169.13 Discipline of licensees.

1. The board of veterinary medicine, after due notice and hearing, may take disciplinary action against a licensee if it determines that a veterinarian licensed to practice veterinary medicine is guilty of violating any of the grounds for discipline in this section.

2. The board is authorized to discipline licensees in any of the following ways:

a. Impose a civil penalty against the licensee in an amount not to exceed ten thousand dollars. If the board imposes a civil penalty, all of the following apply:

(1) The collection of the civil penalty may be enforced in a civil action brought by the attorney general on behalf of the board.

(2) Moneys collected in civil penalties shall be deposited in the general fund of the state.

b. Revoke or suspend a license to practice veterinary medicine.

3. Any of the following actions or offenses constitutes grounds for discipline:

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a. Knowingly making a misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.

b. Being convicted of a felony in a court of this state or another state, territory, or country. Conviction as used in this paragraph includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication or guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state is conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, if the statute or law relates to the practice of veterinary medicine.

d. Having the person's license to practice veterinary medicine revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of the suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice veterinary medicine.

f. Being adjudged mentally incompetent by a court of competent jurisdiction. The adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

g. Being guilty of a willful or repeated departure from, or a failure to conform to, the minimal standard of acceptable and prevailing practice of veterinary medicine as defined in rules adopted by the board, in which proceeding actual injury to an animal need not be established; or the committing by a veterinarian of an act contrary to honesty, justice, or good morals, whether the act is committed in the course of the practice or otherwise, and whether committed within or without this state.

h. Demonstrating an inability to practice veterinary medicine with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material, or as a result of a mental or physical condition.

i. Having willfully or repeatedly violated lawful rules adopted by the board or violation of a lawful order of the board, previously entered by the board in a disciplinary hearing.

4. *a.* The board, upon probable cause, may compel a veterinarian to submit to a mental or physical examination by designated physicians. Failure of a veterinarian to submit to an examination constitutes an admission to the allegations made against that veterinarian and the finding of fact and decision of the board may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a veterinarian shall be afforded an opportunity to demonstrate that the veterinarian can resume the competent practice of veterinary medicine with reasonable skill and safety to animals.

b. A person licensed to practice veterinary medicine who applies for the renewal of the person's license as required by section 169.12 gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the board. All objections shall be waived as to the admissibility of the examining physician's testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a veterinarian in another proceeding and are confidential except for other actions filed against a veterinarian to revoke or suspend that person's license.

[S13, §2538-e; C24, 27, 31, 35, 39, §**2799;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.36; C79, 81, §169.13]

83 Acts, ch 115, §8; 2009 Acts, ch 41, §64; 2025 Acts, ch 134, §35; 2026 Acts, ch 1040, §24

Referred to in §169.14, 272C.3, 272C.4

Subsection 3, paragraph h amended

169.14 Procedure for suspension or revocation.

A proceeding for the revocation or suspension of a license to practice veterinary medicine or to discipline a person licensed to practice veterinary medicine shall be substantially in accord with the following:

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1. The board, upon its own motion or upon a verified complaint in writing, may request the department of inspections, appeals, and licensing to conduct an investigation of the charges contained in the complaint. The department of inspections, appeals, and licensing shall report its findings to the board, and the board may issue an order fixing the time and place for hearing if a hearing is deemed warranted. A written notice of the time and place of the hearing, together with a statement of the charges, shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by those rules. If the licensee fails to appear either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of section 17A.11, subsection 1. The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The member or officer shall issue subpoenas at the request and on behalf of the licensee.

4. A mechanized or stenographic record of the proceedings shall be kept. The licensee shall be given the opportunity to appear personally and by attorney, with the right to produce evidence in one's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question put to that person during the hearing, the presiding member or administrative law judge may invoke the aid of a court of competent jurisdiction in requiring the attendance and testimony of that person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and attorney shall be given the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge upon the merits on the basis of the evidence in the record before it.

7. Upon three members of the board voting in favor of finding the licensee guilty of an act or offense specified in section 169.13, the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the license to practice veterinary medicine for a period to be determined by the board.

b. Revoke the license to practice veterinary medicine.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the veterinarian on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice veterinary medicine, and may impose a disciplinary or corrective measure which it might originally have imposed.

8. Judicial review of the board's action may be sought in accordance with chapter 17A.

9. The filing of a petition for review does not in itself stay execution or enforcement of board action. Upon application, the board or the review court, in appropriate cases, may order a stay pending the outcome of the review proceedings.

[C31, 35, §2799-d1, -d3, -d4, -d6; C39, §**2799.1, 2799.3, 2799.4, 2799.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.37, 169.39, 169.40, 169.42; C79, 81, §169.14]

83 Acts, ch 115, §9; 88 Acts, ch 1109, §18; 88 Acts, ch 1158, §44; 89 Acts, ch 296, §19; 98 Acts, ch 1202, §33, 46; 2023 Acts, ch 19, §1918

Referred to in §169.5, 169.8, 169.34

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169.15 Appeal.

Any party aggrieved by a decision of the board may appeal the matter to the district court as provided in section 17A.19.

[C79, 81, §169.15]

83 Acts, ch 115, §10

169.16 Reinstatement.

A person whose license is suspended or revoked may be relicensed or reinstated at any time by a vote of five members of the board after written application made to the board showing cause justifying relicensing or reinstatement. Examination of the applicant may be waived by the board.

[C79, 81, §169.16]

83 Acts, ch 115, §11

169.17 Forgeries.

Any person who shall file or attempt to file with the department or board of veterinary medicine any false or forged diploma or certificate or affidavit of identification or qualification is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §**2803;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.43; C79, 81, §169.17]

169.18 Fraud.

Any person who shall present to the department or board of veterinary medicine a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely impersonate anyone to whom a license has been granted by said department, is guilty of a fraudulent practice.

[C24, 27, 31, 35, 39, §**2804;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.44; C79, 81, §169.18]

169.19 Enforcement — penalties.

1. Any person who practices veterinary medicine without a currently valid license or temporary permit is guilty of a fraudulent practice. Each act of such unlawful practice shall constitute a distinct and separate offense.

2. A person who shall practice veterinary medicine without a currently valid license or temporary permit shall not receive any compensation for services so rendered.

3. The county attorney of the county in which any violation of this chapter occurs shall conduct the necessary prosecution for such violation. Notwithstanding this provision, the board of veterinary medicine or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. The action brought to restrain a person from engaging in the practice of veterinary medicine without possessing a license shall be brought in the name of the state of Iowa. If the court finds that the individual is violating or threatening to violate this chapter it shall enter an injunction restraining the individual from such unlawful acts.

4. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other remedy set forth in this section.

5. The department shall cooperate with the board of veterinary medicine in the enforcement of the provisions of this chapter.

[S13, §2538-l; C24, 27, 31, 35, 39, §**2805 – 2807;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §169.45 – 169.48; C79, 81, §169.19]

83 Acts, ch 115, §12; 2012 Acts, ch 1023, §157

Referred to in §331.756(27), 714.8

169.20 Veterinary assistants. Repealed by 2023 Acts, ch 155, §21, 24.

169.21 Limitations of actions.

Any action for professional negligence against an individual licensed under this chapter resulting in damage to property shall not be brought more than two years after the date on

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which the claimant knew, or through the use of reasonable diligence should have known, or received notice in writing of the existence of, the injury for which damages were sought in the action, whichever of the dates occurs first. For purposes of this section, "*property*" includes an animal.

2021 Acts, ch 81, §1

169.22 through 169.30 Reserved.

SUBCHAPTER II

VETERINARY AUXILIARY PERSONNEL — REGISTRATION

Referred to in §169.3, 169.4

169.31 Subchapter definitions.

As used in this subchapter:

1. *"Accredited or approved veterinary technology program"* means a program in veterinary technology that is accredited by the American veterinary medical association and an accrediting agency that has been approved by the United States department of education or its successor.

2. "*Direct supervision*" means supervision by a supervising veterinarian that occurs when the supervising veterinarian is readily available and on the premises where an animal patient is being provided authorized veterinary medical services by veterinary auxiliary personnel.

3. "*Immediate supervision*" means supervision by a supervising veterinarian that occurs when the supervising veterinarian is in the immediate area, and within audible and visual range, of an animal patient and veterinary auxiliary personnel providing the animal patient with authorized veterinary medical services.

4. "*Indirect supervision*" means supervision by a supervising veterinarian, other than direct supervision or immediate supervision, that occurs when all of the following apply:

a. The supervising veterinarian has given written protocols or real-time oral instructions to veterinary auxiliary personnel for the treatment of an animal patient for which a veterinarian-client-patient relationship exists.

b. The supervising veterinarian is readily available by telephone or other means of immediate communication with the veterinary auxiliary personnel providing the animal patient with authorized veterinary medical services.

5. "*Registered veterinary technician*" means an individual who has graduated from an accredited or approved veterinary technology program and who has been issued a valid certificate of registration by the board pursuant to section 169.34.

6. "*Supervising veterinarian*" means a licensed veterinarian who assumes responsibility for supervising veterinary auxiliary personnel providing authorized veterinary medical services to an animal patient under immediate supervision, direct supervision, or indirect supervision.

7. *a. "Veterinary assistant"* means an individual employed to work in veterinary practice who performs tasks under the supervision of a supervising veterinarian.

b. "Veterinary assistant" does not include a person who is a licensed veterinarian or a registered veterinary technician, veterinary student, veterinary technician student, or graduate from a foreign college of veterinary medicine who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

8. *"Veterinary auxiliary personnel"* means a veterinary assistant, registered veterinary technician, veterinary student, veterinary technician student, or graduate of a foreign college of veterinary medicine who is not a licensed veterinarian or the holder of a valid temporary permit issued by the board.

9. "*Veterinary student*" means an individual currently admitted to and in good academic standing with an accredited or approved college of veterinary medicine.

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10. *"Veterinary technician student"* means an individual currently admitted to and in good academic standing with an accredited or approved veterinary technology program.

2023 Acts, ch 155, §10, 24

169.32 Supervising veterinarian.

1. A licensed veterinarian may provide veterinary medical services to an animal patient by acting as a supervising veterinarian as provided in this subchapter and rules adopted by the board.

2. A supervising veterinarian shall determine the supervision required for tasks delegated to veterinary auxiliary personnel within the limits provided in this subchapter and rules adopted by the board. The decision must be based on factors such as the veterinary auxiliary personnel's training, experience, and skill. The supervising veterinarian is responsible for providing the required supervision and delegating tasks to veterinary auxiliary personnel. The supervising veterinarian shall not delegate veterinary medical services of diagnosis, prescription, or surgery to any veterinary assistant, veterinary technician student, or registered veterinary technician.

3. The board shall adopt rules providing for when a licensed veterinarian must exercise immediate supervision, direct supervision, or indirect supervision for each category of auxiliary veterinary personnel providing authorized veterinary medical services to an animal patient. Nothing in this subchapter or the rules adopted by the board shall prohibit the supervising veterinarian from providing more supervision than required when the veterinary auxiliary personnel's training, experience, and skill indicate more supervision is necessary.

2023 Acts, ch 155, §11, 24

Referred to in §169.36, 169.37, 169.38, 169.39, 169.40

169.33 Veterinary auxiliary personnel — employment.

1. *a.* A licensed veterinarian may employ any number of veterinary auxiliary personnel who may be delegated tasks associated with providing authorized veterinary medical services to an animal patient within the limits provided in this subchapter and rules adopted by the board pursuant to this subchapter.

b. A person may employ any number of veterinary auxiliary personnel to provide authorized veterinary medical services to animals that are owned or cared for by the person if a supervising veterinarian who practices at the same place of business as the veterinary auxiliary personnel supervises the veterinary auxiliary personnel within the limits provided in this subchapter and rules adopted by the board pursuant to this subchapter.

2. Veterinary auxiliary personnel shall only receive compensation for authorized veterinary medical services from their employer as provided in this section except for those services provided in accordance with section 169.4.

2023 Acts, ch 155, §12, 24

169.34 Registered veterinary technician — certificate of registration.

1. The board shall issue a certificate of registration to an individual if all of the following apply:

a. The individual has graduated from an accredited or approved veterinary technology program.

b. The individual has received a passing score on a national veterinary technician examination approved by the board.

c. The individual has submitted a complete application to the board that is approved by the board.

(1) The application must be in a form prescribed by the board.

(2) To be complete, the application must include all of the following:

(a) Information and material required by the board.

(b) A registration fee in an amount established by the board.

d. The individual meets other criteria or qualifications as specified by rule adopted by the board, including but not limited to a state veterinary technician examination.

e. The board may grant a waiver from any qualification for a certificate of registration to

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an individual who was in active duty military service or the individual's spouse in accordance with section 272C.4, or to an individual who was previously a veterinary medical student and who substantially meets the qualifications to receive a certificate of registration.

2. The board may issue an endorsed certificate of registration to an individual if the individual holds a valid registration, certificate, license, or other authorization issued by a jurisdiction recognized by the board, and all of the following apply:

a. The individual meets the educational, experience, or testing requirements as specified by the board in rule.

b. The individual is not subject to an investigation or disciplinary action which may result or has resulted in the suspension or the revocation of a registration, certificate, license, or other authorization issued by a jurisdiction recognized by the board.

c. The individual has submitted a complete application to the board that is approved by the board.

(1) The application must be in a form prescribed by the board.

(2) To be complete, the application must include all of the following:

(a) Information and material required by the board.

(b) A registration fee in an amount established by the board.

d. The individual meets other criteria, standard, or qualification as specified by rule adopted by the board.

e. The board may grant a waiver from any qualification for an endorsed certificate of registration to an individual who was in active duty military service or the individual's spouse in accordance with section 272C.4, or to an individual who was previously a veterinary medical student who substantially meets the qualifications to receive a certificate of registration.

3. *a.* All certificates of registration shall be issued and expire according to a registration period based on a triennium cycle beginning and ending on dates established by the board. However, a new certificate of registration issued during a registration period shall be for the balance of that registration period.

b. To renew a certificate of registration, a registered veterinary technician must apply to the board for approval. The application must show that the registered veterinary technician has completed all continuing education credit hours during the preceding registration period as required by the board. The board shall determine the number of continuing education credit hours required and the type of continuing hours awarded credit. The certificate of registration expires after the individual has been provided a notice and opportunity for a hearing by the board under chapter 17A. An individual whose certificate of registration has expired is no longer credentialed as provided in section 169.35.

c. The board shall reissue a certificate of registration to an individual whose certificate of registration has expired. To be reissued a certificate of registration, the individual must apply to the board for approval. The application must show that the individual has completed the same number of continuing education credit hours required to renew a certificate of registration during the prior three years.

d. A certificate of registration for a registered veterinary technician that was issued prior to July 1, 2024, remains valid and does not expire.

e. The board shall adopt all rules required to administer and enforce this subsection.

4. A registered veterinary technician is subject to investigation and disciplinary action taken by the board to suspend or revoke a certificate or registration pursuant to section 272C.3. However, the board shall utilize the procedures set forth in section 169.14. A certificate of registration shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

2023 Acts, ch 155, §13, 24
Referred to in §169.31, 169.35

169.35 Registered veterinary technician — credentials.

1. A person shall not use any recognized title, abbreviation, or sign to indicate that such person is a registered veterinary technician unless that person is an individual who has been issued a certificate of registration pursuant to section 169.34.

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2. A person who violates subsection 1 commits a simple misdemeanor.
2023 Acts, ch 155, §14, 24
Referred to in §169.34

169.36 Registered veterinary technician — scope of authority.

1. A registered veterinary technician shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision of a supervising veterinarian according to this section and rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a registered veterinary technician and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

3. A veterinary technician shall not do any of the following:

a. Perform equine floating teeth services. However, a registered veterinary technician may perform such services after submitting to the board all of the following:

(1) Proof of current certification from the international association of equine dentistry or other professional equine dentistry association as determined by the board.

(2) A written statement signed by a supervising veterinarian experienced in large animal medicine that the applicant will be under the direct supervision or indirect supervision of the supervising veterinarian when treating floating equine teeth.

b. Gingival resection.

2023 Acts, ch 155, §15, 24

169.37 Veterinary assistant — scope of authority.

1. A veterinary assistant shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the direct supervision of a supervising veterinarian according to rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary assistant and provide the required supervision pursuant to section 169.32 and rules adopted by the board.

2023 Acts, ch 155, §16, 24

169.38 Veterinary technician student — scope of authority.

1. A veterinary technician student shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision of a supervising veterinarian according to rules adopted by the board under this subchapter.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary technician student and provide the required supervision pursuant to section 169.32 and rules adopted by the board.

2023 Acts, ch 155, §17, 24

169.39 Veterinary student — scope of authority.

1. A veterinary student shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision determined by the supervising veterinarian.

2. A supervising veterinarian shall decide the specific tasks delegated to a veterinary student and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

2023 Acts, ch 155, §18, 24

169.40 Graduate from foreign college of veterinary medicine — scope of authority.

1. A graduate from a foreign college of veterinary medicine shall only perform tasks associated with providing authorized veterinary medical services to an animal patient under the supervision determined by the supervising veterinarian.

2. A supervising veterinarian shall decide the specific tasks delegated to a graduate from a foreign college of veterinary medicine who is not a licensed veterinarian or temporary permit

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holder and provide the required supervision pursuant to section 169.32 and the rules adopted by the board.

2023 Acts, ch 155, §19, 24

CHAPTER 169A

MARKING AND BRANDING OF LIVESTOCK

Referred to in §169C.3

169A.1 Definitions.
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169A.13 Renewal of brand and fee.
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169A.14 Tampering.
169A.15 Repealed by 95 Acts, ch 60, §10.
169A.16 Repealed by 96 Acts, ch 1119, §2.

169A.1 Definitions.

When used in this chapter:

1. *"Animal"* means a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 170.1; or poultry.
2. *"Brand"* means an identification mark that is burned into the hide of a live animal by a hot iron or another method approved by the secretary. A brand shall include a cryo-brand.
3. *"Computer"* means the same as defined in section 22.3A.
4. *"Cryo-brand"* means a brand produced by application of extreme cold temperature.
5. *"Identification device"* means a device which when installed is designed to store information regarding an animal or the animal's owner in an electronic format which may be accessed by a computer for purposes of reading or manipulating the information.
6. *"Install"* means to place an identification device onto or beneath the hide or skin of an animal, including but not limited to fixing the device into the ear of an animal or implanting the device beneath the skin of the animal.
7. *"Livestock"* means horses, cattle, sheep, mules, or asses.

[C66, 71, 73, 75, 77, 79, 81, §187.1]
86 Acts, ch 1245, §635
C93, §169A.1
95 Acts, ch 60, §1; 98 Acts, ch 1208, §1; 2003 Acts, ch 149, §2, 23
Further definitions; see §159.1

169A.2 Adoption of brand.

Any person owning livestock may adopt a brand for the purpose of branding the livestock. The person shall have the exclusive right to use the brand in this state, after recording the brand as provided in sections 169A.4 and 169A.6 or 169A.9.

[C66, 71, 73, 75, 77, 79, 81, §187.2]
C93, §169A.2
95 Acts, ch 60, §2

169A.3 Must be recorded.

Evidence of an animal's ownership shall not be established in court by the animal's brand, unless the animal is livestock, the brand complies with the requirements of this chapter, and the brand is recorded as provided in sections 169A.4 and 169A.6 or 169A.9.

[C66, 71, 73, 75, 77, 79, 81, §187.3]
C93, §169A.3
95 Acts, ch 60, §3

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169A.4 Recording — fee.

A person desiring to adopt a brand shall forward to the secretary a brand application on forms approved by the secretary and providing for the desired brand, together with a recording fee of twenty-five dollars. Upon receipt, the secretary shall file the application and fee, unless the brand is of record of another person or conflicts with or closely resembles the brand of another person. If the secretary determines that such brand is of record or conflicts with or closely resembles the brand of another person, the secretary shall not record it but shall return the facsimile and fee to the forwarding person. However, the secretary shall renew a conflicting brand if the brand was originally recorded prior to July 1, 1996, and the brand is renewed as provided in section 169A.13. The department may notify each owner of a conflicting brand that the owner may record a nonconflicting brand. The power of examination, approval, acceptance, or rejection shall be vested in the secretary. The secretary shall file all brands offered for record pending the examination provided for in this section. The secretary shall make such examination as promptly as possible. If the brand is accepted, the brand's ownership shall vest in the person recording it from the date of filing.

[C51, §921 – 923; R60, §1556 – 1558; C73, §1480, 1481, 3809; C97, §2335, 2336; C24, 27, 31, 35, 39, §**2977, 2978;** C46, 50, 54, 58, 62, §187.2, 187.3; C66, 71, 73, 75, 77, 79, 81, §187.4]

C93, §169A.4

96 Acts, ch 1119, §1; 2001 Acts, ch 183, §20; 2002 Acts, ch 1050, §61, 65

Referred to in §169A.2, 169A.3, 169A.5, 169A.8, 169A.13

169A.5 Effect of record.

The recording provided for in sections 169A.4 and 169A.6 or 169A.9 shall secure the brand to the person and shall be considered personal property of said owner.

[C66, 71, 73, 75, 77, 79, 81, §187.5]

C93, §169A.5

169A.6 Certified copy furnished.

As soon as the brand is recorded by the secretary, the secretary shall furnish the owner of the brand with a certified copy of the record of the brand.

[C66, 71, 73, 75, 77, 79, 81, §187.6]

C93, §169A.6

95 Acts, ch 60, §4

Referred to in §169A.2, 169A.3, 169A.5, 169A.10

169A.7 Unlawful use of brand — penalty.

A person shall not use any brand for branding livestock, unless the brand has been recorded as provided by this chapter. A person may use an unrecorded hot brand or an unrecorded cryo-brand, consisting only of Arabic numerals, if the person uses the unrecorded brand in conjunction with the person's recorded brand, and only for purposes of identifying animals within a herd. However, the unrecorded brand shall not be evidence of ownership. A person convicted of violating this section shall be guilty of an aggravated misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §187.7]

C93, §169A.7

95 Acts, ch 60, §5

169A.8 Sale or assignment of brand.

Any brand recorded as provided in section 169A.4 shall be the property of the person causing such record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing, evidencing the sale, assignment, or transfer of such brand shall be recorded by the secretary and the fee for recording such sale, assignment, or transfer shall be in an amount established by rule of the secretary pursuant to chapter 17A, which amount shall be based upon the administrative costs of maintaining the brand program provided for by this chapter.

[C66, 71, 73, 75, 77, 79, 81, §187.8]

C93, §169A.8

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169A.9 Certified copy to new owner.

As soon as instruments of writing evidencing the sale, assignment, or transfer of a brand have been recorded by the secretary, the secretary shall furnish such new owner one certified copy of such sale, assignment, or transfer.

[C66, 71, 73, 75, 77, 79, 81, §187.9]

C93, §169A.9

Referred to in §169A.2, 169A.3, 169A.5, 169A.10

169A.10 Evidence of ownership — investigations.

1. In a suit at law or equity or in any criminal proceedings in which the title to an animal is an issue, the following shall be admissible as evidence:

a. A certified copy of a record as provided for in section 169A.6 or 169A.9. The certified copy shall be prima facie evidence of the ownership of livestock by the person in whose name the brand is recorded.

b. Information stored in an identification device which identifies the owner of an animal. The information shall be prima facie evidence of the ownership of the animal, if all of the following apply:

(1) The identification device meets applicable design standards adopted by the international standard organization, or which may be adopted by the department.

(2) The identification device is installed according to manufacturer's requirements.

(3) The information is not in conflict with a certified copy of a record as provided for in section 169A.6 or 169A.9.

c. The results of a sheriff's investigation as provided in this section.

2. A dispute involving the custody or ownership of an animal branded or subject to electronic identification under this chapter shall be investigated, on request, by the sheriff of the county where the animal is located. The sheriff may call upon the services of an authorized person, approved by the secretary, in reading the brands on animals. The cost of the services shall be paid by the person requesting the investigation. The results of the sheriff's investigation are a public record.

[C66, 71, 73, 75, 77, 79, 81, §187.10]

C93, §169A.10

95 Acts, ch 60, §6; 98 Acts, ch 1208, §2

Referred to in §331.653

169A.11 Publication of brands list.

The secretary from time to time shall publish on the internet a list of all brands on record at the time of the publication. The publication shall contain a facsimile of all brands recorded and the owner's name and post office address. The records shall be arranged in convenient form for reference.

[C66, 71, 73, 75, 77, 79, 81, §187.11]

C93, §169A.11

95 Acts, ch 60, §7; 2012 Acts, ch 1095, §60

169A.12 Repealed by 2001 Acts, ch 183, §23.

169A.13 Renewal of brand and fee.

Each owner of a brand which is recorded pursuant to section 169A.4 shall renew the brand every five years after originally recording the brand and pay a renewal fee. The amount of the renewal fee is twenty-five dollars. The secretary shall notify every owner of a brand of record at least thirty days prior to the date of the renewal period. If the owner of a brand of record does not renew the brand and pay the renewal fee within six months after it is due, the owner shall forfeit the brand and the brand shall no longer be recorded. A forfeited brand shall not be issued to any other person for five years following date of forfeiture.

[C66, 71, 73, 75, 77, 79, 81, §187.13]

C93, §169A.13

95 Acts, ch 60, §8; 96 Acts, ch 1034, §8; 2001 Acts, ch 183, §21; 2002 Acts, ch 1119, §24

Referred to in §169A.4

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169A.13A Branding administration fund.

1. A branding administration fund is created in the state treasury under the control of the department. The fund is composed of moneys collected in fees as provided in this chapter, moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund.

2. The fund is subject to warrants written by the director of the department of administrative services, drawn upon the written requisition of the department.

3. Moneys in the fund are appropriated to the department for the exclusive purpose of supporting the administration of this chapter by the department.

4. The department may adopt rules pursuant to chapter 17A to administer this section.

5. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

2001 Acts, ch 183, §22; 2003 Acts, ch 145, §286

169A.14 Tampering.

1. A person shall not do any of the following to an animal:

a. Brand, attempt to brand, or cause to be branded livestock, without authorization from the owner.

b. Efface, deface, or obliterate or attempt to efface, deface, or obliterate a brand, without authorization from the owner of the livestock.

c. Brand, attempt to brand, or cause to be branded a recorded brand on livestock, without authorization of the owner of the brand.

d. Install an electronic device or remove or damage an installed electronic device, without authorization from the owner of an animal.

2. A person violating this section is guilty of a fraudulent practice as provided in chapter 714.

[C66, 71, 73, 75, 77, 79, 81, §187.14]
C93, §169A.14
98 Acts, ch 1208, §3
Referred to in §169.4

169A.15 Repealed by 95 Acts, ch 60, §10.

169A.16 Repealed by 96 Acts, ch 1119, §2.

CHAPTER 169B

RESERVED

CHAPTER 169C

TRESPASSING OR STRAY LIVESTOCK

Referred to in §314.30

169C.1	Definitions.	169C.4	Liability.
169C.2	Custody.	169C.5	Satisfaction for damages.
169C.3	Notice to livestock owner.	169C.6	Habitual trespass.

169C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Aggrieved party"* means a landowner or a local authority.

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2. *"County system"* means the same as defined in section 445.1.

3. *"Fence"* means a fence as described in chapter 359A which is lawful and tight as provided in that chapter, including but not limited to a partition fence. For purposes of this chapter, *"fence"* includes a fence bordering a public road.

4. *"Landowner"* means a person who holds an interest in land, including a titleholder or tenant.

5. *"Livestock"* means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 170.1; or poultry.

6. *"Livestock care provider"* means a person designated by a local authority to provide care to livestock which is distrained by a local authority.

7. *"Livestock owner"* means the person who holds title to livestock or who is primarily responsible for the care and feeding of the livestock as provided by the titleholder.

8. *"Local authority"* means a city as defined in section 362.2 or a county as provided in chapter 331.

9. *"Maintenance"* means the provision of shelter, food, water, or a nutritional formulation as required pursuant to chapter 717.

10. *"Public road"* means a thoroughfare and its right-of-way, whether reserved by public ownership or easement, for use by the traveling public.

97 Acts, ch 57, §1; 2003 Acts, ch 149, §3, 23; 2007 Acts, ch 64, §1; 2010 Acts, ch 1118, §1
Referred to in §314.30
Further definitions, see §159.1

169C.2 Custody.

A landowner may take custody of livestock if the livestock trespasses upon the landowner's land or strays from the livestock owner's control on a public road which adjoins the landowner's land. A local authority may take custody of the livestock as provided by the local authority. The landowner shall not transfer custody of the livestock to a person other than the livestock owner or a local authority, unless the livestock owner approves of the transfer. A local authority shall not transfer custody of the livestock to a person other than the livestock owner or a livestock care provider.

97 Acts, ch 57, §2
Referred to in §169C.4, 169C.5, 314.30

169C.3 Notice to livestock owner.

1. *a.* If livestock trespasses upon a landowner's land or the landowner takes custody of the livestock, the landowner shall deliver notice of the trespass or custody to the livestock owner within forty-eight hours following discovery of the trespass or taking custody of livestock which has not trespassed. If a local authority takes custody of the livestock, the local authority shall deliver notice of the custody to the livestock owner within forty-eight hours after taking custody of the livestock. The forty-eight-hour period shall exclude any time that falls on a Sunday or a holiday recognized by the state or the United States. The notice shall be made in writing and delivered by certified mail or personal service to the last known mailing address of the livestock owner.

b. If the aggrieved party does not know the name and address of the livestock owner, the aggrieved party shall make reasonable efforts to determine the identity of the livestock owner. The reasonable efforts shall include obtaining the name and address of the owner of the brand appearing on the livestock from the department of agriculture and land stewardship under chapter 169A. If the name and address of the livestock owner cannot be determined, the aggrieved party shall publish the notice as soon as possible at least once each week for two consecutive weeks in a newspaper having general circulation in the county where the livestock is located.

2. A notice required under this section shall at least provide all of the following:

a. The name and address of the landowner or local authority.

b. A description of the livestock and where it trespassed or strayed.

c. An estimate of the amount of the livestock owner's liability.

97 Acts, ch 57, §3
Referred to in §169C.4, 169C.5

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169C.4 Liability.

1. A livestock owner shall be liable to the following persons:

a. To a landowner for damages caused by the livestock owner's livestock which have trespassed on the landowner's land, including but not limited to property damage and costs incurred by the landowner's custody of the livestock including maintenance costs. A livestock owner's liability is not affected by the failure of a landowner to take custody of the livestock. A livestock owner shall not be liable for damages incurred by a landowner if the livestock trespassed through a fence that was not maintained by the landowner as required pursuant to chapter 359A.

b. To a landowner who takes custody of livestock on a public road as provided in section 169C.2 for costs incurred by the landowner in taking custody of the livestock, including maintenance costs.

c. To a local authority which takes custody of livestock for costs incurred by the local authority in taking custody of the livestock, including maintenance costs.

2. An aggrieved party who fails to provide timely notice of a livestock's trespass or custody as required by section 169C.3 shall not be entitled to compensation for damages for the period of time during which the aggrieved party fails to provide timely notice.

3. A landowner is not liable for an injury or death suffered by the livestock in the landowner's custody, unless the landowner caused the injury or death. The landowner is not liable for livestock that strays from the landowner's land. An aggrieved party is not liable for livestock that strays from the control of the aggrieved party.

97 Acts, ch 57, §4; 98 Acts, ch 1100, §21, 22
Referred to in §314.30

169C.5 Satisfaction for damages.

1. *a.* After receiving notice by an aggrieved party as required by section 169C.3, the livestock owner shall pay all damages to the aggrieved party for which the livestock owner is liable.

b. The aggrieved party or the livestock owner may bring a civil action in order to determine the livestock owner's liability and the amount of any claim for damages. The aggrieved party or livestock owner must bring the action within thirty days following receipt or publication of the notice as required by section 169C.3. The court may join all other claims arising out of the same facts that are alleged in the claim for damages. The civil action may be heard by a district judge or a district associate judge. The civil action may be heard by the district court sitting in small claims as provided in chapter 631.

c. If the livestock is in the custody of an aggrieved party or livestock care provider, a rebuttable presumption arises that the livestock has trespassed or strayed from the control of the livestock owner. The rebuttable presumption shall not apply if a criminal charge has been filed involving the removal or transfer of the livestock. The burden of proof regarding all other matters of dispute shall be on the aggrieved party.

d. The failure of an aggrieved party to provide notice as required by section 169C.3 shall not bar the aggrieved party from being awarded a judgment, if the court determines that the livestock owner had actual knowledge that the livestock had trespassed or strayed and the name and address of the aggrieved party.

2. If a civil action is brought by the livestock owner or aggrieved party, the matter shall be heard by a court on an expedited basis. The aggrieved party shall provide for the transfer of the livestock to the livestock owner, if the livestock owner posts a bond or other security with the court in the amount of the aggrieved party's claim. If a bond or security is not posted, the aggrieved party or livestock care provider shall keep custody of and provide maintenance to the livestock. However, the livestock owner shall post the bond or other security if the matter is set for hearing more than thirty days from the date that the petition bringing the civil action is filed. The court shall order the immediate disposition of the livestock as provided in chapter 717, if the livestock is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

3. If a civil action is not timely brought as provided in this section, title to the livestock shall transfer to the aggrieved party thirty days following receipt of the notice by the livestock

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owner or the first date of the notice's publication as required pursuant to section 169C.3, if the parties fail to agree to the amount, terms, or conditions of payment or if the identity of the livestock owner cannot be determined. Title to the livestock shall transfer subject to any applicable security interests or liens.

4. A landowner is liable to the livestock owner for twice the fair market value of livestock that the landowner transfers to a person other than a local authority in violation of section 169C.2.

5. If the aggrieved party is a local authority, the local authority shall reimburse the landowner for the landowner's damages from proceeds received from the sale of the livestock, after satisfying any superior security interests or liens.

97 Acts, ch 57, §5

169C.6 Habitual trespass.

A habitual trespass occurs when livestock trespasses from the land where the livestock are kept onto the land of a neighboring landowner or strays from the land where the livestock are kept onto a public road, and on three or more separate occasions within the prior twelve-month period the same or different livestock kept on that land have trespassed onto the land of the same neighboring landowner or strayed from the land where the livestock are kept onto the same public road.

1. The local authority upon its own initiative or upon receipt of a complaint shall determine whether livestock are trespassing or straying from the land where the livestock are kept onto a public road, and make a record of its findings.

2. *a.* Once a habitual trespass occurs, a neighboring landowner may request that the responsible landowner of the land where the trespassing or stray livestock are kept erect or maintain a fence on the land. The neighboring landowner shall make the request to the responsible landowner in writing. The responsible landowner may compel an adjacent landowner to contribute to the erection or maintenance of the fence as provided in chapter 359A.

b. If the responsible landowner does not erect or maintain a fence within thirty days after receiving the request, the neighboring landowner may apply to the fence viewers as provided in chapter 359A as if the matter were a controversy between the responsible landowner and an adjacent landowner, and the matter shall be resolved by an order issued by the fence viewers, subject to appeal, as provided in chapter 359A. The neighboring landowner shall be a party to the controversy as if the neighboring party were an adjacent landowner. The neighboring landowner is not liable for erecting or maintaining the fence, unless the neighboring landowner is an adjacent landowner who is otherwise required to make a contribution under chapter 359A.

3. If the fence is not erected or maintained as required in section 359A.6, and upon the written request of the board of township trustees, the board of supervisors of the county where the fence is to be erected or maintained shall act in the same manner as the board of township trustees under that section, including by erecting or maintaining the fence, ordering payment from a defaulted party, and certifying an amount due to the county treasurer in the same manner as in section 359A.6. The amount due shall include the total costs required to erect or maintain the fence and a penalty equal to five percent of the total costs. The amount shall be placed upon the county system and collected in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

2007 Acts, ch 64, §2; 2010 Acts, ch 1118, §2

Referred to in §314.30, 359A.22A, 445.1

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CHAPTER 170

FARM DEER

Referred to in §481A.124, 484B.3, 484B.12, 484C.2, 484C.6, 484C.8

170.1	Definitions.	170.3C	Farm deer administration fund — appropriation.
170.1A	Application of chapter.	170.4	Requirements for keeping whitetail — fence certification.
170.2	Farm deer council. Repealed by 2024 Acts, ch 1170, §368.	170.5	Requirements for releasing whitetail — property interests.
170.3	Departmental jurisdiction — administration and enforcement.	170.6	Disciplinary proceedings.
170.3A	Chronic wasting disease control program.	170.7	Department of natural resources — investigations.
170.3B	Farm deer administration fee.	170.8	Penalties.

170.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Chronic wasting disease"* means the animal disease afflicting deer, elk, or moose that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain and that belongs to the group of diseases that is known as transmissible spongiform encephalopathies (TSE).

2. *"Department"* means the department of agriculture and land stewardship.

3. *a. "Farm deer"* means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; part of the virginianus species of the odocoileus genus, commonly referred to as whitetail; part of the hemionus species of the odocoileus genus, commonly referred to as mule deer; part of the nippon species of the cervus genus, commonly referred to as sika; or part of the alces species of the alces genus, commonly referred to as moose.

b. "Farm deer" does not include any unmarked free-ranging elk, whitetail, or mule deer. *"Farm deer"* also does not include preserve whitetail which are kept on a hunting preserve as provided in chapter 484C.

4. *"Fence"* means a boundary fence which encloses farm deer within a landowner's property as required to be constructed and maintained pursuant to section 170.4.

5. *"Landowner"* means a person who holds an interest in land, including a titleholder or tenant.

2003 Acts, ch 149, §4, 23; 2005 Acts, ch 139, §1; 2012 Acts, ch 1095, §58, 59; 2024 Acts, ch 1170, §242

Referred to in §10.1, 167.22, 169A.1, 169C.1, 189A.2, 190A.2, 423.1, 481A.1, 481A.134, 481A.135, 673A.3, 715E.1, 716.7, 716.7A, 716.8, 716.13, 716.14, 717.1

170.1A Application of chapter.

1. A landowner shall not keep whitetail unless the whitetail are kept as farm deer under this chapter or kept as preserve whitetail on a hunting preserve pursuant to chapter 484C.

2. This chapter authorizes the department of agriculture and land stewardship to regulate whitetail kept as farm deer. However, the department of natural resources shall regulate preserve whitetail kept on a hunting preserve pursuant to chapter 484C.

2005 Acts, ch 139, §2

170.2 Farm deer council. Repealed by 2024 Acts, ch 1170, §368.

170.3 Departmental jurisdiction — administration and enforcement.

1. Farm deer are livestock as provided in this title and are principally subject to regulation by the department of agriculture and land stewardship, and also the department of natural resources as specifically provided in this chapter. The regulations adopted by the department of agriculture and land stewardship may include but are not limited to providing for the importation, transportation, and disease control of farm deer. The department of natural

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resources shall not require that the landowner be issued a license or permit for keeping farm deer or for the construction of a fence for keeping farm deer.

2. The department of agriculture and land stewardship and the department of natural resources shall cooperate in administering and enforcing this chapter.

2003 Acts, ch 149, §6, 23

170.3A Chronic wasting disease control program.

The department shall establish and administer a chronic wasting disease control program for the control of chronic wasting disease which threatens farm deer. The program shall include procedures for the inspection and testing of farm deer, responses to reported cases of chronic wasting disease, and methods to ensure that owners of farm deer may engage in the movement and sale of farm deer.

2005 Acts, ch 172, §21
Referred to in §170.3C
Restriction on transport, see §167.22

170.3B Farm deer administration fee.

The department may establish a farm deer administration fee which shall be annually imposed on each landowner who keeps farm deer in this state. The amount of the fee shall not exceed two hundred dollars per year. The fee shall be collected by the department in a manner specified by rules adopted by the department. The collected fees shall be credited to the farm deer administration fund created pursuant to section 170.3C.

2005 Acts, ch 172, §22; 2024 Acts, ch 1170, §243
Referred to in §170.3C

170.3C Farm deer administration fund — appropriation.

A farm deer administration fund is created in the state treasury under the control of the department.

1. The fund shall be composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the department from the United States or private sources for placement in the fund. The fund shall include all moneys collected from the farm deer administration fee as provided in section 170.3B.

2. The moneys in the fund are appropriated exclusively to the department for the purpose of administering the chronic wasting disease control program as provided in section 170.3A.

3. Section 8.33 shall not apply to moneys credited to the fund. Notwithstanding section 12C.7, moneys earned as income or interest from the fund shall remain in the fund until expended as provided in this section.

2005 Acts, ch 172, §23
Referred to in §170.3B

170.4 Requirements for keeping whitetail — fence certification.

A landowner shall not keep whitetail as farm deer, unless the whitetail is kept on land which is enclosed by a fence. The fence must be constructed and maintained as prescribed by rules adopted by the department. A landowner shall not keep the whitetail unless the fence is certified in a manner and according to procedures required by the department. The fence shall be constructed and maintained to ensure that whitetail are kept in the enclosure and that other deer are excluded from the enclosure. A fence that is constructed on or after May 23, 2003, shall be at least eight feet in height above ground level. The department of agriculture and land stewardship may require that the fence is inspected and approved prior to certification. The department of natural resources may periodically inspect the fence according to appointment with the enclosure's landowner.

2003 Acts, ch 149, §7, 23
Referred to in §170.1, 170.5, 170.6, 170.8

170.5 Requirements for releasing whitetail — property interests.

A person shall not release whitetail kept as farm deer onto land unless the landowner complies with all of the following:

1. The landowner must notify the department of natural resources and the department of

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agriculture and land stewardship at least thirty days prior to first releasing the whitetail on the land. The notice shall be provided in a manner required by the departments. The notice must at least provide all of the following:

a. A statement verifying that the fence which encloses the land is certified by the department of agriculture and land stewardship pursuant to section 170.4.

b. The landowner's name.

c. The location of the land enclosed by the fence.

2. The landowner shall cooperate with the department of natural resources and the department of agriculture and land stewardship to remove any whitetail from the enclosed land. However, after the thirtieth day following receipt of the notice, the state shall relinquish its property interest in any remaining whitetail that the landowner and the cooperating departments were unable to remove from the enclosed land. Any remaining whitetail existing at that time on the enclosed land, and any progeny of the whitetail, shall become property of the landowner.

2003 Acts, ch 149, §8, 23
Referred to in §170.6, 481A.130

170.6 Disciplinary proceedings.

1. The department of agriculture and land stewardship may suspend or revoke a certification issued pursuant to section 170.4 if the department determines that a landowner has done any of the following:

a. Provided false information to the department in an application for certification pursuant to section 170.4.

b. Failed to provide notice or access to the department of natural resources and the department of agriculture and land stewardship as required by section 170.5.

c. Failed to maintain a fence enclosing the land where a whitetail is kept as required in section 170.4.

d. Forces or lures a whitetail that is property of the state onto the enclosed land.

e. Restrains or inhibits a whitetail that is property of the state from leaving the enclosed land.

f. Takes a whitetail that is property of the state which is enclosed on the property in violation of a chapter in Title XI, subtitle 6.

2. If the department suspends a landowner's certification, the landowner shall not release additional whitetail onto the enclosed land, unless otherwise provided in the department's order for suspension. If the department revokes a landowner's certification under this section, the landowner shall provide for the disposition of the enclosed whitetail by any lawful means.

2003 Acts, ch 149, §9, 23; 2003 Acts, ch 179, §66

170.7 Department of natural resources — investigations.

This chapter does not prevent the department of natural resources from conducting an investigation of a violation of fish and game laws, including but not limited to a provision of Title XI, subtitle 6. The department of natural resources may obtain a warrant to search the enclosed land pursuant to chapter 808. This chapter does not prevent the department of natural resources from examining the landowner's business records according to appointment with the enclosure's landowner. The records include but are not limited to those relating to whitetail inventories, health, inspections, or shipments; and the enclosure's fencing.

2003 Acts, ch 149, §10, 23

170.8 Penalties.

A person is guilty of taking a whitetail in violation of section 481A.48 if the whitetail is on the land enclosed by a fence required to be certified as provided in section 170.4 and the person does any of the following:

1. Forces or lures a whitetail that is property of the state onto the enclosed land.

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2. Restrains or inhibits a whitetail that is property of the state from leaving the enclosed land.

3. Takes a whitetail that is property of the state that is within the enclosure in violation of a chapter in Title XI, subtitle 6.

2003 Acts, ch 149, §11, 23

CHAPTERS 170A to 171

RESERVED

CHAPTER 172

FROZEN FOOD LOCKER PLANTS

Repealed by 2000 Acts, ch 1100, §2

CHAPTER 172A

BONDING OF SLAUGHTERHOUSE OPERATORS

Referred to in §166A.2

172A.1	Definitions.	172A.7	Access to records.
172A.2	License required.	172A.8	Reciprocal agreements.
172A.3	Application for license.	172A.9	Payment for livestock.
172A.4	Proof of financial responsibility required.	172A.10	Injunctions — criminal penalties.
172A.5	Bonded packers registration.	172A.11	Suspension of license.
172A.6	Low volume dealers exempt from license and bond.	172A.12	Revocation of license.
		172A.13	Rules.

172A.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Agent"* means a person engaged in the buying or soliciting in this state of livestock for slaughter exclusively on behalf of a dealer or broker.

2. *"Animals"* or *"livestock"* includes cattle, calves, swine, sheep, goats, turkeys, chickens, or horses.

3. *"Dealer"* or *"broker"* means any person, other than an agent, who is engaged in this state in the business of slaughtering live animals or receiving, buying or soliciting live animals for slaughter, the meat products of which are directly or indirectly to be offered for resale or for public consumption.

4. *"Department"* means the department of agriculture and land stewardship.

5. *"Person"* means an individual, partnership, association or corporation, or any other business unit.

6. *"Secretary"* means the secretary of agriculture.

[C73, 75, 77, 79, 81, §172A.1]

86 Acts, ch 1245, §623; 2012 Acts, ch 1095, §61; 2017 Acts, ch 159, §28

172A.2 License required.

1. A person shall not act as a dealer or broker without obtaining a license issued by the secretary. A person shall not act for any dealer or broker as an agent unless such dealer or broker is licensed, has designated such agent to act in the dealer's or broker's behalf, and has notified the secretary of the designation in the dealer's or broker's application for license or

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has given official notice in writing of the appointment of the agent and the secretary has issued to the agent an agent's license. A dealer or broker shall be accountable and responsible for contracts made by an agent in the course of the agent's employment. The license of an agent whose employment by the dealer or broker is terminated shall be void on the date written notice of termination is received by the secretary.

2. The license of a dealer, broker, or agent, unless revoked, shall expire on the last day of the second June following the date of issue. The fee for obtaining a license as a dealer or broker is one hundred dollars. The fee for obtaining a license as an agent is twenty dollars.

3. A person shall not be issued a license if that person previously has had a license revoked, or previously was issued a license and the secretary suspended that license, unless the order of suspension or revocation is thereafter terminated by the secretary.

[C73, 75, 77, 79, 81, §172A.2]

2017 Acts, ch 159, §29

172A.3 Application for license.

1. Application for a license as a dealer or broker or as an agent shall be made in writing to the department. The application shall state the nature of the business, the municipal corporation, township and county, the post office address at which the business is to be conducted, and such additional information as the department may prescribe.

2. The applicant upon satisfying the department of the applicant's character and good faith in seeking to engage in such business and upon complying with such other requirements specified in this chapter, shall be issued by the department a license to conduct the business of a dealer, broker, or agent at the place named in the application.

[C73, 75, 77, 79, 81, §172A.3]

172A.4 Proof of financial responsibility required.

1. A license shall not be issued by the secretary to a dealer or broker until the applicant has furnished proof of financial responsibility as provided in this section. The proof may be in the following forms:

a. (1) A bond of a surety company authorized to do business in the state of Iowa in the form prescribed by and to the satisfaction of the secretary, conditioned for the payment of a judgment against the applicant furnishing the bond because of nonpayment of obligations in connection with the purchase of animals.

(a) The amount of bond for an established dealer or broker who does not maintain a business location in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state, handled by such applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who does not maintain a business location in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

(b) The amount of bond for an established dealer or broker who maintains one or more business locations in this state shall be not less than the nearest multiple of five thousand dollars above twice the average daily value of purchases of livestock originating in this state handled by the applicant during the preceding twelve months or such parts thereof as the applicant was purchasing livestock. The bond of a person who maintains one or more business locations in this state shall be conditioned for the payment only of those claims which arise from purchases of livestock originating in this state.

(c) If a new dealer or broker not previously covered by this chapter applies for a license, the amount of bond shall be based on twice the estimated average daily value of purchases of livestock originating in this state.

(d) For the purpose of computing average daily value, two hundred sixty is deemed the number of business days in a year.

(e) Whenever a dealer or broker's weekly purchases exceed one hundred fifty percent of the dealer's or broker's average weekly volume, the department shall require additional bond in an amount determined by the department.

(2) The licensee and surety of the bond shall be held and firmly bound unto the secretary

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as trustee for all persons who may be damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. Any person damaged because of such nonpayment may maintain suit in the person's own behalf to recover on the bond, even though not named as a party to the bond.

(3) For purposes of this paragraph *"a"*, *"purchases of livestock originating in this state"* shall not include purchases by dealers or brokers from their subsidiaries.

b. A bond equivalent may be filed in lieu of a bond. The bond equivalent shall be in the form of a trust agreement and the fund of the trust shall be in the form of fully negotiable obligations of the United States or certificates of deposit insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation.

(1) The trust agreement shall be in the form prescribed by the secretary and executed to the satisfaction of the secretary. The trustee of the trust agreement shall be an institution located in this state in which the funds are invested or deposited.

(2) The trust agreement shall provide as beneficiary, the secretary for the benefit of those persons damaged because of nonpayment of obligations in connection with the purchase of animals originating in this state. The fund in trust shall be an amount calculated in the exact manner as provided in paragraph *"a"*. The fund in trust shall not be subject to attachment for any other claim, or to levy of execution upon a judgment based on any other claim.

c. A person who is not a resident of this state and who either maintains no business location in this state or maintains one or more business locations in this state, and a person who is a resident of this state and who maintains more than one business location in this state, may submit a consolidated proof of financial responsibility. The consolidated proof of financial responsibility shall consist of a bond or a trust agreement meeting all of the requirements of this section, except that the calculation of the amount of the bond or the amount of the trust fund shall be based on the average daily value of all purchases of livestock originating in this state. A person who submits consolidated proof of financial responsibility shall maintain separate records for each business location, and shall maintain such other records respecting purchases of livestock as the secretary by rule shall prescribe.

2. *a.* Any person damaged by nonpayment of obligations or by any misrepresentation or fraud on the part of a broker or dealer may maintain an action against the broker or dealer, and the sureties on the bonds or the trustee of a trust fund. The aggregate liability of the sureties or the trust for all such damage shall not exceed the amount of the bond or trust. In the event that the aggregate claims exceed the total amount of the bond or trust, the amount payable on account of any claim shall be in the same proportion to the amount of the bond or trust as the individual claim bears to the aggregate claims.

b. Unless the person damaged files claim with the dealer or broker, and with the sureties or trustee, and with the department within ninety days after the date of the transaction on which the claim is based, the claimant shall be barred from maintaining an action on the bond or trust and from receiving any proceeds from the bond or trust.

3. Whenever the secretary determines that the business volume of the applicant or licensee is such as to render the bond or trust inadequate, the amount of the bond or trust shall be, upon notice, adjusted.

4. All bonds and trust agreements shall contain a provision requiring that at least thirty days' prior notice in writing be given to the secretary by the party terminating the bond or trust agreement as a condition precedent to termination.

5. *a.* Whenever a bond or a trust agreement is to be terminated by a cancellation by the surety or trustee, the secretary shall cause to be published notices of the proposed cancellation not less than ten days prior to the date the cancellation is effective. The notices shall be published as follows:

(1) In the Iowa administrative code.

(2) In a newspaper of general circulation in the county in which the licensee maintains a business location, or if the licensee maintains no business location in this state, then in the county where the licensee transacts a substantial part of the licensee's business.

(3) By general news release to all news media. Failure by the secretary to cause the publication of notice as required by this subparagraph shall not be deemed to prevent or delay the cancellation.

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b. The termination of a bond or a trust agreement shall not release the parties from any liability arising out of the facts or transactions occurring prior to the termination date.

c. Trust funds shall not be withdrawn from trust by a licensee until the expiration of ninety days after the date of termination of the trust, and then only if no claims secured by the agreement have been filed with the secretary. If any claims have been filed with the secretary, the withdrawal of funds by the licensee shall not be permitted until the claims have been satisfied or released and evidence of the satisfaction or release filed with the secretary.

[C73, 75, 77, 79, 81, §172A.4]
2009 Acts, ch 41, §65

172A.5 Bonded packers registration.

A dealer or broker who has a bond required by the United States department of agriculture under the Packers and Stockyards Act of 1921 as amended, 7 U.S.C. §181 – 231, shall be exempt from the provisions of this chapter upon registration with the secretary. Registration shall be effective upon filing with the secretary a certified copy of the bond filed with the United States department of agriculture, and shall continue in effect until that bond is terminated.

[C73, 75, 77, 79, 81, §172A.5]
2010 Acts, ch 1061, §38

172A.6 Low volume dealers exempt from license and bond.

1. The license and financial responsibility provisions of this chapter do not apply to a person who is licensed as provided in chapter 137F who purchases livestock for slaughter valued at less than an average daily value of two thousand five hundred dollars during any period of the preceding twelve months. A person licensed under that chapter is subject to other provisions of this chapter, including the regulatory and penal provisions of this chapter.

2. The provisions of this chapter shall not apply to any other person who purchases livestock for slaughter valued at less than an average daily value of two thousand five hundred dollars based upon the preceding twelve months or such part thereof as the person was purchasing livestock.

[C73, 75, 77, 79, 81, §172A.6]
98 Acts, ch 1032, §4; 98 Acts, ch 1162, §25, 30; 2000 Acts, ch 1100, §1

172A.7 Access to records.

Every dealer or broker shall during all reasonable times permit an authorized representative of the department to examine all records relating to the business necessary in the enforcement of this chapter.

[C73, 75, 77, 79, 81, §172A.7]

172A.8 Reciprocal agreements.

The department shall have the power and authority to enter into reciprocal agreements with the authorized representatives of other federal or state jurisdictions for the exchange of information and audit reports on a cooperative basis which may assist the department in the proper administration of this chapter.

[C73, 75, 77, 79, 81, §172A.8]

172A.9 Payment for livestock.

1. Each dealer, or broker purchasing livestock, before the close of the next business day following either the purchase of livestock or the determination of the amount of the purchase price, whichever is later, shall transmit or deliver to the seller or the seller's duly authorized agent the full amount of the purchase price. If livestock is bought on a yield or grade and yield basis, a dealer or broker shall upon the express request in writing of the seller, transmit or deliver to the seller or the seller's duly authorized agent before the close of the next business day following such purchase or delivery, whichever is later, up to eighty percent of the estimated purchase price, and pay the remaining balance on the next business day following the determination of the purchase price.

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2. Payment to the seller shall be made by cash, check, or wire transfer of funds. If payment to the seller is by check, the check shall be drawn on a bank located in this state or on a bank located in an adjacent state and in the nearest city to Iowa in which a check processing center of a federal reserve bank district is located. For the purpose of this subsection, *"wire transfer"* means any telephonic, telegraphic, electronic, or similar communication between the bank of the purchaser and the bank of the seller which results in the transfer of funds or credits of the purchaser to an account of the seller.

3. Provisions of this section may be modified by an agreement signed by both the buyer and the seller or their duly authorized agents at the time of the sale. However, such an agreement shall not be a condition of sale unless expressly requested by the seller.

4. Failure to comply with this section shall be a violation of this chapter.

[C77, 79, 81, §172A.9]

Referred to in §172A.11

172A.10 Injunctions — criminal penalties.

1. If any person who is required by this chapter to be licensed fails to obtain the required license, or if any person who is required by this chapter to maintain proof of financial responsibility fails to obtain or maintain such proof, or if any licensee fails to discontinue engaging in licensed activities when that person's license has been suspended, such failure shall be deemed a nuisance and the secretary may bring an action on behalf of the state to enjoin such nuisance. Such actions may be heard on not less than five days' notice to the person whose activities are sought to be enjoined. The failure to obtain a license when required, or the failure to obtain or maintain proof of financial responsibility shall constitute a violation of this chapter.

2. Any person convicted of violating any provision of this chapter shall be guilty of a serious misdemeanor.

[C73, 75, §172A.9; C77, 79, 81, §172A.10]

2014 Acts, ch 1092, §33; 2015 Acts, ch 30, §64

Nuisances in general, chapter 657

172A.11 Suspension of license.

1. *a.* The secretary shall have the authority to suspend the license of any dealer or broker or agent if upon hearing it is found that the dealer or broker or agent has committed any of the following acts or omissions:

(1) Failure to submit a larger bond amount or trust fund when ordered by the secretary.

(2) Failure to pay for purchases of livestock in the manner required by section 172A.9.

b. An order of suspension issued by the secretary shall be effective for an indefinite period, unless and until the person establishes to the satisfaction of the secretary that the person has taken reasonable precautions to prevent a recurrence of the act or omission in the future.

2. *a.* The secretary shall have the authority temporarily to suspend without hearing the license of any licensee in any of the following circumstances:

(1) The licensee fails to maintain proof of financial responsibility, or the surety on the licensee's bond loses its authorization to issue bonds in this state, or the trustee of a trust fund loses its authorization to engage in the business of a fiduciary.

(2) Claims are filed with the secretary against the bond or trust in an aggregate amount equal to ten percent or more of the amount of the bond.

b. A temporary suspension shall be effective on the date of issuance of the order of suspension, and until a revocation hearing has been held and the secretary either has entered an order of revocation of the license, or has terminated the order of suspension.

[C77, 79, 81, §172A.11]

2009 Acts, ch 41, §263

172A.12 Revocation of license.

1. The secretary shall have the authority to revoke the license of a dealer or broker or agent upon notice and hearing if any of the following conditions exist:

a. Grounds exist for the temporary suspension of the license without hearing, and it is

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established that the person is or will be unable to meet obligations to producers of livestock when due.

b. The person has refused access to the secretary to the books and records of the person as required by this chapter.

c. Any other conditions exist which in the opinion of the secretary reasonably establish that it would be financially detrimental to livestock producers of this state to permit the person to engage in licensed activities in this state.

2. An order of revocation shall be effective upon the issuance of the order of revocation, and until the order is rescinded by the secretary, or until the decision of the secretary is reversed by a final order of a court of this state.

[C77, 79, 81, §172A.12]

172A.13 Rules.

The secretary is authorized to adopt rules pursuant to chapter 17A which are reasonable and necessary for the enforcement of this chapter.

[C77, 79, 81, §172A.13]

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CHAPTER 172B

LIVESTOCK TRANSPORTATION

Referred to in §166D.2, 331.653, 716.13

172B.1	Definitions.	172B.4	Execution and retention of records.
172B.2	Transportation certificate exhibited — public offense.	172B.5	Authority of law enforcement officers.
172B.3	Form of certificate — substitutes.	172B.6	Offenses and penalties.

172B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Driver's license"* means any license or permit issued to a person to operate a motor vehicle on the highways.

2. *"Law enforcement officer"* means a state patrol officer, a sheriff, or other peace officer so designated by this state or by a county or municipality.

3. *"Livestock"* means and includes live cattle, swine, sheep, horses, ostriches, rheas, or emus, and the carcasses of such animals whether in whole or in part.

4. *"Owner"* means a person having legal title to livestock.

5. *"Transportation certificate"* means the document specified in section 172B.3 and includes either the standard form prescribed by the secretary, or a substitute document the use of which has been authorized by the secretary.

6. *"Transporting livestock"* means being in custody of or operating a vehicle in this state, whether or not on a highway, in which are confined one or more head of livestock. Vehicle includes a truck, trailer, and other device used for the purpose of conveying objects, whether or not the device has motive power or is attached to a vehicle with motive power at the time the livestock are confined.

[C77, 79, 81, §172B.1]

86 Acts, ch 1245, §624; 90 Acts, ch 1230, §1; 95 Acts, ch 43, §6; 98 Acts, ch 1073, §9; 98 Acts, ch 1074, §18; 2005 Acts, ch 35, §31

Further definitions; see §159.1

172B.2 Transportation certificate exhibited — public offense.

A person transporting livestock shall execute in the presence of a law enforcement officer, at the request of the officer, a transportation certificate. A person who fails to comply with this section commits a public offense punishable as provided in section 172B.6. A person who

fails to execute a transportation certificate upon the request of the officer fails to comply with this section even though the person possesses a transportation certificate.

[C77, 79, 81, §172B.2]

Referred to in §172B.5, 172B.6

172B.3 Form of certificate — substitutes.

1. *Duties of secretary.* The secretary, pursuant to chapter 17A, shall prescribe a standard form of the transportation certificate required by this chapter. Where the laws of this state or of the United States require the possession of another shipping document by a person transporting livestock, or where the industry practice of carriers requires the possession of a shipping document by a person transporting livestock, and where such a document contains all of the information other than signatures which is prescribed in subsection 2, upon application of a carrier the secretary by rule shall authorize the use of a specific document in lieu of the standard form prescribed by the secretary, but subject to any conditions the secretary may impose.

a. A person who is in possession of a shipping document approved by the secretary shall not be required to possess the standard form transportation certificate prescribed by the secretary, but the person may be required by a law enforcement officer to execute the standard form transportation certificate.

b. The form prescribed or authorized by the secretary shall be executed in triplicate, and shall be retained as provided in section 172B.4.

c. The secretary shall distribute, upon request, copies of the prescribed standard form to veterinarians, marketing agencies, carriers, law enforcement officers, and other persons, and may collect a fee from the recipient totaling not more than the cost of printing and postage. Nothing in this chapter shall be construed to prohibit a person from causing the reproduction of the standard form, and an accurate reproduction of a standard current form may be used as a transportation certificate for all purposes.

2. *Contents.* The transportation certificate shall contain the following information:

a. The date of execution of the certificate.

b. The name, driver's license number, and address of the owner of the livestock.

c. The name and address of the shipper if other than the owner.

d. The address of the loading point of the livestock, or the nearest post office and county.

e. The date of loading of the livestock.

f. The name and address of the purchaser, consignee, or other person receiving shipment.

g. The address of the destination of the livestock, or the nearest post office and county.

h. The name and address of the carrier or person transporting livestock.

i. The driver's license number of the person transporting livestock.

j. The vehicle registration plate number and the state of issuance.

k. The vehicle seal number, if any.

l. The form number and state of issuance of any certificate of veterinary inspection accompanying the livestock.

m. A description of the livestock including number, breed, sex, age, and brands, if any.

n. The signature of the owner or shipper, or the signature of the person transporting livestock, or the signatures of either the owner or shipper and the person transporting livestock.

[C77, 79, 81, §172B.3]

89 Acts, ch 202, §1; 90 Acts, ch 1230, §2; 98 Acts, ch 1073, §9; 2004 Acts, ch 1163, §31; 2009 Acts, ch 41, §204

Referred to in §172B.1, 172B.5

172B.4 Execution and retention of records.

1. *Shipper.* A person who causes the transporting of livestock shall cause to be executed and to be delivered to the person transporting livestock, at the request of that person, duplicate copies of a transportation certificate.

2. *Transporter.* A person transporting livestock who has been given a receipt by a law

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enforcement officer shall retain that receipt until the person relinquishes custody of the livestock.

3. *Law enforcement officer.*

a. A law enforcement officer, upon requesting and receiving a transportation certificate, shall retain a copy of the certificate and shall submit the certificate to the law enforcement agency by which the officer is employed.

b. The law enforcement officer shall give to the person transporting livestock, in a form prescribed by the commissioner of public safety or the commissioner's designee, a receipt for the certificate given to the officer. The commissioner of public safety may authorize the use of any method of giving receipt, including endorsement by the officer on the certificate retained by the person transporting livestock. The receipt shall make the law enforcement officer issuing the receipt identifiable by other law enforcement officers.

c. A law enforcement officer shall not retain a copy of the certificate if the person transporting livestock has a receipt issued by another law enforcement officer.

[C77, 79, 81, §172B.4]

2008 Acts, ch 1031, §38

Referred to in §172B.3, 172B.5, 172B.6

172B.5 Authority of law enforcement officers.

1. *Investigation.* A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration plate number, and the registration of the vehicle and the driver's license of the driver or person detained. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

2. *Execution of certificate.* If the person transporting livestock does not possess a completed transportation certificate, or if in the opinion of the officer the form possessed is improper, the officer may provide the person with a blank standard form, and may request that the person execute the form, including the person's signature. The person shall be permitted to view any documents in the person's possession for the purpose of completing the form. Except as provided in section 172B.4, the officer shall retain a copy of the certificate and shall give the person a receipt for that certificate.

3. *Detention.* A law enforcement officer may detain a person transporting livestock for a reasonable period of time not to exceed thirty minutes for the purpose of verifying any information obtained by the officer.

4. *Arrest.* A detention for the purposes of subsections 1, 2, and 3 shall not constitute an arrest. If the law enforcement officer has probable cause to believe that the person transporting livestock has committed a public offense, the officer may place the person under arrest. The officer may require the person to move the vehicle to a place determined by the officer, or the officer may make other provisions for the vehicle and the livestock, as the officer shall determine. If the owner of the livestock is not available, the officer is authorized to incur reasonable expense for the care of the livestock which expense shall be charged to and paid by the owner of the livestock.

[C77, 79, 81, §172B.5]

90 Acts, ch 1230, §3; 98 Acts, ch 1073, §9

172B.6 Offenses and penalties.

1. A person who is convicted of violating section 172B.2 shall be guilty of a simple misdemeanor.

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2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section 172B.4, commits a class "C" felony.

[C77, 79, 81, §172B.6]
Referred to in §172B.2

CHAPTER 172C
RESERVED

CHAPTER 172D
LIVESTOCK FEEDLOTS

Referred to in §657.8

172D.1 Definitions.
172D.2 Compliance — a defense to nuisance actions.
172D.3 Compliance with rules of the department.
172D.4 Compliance with zoning requirements.

172D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"City"* means a municipal corporation, but not including a county, township, school district, or any special-purpose district or authority.

2. *"Department"* means the department of environmental quality in a reference to a time before July 1, 1983, the department of water, air and waste management in a reference to a time on or after July 1, 1983, and through June 30, 1986, and the department of natural resources on or after July 1, 1986, and includes any officer or agency within that department.

3. *"Established date of operation"* means the date on which a feedlot commenced operating with not more livestock than reasonably could be maintained by the physical facilities existing as of that date. If the physical facilities of the feedlot are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of this date of commencement of the expanded operations, and the commencement of expanded operations shall not divest the feedlot of a previously established date of operation.

4. *"Established date of ownership"* means the date of the recording of an appropriate muniment of title establishing the ownership of realty.

5. *"Establishment cost of a feedlot"* means the cost or value of the feedlot on its established date of operation and includes the cost or value of the building, machinery, vehicles, equipment or other real or personal property used in the operation of the feedlot.

6. *"Feedlot"* means a lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

7. A rule pertaining to *"feedlot design standards"* means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds in excess of two percent of the establishment cost of the feedlot.

8. A rule pertaining to *"feedlot management standards"* means a rule, the implementation of which, or the compliance with which, requires the expenditure of funds not in excess of two percent of the establishment cost of the feedlot.

9. *"Livestock"* means cattle, sheep, swine, ostriches, rheas, emus, poultry, and other

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animals or fowl, which are being produced primarily for use as food or food products for human consumption.

10. *"Materially affects"* means prohibits or regulates with respect to the location, or the emission of noise, effluent, odors, sewage, waste, or similar products resulting from the operation or the location or use of buildings, machinery, vehicles, equipment, or other real or personal property used in the operation, of a livestock feedlot.

11. *"Nuisance"* means and includes public or private nuisance as defined either by statute or by the common law.

12. *"Nuisance action or proceeding"* means and includes every action, claim or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

13. *"Owner"* shall mean the person holding record title to real estate to include both legal and equitable interests under recorded real estate contracts.

14. *"Rule of the department"* means a rule as defined in section 17A.2 which materially affects the operation of a feedlot and which has been adopted by the department. The term includes a rule which was in effect prior to July 1, 1975. Except as specifically provided in section 172D.3, subsection 2, paragraph *"b"*, subparagraph (5) and paragraph *"c"*, subparagraph (5) nothing in this chapter shall be deemed to empower the department to make any rule.

15. *"Zoning requirement"* means a regulation or ordinance, which has been adopted by a city, county, township, school district, or any special-purpose district or authority, and which materially affects the operation of a feedlot. Nothing in this chapter shall be deemed to empower any agency described in this subsection to make any regulation or ordinance.

[C77, 79, 81, §172D.1; 82 Acts, ch 1199, §92, 96]
84 Acts, ch 1219, §7; 89 Acts, ch 83, §31; 95 Acts, ch 43, §7
Referred to in §203.1
Further definitions, see §159.1

172D.2 Compliance — a defense to nuisance actions.

In any nuisance action or proceeding against a feedlot brought by or on behalf of a person whose date of ownership of realty is subsequent to the established date of operation of that feedlot, proof of compliance with sections 172D.3 and 172D.4 shall be an absolute defense, provided that the conditions or circumstances alleged to constitute a nuisance are subject to regulatory jurisdiction in accordance with either section 172D.3 or 172D.4.

[C77, 79, 81, §172D.2]

172D.3 Compliance with rules of the department.

1. *Requirement.* A person who operates a feedlot shall comply with applicable rules of the department. The applicability of a rule of the department shall be as provided in subsection 2. A person complies with this section as a matter of law where no rule of the department exists.

2. *Applicability of rules.*

a. Exclusion for federally mandated requirements. This section shall apply to the department's rules except for rules required for delegation of the national pollutant discharge elimination system permit program pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pt. 124.

b. Applicability of rules of the department other than those relating to air quality under chapter 455B, subchapter II, and chapter 459, subchapter II.

(1) A rule of the department in effect on November 1, 1976, shall apply to a feedlot with an established date of operation prior to November 1, 1976.

(2) A rule of the department shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the department adopted after November 1, 1976, does not apply to a feedlot holding a wastewater permit from the department and having an established date of operation prior to the effective date of the rule until either the expiration of the term of the permit in

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effect on the effective date of the rule, or ten years from the established date of operation of the feedlot, whichever time period is greater.

(4) A rule of the department adopted after November 1, 1976, does not apply to a feedlot not previously required to hold a wastewater permit from the department and having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or five years from the effective date of the rule, whichever time period is greater.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

c. Applicability of rules of the department relating to air quality under chapter 455B, subchapter II, and chapter 459, subchapter II.

(1) A rule of the department under chapter 455B, subchapter II, in effect on November 1, 1976, shall apply to a feedlot with an established date of operation prior to November 1, 1976.

(2) A rule of the department under chapter 455B, subchapter II, or chapter 459, subchapter II, shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the department under chapter 455B, subchapter II, or chapter 459, subchapter II, pertaining to feedlot management standards adopted after November 1, 1976, shall not apply to any feedlot having an established date of operation prior to the effective date of the rule until one year after the effective date of the rule.

(4) A rule of the department under chapter 455B, subchapter II, or chapter 459, subchapter II, pertaining to feedlot design standards adopted after November 1, 1976, shall not apply to any feedlot having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or two years from the effective date of the rule, whichever time period is greater. However, any design standard rule pertaining to the siting of any feedlot shall apply only to a feedlot with an established date of operation subsequent to the effective date of the rule.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

[C77, 79, 81, §172D.3]

84 Acts, ch 1219, §8; 2003 Acts, ch 108, §42; 2010 Acts, ch 1061, §39; 2021 Acts, ch 76, §150

Referred to in §172D.1, 172D.2

172D.4 Compliance with zoning requirements.

1. *Requirement.* A person who operates a feedlot shall comply with applicable zoning requirements. The applicability of a zoning requirement shall be as provided in subsection 2 of this section. A person complies with this section as a matter of law where no zoning requirement exists.

2. *Applicability.*

a. A zoning requirement shall apply to a feedlot with an established date of operation subsequent to the effective date of the zoning requirement.

b. A zoning requirement, other than one adopted by a city, shall not apply to a feedlot with an established date of operation prior to the effective date of the zoning requirement for a period of ten years from the effective date of that zoning requirement.

c. A zoning requirement which is in effect on November 1, 1976, shall apply to a feedlot with an established date of operation prior to November 1, 1976.

d. A zoning requirement adopted by a city shall apply to a feedlot located within an incorporated or unincorporated area which is subject to regulation by that city as of November 1, 1976, regardless of the established date of operation of the feedlot.

e. A zoning requirement adopted by a city shall not apply to a feedlot which becomes located within an incorporated or unincorporated area subject to regulation by that city by virtue of an incorporation or annexation which takes effect after November 1, 1976 for a period of ten years from the effective date of the incorporation or annexation.

[C77, 79, 81, §172D.4]

Referred to in §172D.2

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CHAPTER 172E

DAIRY CATTLE SOLD FOR SLAUGHTER

172E.1 Definitions.
172E.2 Marketing practices — dairy cattle sold for slaughter.
172E.3 Penalties.

172E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Dairy cattle"* means cattle belonging to a breed that is used to produce milk for human consumption, including but not limited to Holstein and Jersey breeds.
2. *"Livestock"* means the same as defined in section 717.1.
3. *"Livestock market"* means any place where livestock are assembled from two or more sources for public auction, private sale, or sale on a commission basis, which is under state or federal supervision, including a livestock auction market, if such livestock are kept in the place for ten days or less.
4. *"Packer"* means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter. As used in this chapter, *"packer"* includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer.

2001 Acts, ch 101, §6; 2001 Acts, ch 176, §63

172E.2 Marketing practices — dairy cattle sold for slaughter.

1. If a livestock market accepts dairy cattle upon condition that the dairy cattle are to be moved directly to slaughter, the dairy cattle shall be segregated with other livestock to be moved directly to slaughter until sold to a packer. A person shall not knowingly sell the dairy cattle to a purchaser other than to a packer at the livestock market. A person other than a packer shall not knowingly purchase the dairy cattle at the livestock market.
2. This section shall not supersede requirements relating to the movement or marketing of livestock infected with an infectious or contagious disease, including but not limited to those diseases enumerated in section 163.2.

2001 Acts, ch 101, §7; 2002 Acts, ch 1100, §1
Referred to in §172E.3

172E.3 Penalties.

1. The department, with assistance by the attorney general, shall have the same authority to enforce this chapter as it does under chapter 165A. A person who violates section 172E.2 is subject to the same penalties as provided in section 165A.5.
2. This section does not prevent a person from commencing a civil cause of action based on any right that the person may assert under statute or common law.

2001 Acts, ch 101, §8

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SUBTITLE 3

AGRICULTURAL DEVELOPMENT AND MARKETING

Referred to in §159.1, 159.5

CHAPTER 173

STATE FAIR

Referred to in §8.32, 8A.502, 163.32, 165B.5, 174.2, 307.24, 322.5, 421.17, 423.3, 717E.1, 717E.7

173.1 State fair authority.
173.1A Definitions.
173.2 Convention.
173.3 Certification of state aid associations.
173.4 Voting power — election of district directors.
173.4A State fair board districts.
173.5 Duties of the convention.
173.6 Terms of office.
173.7 Vacancies.
173.8 Compensation and expenses.
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173.11 Treasurer.
173.12 Salary of treasurer. Repealed by 2011 Acts, ch 131, §131, 158.
173.13 Executive committee — meetings.
173.14 Functions of the board.
173.14A General corporate powers of the authority.
173.14B Bonds and notes.
173.15 Management of state fair.
173.16 Maintenance of state fair.
173.17 Claims.
173.18 Warrants.
173.19 Examination of financial affairs.
173.20 Report.
173.21 Annual report to governor.
173.22 Iowa state fair foundation — foundation fund.
173.22A Iowa state fairgrounds trust fund.
173.23 Lien on property.
173.24 Exemption of state fair by the state's purchasing procedures.

173.1 State fair authority.

The Iowa state fair authority is established as a public instrumentality of the state. The authority is not an agency of state government. However, the authority is considered a state agency and its employees state employees for the purposes of chapters 17A, 20, 91B, 97B, 509A, and 669. The authority is established to conduct an annual state fair and exposition on the Iowa state fairgrounds and to conduct other interim events consistent with its rules. The powers of the authority are vested in the Iowa state fair board. The Iowa state fair board consists of the following:

1. The governor of the state, the secretary of agriculture, and the president of the Iowa state university of science and technology or their qualified representatives.
2. Two district directors from each state fair board district to be elected at a convention as provided in section 173.4.
3. A president and vice president to be elected by the state fair board from the elected directors.
4. A treasurer to be elected by the board from the elected directors.
5. A secretary to be appointed by the board who shall serve as a nonvoting member.

[S13, §1657-c; C24, 27, 31, 35, 39, §**2873;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.1; 81 Acts, ch 67, §1]

86 Acts, ch 1245, §625, 626; 87 Acts, ch 233, §225; 91 Acts, ch 248, §1, 2; 95 Acts, ch 13, §2; 98 Acts, ch 1114, §1; 2001 Acts, ch 29, §1; 2010 Acts, ch 1069, §22; 2011 Acts, ch 131, §130, 158

Referred to in §99D.13, 173.1A, 673.1

173.1A Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the Iowa state fair board as provided in section 173.1.
2. *"Convention"* means the convention held each year, to elect members of the state fair board and conduct other business of the board, as provided in section 173.2.

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3. *"District director"* means a director of the Iowa state fair board who represents a state fair board district.

4. *"State fair board district"* or *"district"* means any of the six geographic regions established in section 173.4A.

2001 Acts, ch 29, §2; 2002 Acts, ch 1119, §25

173.2 Convention.

A convention shall be held at a time and place in Iowa to be designated by the Iowa state fair board each year, to elect members of the state fair board and conduct other business of the board. The board shall give sixty days' notice of the location of the convention to all agricultural associations and persons eligible to attend. The convention shall be composed of:

1. The members of the state fair board as then organized.

2. The president or secretary of each county or district agricultural society entitled to receive aid from the state, or a regularly elected delegate therefrom accredited in writing, who shall be a resident of the county.

3. One delegate, a resident of the county, to be appointed by the board of supervisors in each county where there is no such society, or when such society fails to report to the association of Iowa fairs in the manner provided by law as a basis for state aid. The association shall promptly report such failure to the county auditor.

[R60, §1701, 1704; C73, §1103, 1112; C97, §1653, 1661; S13, §1657-d; SS15, §1661-a; C24, 27, 31, 35, 39, §**2874;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.2; 81 Acts, ch 67, §2 – 4]

87 Acts, ch 115, §29; 96 Acts, ch 1028, §1; 98 Acts, ch 1114, §2; 99 Acts, ch 204, §28

Referred to in §173.1A, 173.3, 174.2, 174.12, 331.321

173.3 Certification of state aid associations.

On or before November 15 of each year, the secretary of agriculture shall certify to the secretary of the state fair board the names of the various associations, fairs, and societies which have qualified for state aid under the provisions of chapters 176A through 178, 181, 182, 186, and 352, and which are entitled to representation in the convention as provided in section 173.2.

[C24, 27, 31, 35, 39, §**2875;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.3]

90 Acts, ch 1009, §2; 98 Acts, ch 1032, §5; 2002 Acts, ch 1017, §3, 8; 2003 Acts, ch 44, §43, 116; 2004 Acts, ch 1019, §5

173.4 Voting power — election of district directors.

1. Except as provided in this subsection, each member present at the convention shall be entitled to not more than one vote. A member shall not vote by proxy.

2. A successor to a district director shall be elected by a majority of convention members from the same state fair board district as the district director, according to rules adopted by the convention. A member who is also a district director shall not be entitled to vote for a successor to a district director.

[S13, §1657-d; C24, 27, 31, 35, 39, §**2876;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.4]

91 Acts, ch 248, §3; 98 Acts, ch 1114, §3; 2001 Acts, ch 29, §3

Referred to in §173.1, 173.5

173.4A State fair board districts.

The state shall be divided into six geographic regions known as state fair board districts. The regions shall include all of the following:

1. The northwest state fair board district which shall contain all of the following counties: Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Ida, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury.

2. The north central state fair board district which shall contain all of the following counties: Boone, Butler, Cerro Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock,

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Hardin, Humboldt, Kossuth, Marshall, Mitchell, Story, Tama, Webster, Winnebago, Worth, and Wright.

3. The northeast state fair board district which shall contain all of the following counties: Allamakee, Benton, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, and Winneshiek.

4. The southwest state fair board district which shall contain the following counties: Adair, Adams, Audubon, Carroll, Cass, Crawford, Fremont, Greene, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

5. The south central state fair board district which shall contain the following counties: Appanoose, Clarke, Dallas, Decatur, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Poweshiek, Ringgold, Union, Warren, and Wayne.

6. The southeast state fair board district which shall contain the following counties: Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson, Keokuk, Lee, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington.

2001 Acts, ch 29, §4
Referred to in §173.1A

173.5 Duties of the convention.

1. The convention shall establish staggered terms of office for the elected directors. Notwithstanding section 173.6, the convention may establish terms of office for initial elected directors for more or less than two years.

2. Each year, the convention shall elect a successor to one of the two district directors whose term expires following the adjournment of the convention, as provided in section 173.4.

3. The Iowa state fair board shall present a financial report to the convention. The report is not required to include an audit, but shall provide an estimate of the accounts under the authority of the board.

[R60, §1700; C73, §1104; C97, §1654; S13, §1657-e; C24, 27, 31, 35, 39, §**2877;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.5]

91 Acts, ch 248, §4; 96 Acts, ch 1028, §2; 98 Acts, ch 1114, §4; 2001 Acts, ch 29, §5

173.6 Terms of office.

1. The term of the president and vice president of the board shall be one year. A person shall not hold the office of president for more than three consecutive years, plus any portion of a year in which the person was first elected by the board to fill a vacancy.

2. A member of the board who is a district director shall serve a term of two years. The term of a district director shall begin following the adjournment of the convention at which the district director was elected and shall continue until a successor is elected and qualified as provided in this chapter.

[R60, §1700; C73, §1104; C97, §1654; S13, §1657-e; C24, 27, 31, 35, 39, §**2878;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.6]

91 Acts, ch 248, §5; 98 Acts, ch 1114, §5; 99 Acts, ch 96, §18; 2001 Acts, ch 29, §6; 2020 Acts, ch 1062, §94
Referred to in §173.5

173.7 Vacancies.

If, after the adjournment of the convention, a vacancy occurs in the office of any member of the board elected by the convention the board shall fill the vacancy by election. The elected member shall qualify at once and serve until noon of the day following the adjournment of the next convention. If, by that time, the member elected by the board will not have completed the full term for which the member's predecessor was elected, the convention shall elect a member to serve for the unexpired portion of the term. The member elected by the convention shall qualify at the same time as other members elected by the convention.

[S13, §1657-e; C24, 27, 31, 35, 39, §**2879;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.7]

91 Acts, ch 248, §6

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173.8 Compensation and expenses.

A member of the board elected at the annual convention shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses incurred while engaged in official duties. All per diem and expense moneys paid to a member shall be paid from funds of the state fair board.

[S13, §1657-p; C24, 27, 31, 35, 39, §**2880;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.8]

90 Acts, ch 1256, §32

173.9 Secretary.

The board shall appoint a secretary who shall serve at the pleasure of the board. The secretary shall do all of the following:

1. Administer the policies set by the board.
2. Employ other employees and agents as the secretary deems necessary for carrying out the policies of the board and to conduct the affairs of the state fair. The secretary may fix the duties and compensation of any employees or agents with the approval of the board.
3. Keep a complete record of the annual convention and of all meetings of the board.
4. Draw all warrants on the treasurer of the board and keep a correct account of them.
5. Perform other duties as the board directs.

[R60, §1700, 1703; C73, §1104, 1107; C97, §1654, 1656; S13, §1657-k; C24, 27, 31, 35, 39, §**2881;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.9]

86 Acts, ch 1245, §627; 87 Acts, ch 233, §226; 93 Acts, ch 176, §34

173.10 Salary of secretary.

The compensation and employment terms of the secretary shall be set by the Iowa state fair board with the approval of the governor, taking into consideration the level of knowledge and experience of the secretary.

[S13, §1657-n; C24, 27, 31, 35, 39, §**2882;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.10]

87 Acts, ch 233, §227; 2008 Acts, ch 1191, §24

173.11 Treasurer.

The board shall elect a treasurer who shall hold office for one year, and the treasurer shall:

1. Keep a correct account of the receipts and disbursements of all moneys belonging to the board.
2. Make payments on all warrants signed by the president and secretary from any funds available for such purpose.
3. Administer the foundation fund under the control of the Iowa state fair foundation, as directed by the board in its capacity as the board of the Iowa state fair foundation. The treasurer shall administer the fund in accordance with procedures of the treasurer of state, and maintain a correct account of receipts and disbursements of assets of the foundation fund.

[R60, §1700; C73, §1104; C97, §1654; S13, §1657-o; C24, 27, 31, 35, 39, §**2883;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.11]

91 Acts, ch 132, §1; 91 Acts, ch 248, §7; 2011 Acts, ch 79, §3; 2012 Acts, ch 1021, §48

173.12 Salary of treasurer. Repealed by 2011 Acts, ch 131, §131, 158.

173.13 Executive committee — meetings.

The president, vice president, and secretary shall constitute an executive committee, which shall transact such business as may be delegated to it by the board. The president may call meetings of the board or executive committee when the interests of the work require it.

[R60, §1104; C73, §1700; C97, §1654; S13, §1657-h; C24, 27, 31, 35, 39, §**2885;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.13]

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173.14 Functions of the board.

The state fair board has the custody and control of the state fairgrounds, including the buildings and equipment on it belonging to the state, and may:

1. Hold an annual fair and exposition on those grounds. All revenue generated by the fair and any interim uses shall be retained solely by the board.
2. Prepare premium lists and establish rules of exhibitors for the fair which shall be published by the board not later than sixty days prior to the opening of the fair.
3. Grant a written permit to persons as it deems proper to sell fruit, provisions, and other lawful articles under rules the board prescribes.
4. Appoint, as the president deems necessary, security personnel and peace officers qualified according to standards adopted by the board.
5. Take and hold property by gift, devise, or bequest for fair purposes. The president, secretary, and treasurer of the board shall have custody and control of the property, subject to the action of the board. Those officers shall give bonds as required in the case of executors, to be approved by the board and filed with the secretary of state.
6. Erect and repair buildings on the grounds and make other necessary improvements.
7. Grant written permission to persons to use the fairgrounds when the fair is not in progress.
8. Take, acquire, hold, and dispose of property by deed, gift, devise, bequest, lease, or eminent domain. The title to real estate acquired under this subsection and improvements erected on the real estate shall be taken and held in the name of the state of Iowa and shall be under the custody and control of the board. In the exercise of the power of eminent domain the board shall proceed in the manner provided in chapters 6A and 6B.
9. Solicit and accept contributions from private sources for the purpose of financing and supporting the fair.
10. Make an agreement with the department of public safety to provide for security during the annual fair and exposition and interim events.
11. Administer the Iowa state fair foundation created in section 173.22 in its capacity as the board of the Iowa state fair foundation.

a. The board shall administer the foundation fund by authorizing all payments from the foundation fund. The board on behalf of the foundation fund may contract, sue and be sued, and adopt rules necessary to carry out the provisions of this subsection, but the board in administering the foundation fund shall not in any manner, directly or indirectly, pledge the credit of the state.

b. The board shall administer the Iowa state fairgrounds trust fund as trustees of an institutional endowment fund as provided in section 173.22A.

[R60, §1702; C73, §1106; C97, §1655; S13, §1657-i, -j, -r; C24, 27, 31, 35, 39, §**2886;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.14]

83 Acts, ch 195, §23; 86 Acts, ch 1244, §28; 87 Acts, ch 233, §228; 88 Acts, ch 1055, §1; 91 Acts, ch 132, §2; 91 Acts, ch 248, §8; 2011 Acts, ch 79, §4

173.14A General corporate powers of the authority.

The authority has all of the general corporate powers needed to carry out its purposes and duties, and to exercise its specific powers including, but not limited to, the power to:

1. Issue its negotiable bonds and notes as provided in this chapter.
2. Sue and be sued in its own name.
3. Have and alter a corporate seal.
4. Make and alter bylaws for its management consistent with this chapter.
5. Make and execute agreements, contracts, and other instruments, with any public or private entity.
6. Accept appropriations, gifts, grants, loans, or other aid from public or private entities.
7. Make, alter, and repeal rules consistent with this chapter, subject to chapter 17A.

87 Acts, ch 233, §229

173.14B Bonds and notes.

1. The board may issue and sell negotiable revenue bonds of the authority in

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denominations and amounts as the board deems for the best interests of the fair. However, the board must first submit a list of the purposes ranked by priority and a purpose must be authorized by a constitutional majority of each house of the general assembly and approved by the governor. A purpose must be one of the following:

a. To acquire real estate to be devoted to uses for the fair.

b. To pay any expenses or costs incidental to a building or repair project.

c. To provide sufficient funds for the advancement of any of its corporate purposes.

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed twenty-five million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code, chapter 554.

3. Bonds and notes are payable solely out of the moneys, assets, or revenues of the authority and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely from sources provided in this chapter, and the authority shall not pledge the credit or taxing power of this state or its political subdivisions other than the authority or make its debts payable out of any moneys except those of the authority.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or its political subdivisions other than the authority within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the board prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the president or vice president, attested by the manual or facsimile signature of the secretary, have impressed or imprinted on it the seal of the authority or facsimile of it, and coupons attached shall be signed with the facsimile signature of the president or vice president, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places and with reserved rights of prior redemption, as the board prescribes, be sold at prices, at public or private sale, and in a manner as the board prescribes, and the board may pay all expenses, premiums, and commissions which it deems necessary or advantageous in connection with the issuance and sale; and be issued subject to the terms, conditions, and covenant providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the board for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to those matters set forth in section 16.26, subsection 4, paragraph *"b"*.

5. The board may issue bonds of the authority for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of the bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned

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or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to this chapter in the same manner and to the same extent as other bonds.

6. The board may issue negotiable bond anticipation notes of the authority and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable from any available moneys of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes shall be issued in the same manner as bonds and notes and the resolution of the board may contain any provisions, conditions, or limitations, not inconsistent with this subsection, which the bonds or a bond resolution of the board may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders have all the remedies provided in this chapter for bondholders. Notes shall be as fully negotiable as bonds of the authority.

7. A copy of each pledge agreement by or to the authority, including without limitation each bond resolution, indenture of trust, or similar agreement, or any revisions or supplements to it shall be filed with the secretary of state and no further filing or other action under article 9 of the uniform commercial code as provided in chapter 554, or any other law of the state is required to perfect the security interest in the collateral or any additions to it or substitutions for it, and the lien and trust so created is binding from and after the time it is made against all parties having claims of any kind in tort, contract, or otherwise against the pledgor.

8. Members of the board and any person executing the authority's bonds, notes, or other obligations are not liable personally on the bonds, notes, or other obligations or subject to personal liability or accountability by reason of the issuance of the authority's bonds or notes.

9. The board shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest on them. An action shall not be brought questioning the legality of the bonds or notes, the power of the board to issue the bonds or notes, or the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice.

87 Acts, ch 233, §230; 91 Acts, ch 268, §228, 229; 94 Acts, ch 1198, §36; 2005 Acts, ch 3, §44

173.15 Management of state fair.

The board may delegate the management of the state fair to the executive committee and two or more additional members of the board; and in carrying on such fair it may employ such assistance as may be deemed necessary.

[S13, §1657-i; C24, 27, 31, 35, 39, §**2887;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.15]

173.16 Maintenance of state fair.

1. All expenses incurred in maintaining the state fairgrounds and in conducting the annual fair on the state fairgrounds, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for that purpose. The board may request special capital improvement appropriations from the state and may request emergency funding from the executive council for natural disasters. The board may request that the department of transportation provide maintenance in accordance with section 307.24, subsection 5.

2. In order to efficiently administer facilities and events on the state fairgrounds, and to

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promote Iowa's conservation ethic, the Iowa state fair board shall handle or dispose of waste generated on the state fairgrounds under supervision of the department of natural resources.

[S13, §1657-i, -t; C24, 27, 31, 35, 39, §**2888;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.16]

87 Acts, ch 233, §231; 89 Acts, ch 311, §25; 92 Acts, ch 1239, §21; 2001 Acts, ch 7, §2; 2002 Acts, ch 1162, §36; 2015 Acts, ch 123, §27; 2020 Acts, ch 1062, §94

173.17 Claims.

The board shall prescribe rules for the presentation and payment of claims out of the state fair receipts and other funds of the board and no claim shall be allowed which does not comply therewith.

[C24, 27, 31, 35, 39, §**2889;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.17]

173.18 Warrants.

No claim shall be paid by the treasurer except upon a warrant signed by the president and secretary of the board, but this section shall not apply to the payment of state fair premiums.

[S13, §1657-o; C24, 27, 31, 35, 39, §**2890;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.18]

173.19 Examination of financial affairs.

The auditor of state shall annually examine and report to the executive council all financial affairs of the board.

[S13, §1657-q; C24, 27, 31, 35, 39, §**2891;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.19]

96 Acts, ch 1028, §3

173.20 Report.

The board shall file each year with the department, at such time as the department may specify, a report containing such information relative to the state fair and exposition and the district and county fairs as the department may require.

[C24, 27, 31, 35, 39, §**2892;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.20]

173.21 Annual report to governor.

The board shall file with the governor each year by February 15 a report containing the following information relative to the state fair and exposition and the district and county fairs:

1. A complete account of the annual state fair and exposition.
2. The proceedings of the annual state agricultural convention.
3. The proceedings of the annual county and district fair managers convention.

[R60, §1703; C73, §1107; C97, §1656; S13, §1657-k; C24, 27, 31, 35, 39, §**2893;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §173.21]

87 Acts, ch 233, §232

173.22 Iowa state fair foundation — foundation fund.

1. An Iowa state fair foundation is established under the authority of the Iowa state fair board.

2. A foundation fund is created within the state treasury composed of moneys appropriated or available to and obtained or accepted by the foundation. The foundation fund shall also include moneys transferred to the fund.

3. The foundation may solicit or accept gifts, including donations and bequests. A gift, to the greatest extent possible, shall be used according to the expressed desires of the person providing the gift.

4. Moneys in the foundation fund shall be used to support foundation activities, including foundation administration, or capital projects or major maintenance improvements at the Iowa state fairgrounds or to property under the control of the board.

5. *a.* Foundation moneys credited to the foundation fund may be expended on a matching basis with public moneys or Iowa state fair authority receipts. All interest earned on moneys

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in the foundation fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

b. The auditor of state shall conduct regular audits of the foundation fund and shall make a certified report relating to the condition of the foundation fund to the treasurer of the state, and to the treasurer and secretary of the state fair board.

91 Acts, ch 132, §3; 93 Acts, ch 144, §1, 6; 94 Acts, ch 1199, §3 – 6; 2011 Acts, ch 79, §5; 2019 Acts, ch 152, §48; 2021 Acts, ch 177, §76

Referred to in §173.14, 173.22A, 483A.24

173.22A Iowa state fairgrounds trust fund.

1. An Iowa state fairgrounds trust fund is created as an endowment fund under the authority and in the custody of the Iowa state fair board in its capacity as the board of the Iowa state fair foundation. The Iowa state fairgrounds trust fund is not part of the state treasury. The fund shall be composed exclusively of gifts accepted by the board in trust from private donors or testators. The board may accept these gifts in trust and shall fulfill its duties as trustee of gifts accepted notwithstanding section 633.63. The trust beneficiaries shall include all future attendees of events held on the Iowa state fairgrounds. The fund shall be an endowment fund to be used exclusively for the maintenance and improvement of the Iowa state fairgrounds and for no other purpose. The board shall decline any gifts not consistent with these purposes.

2. Moneys in the Iowa state fairgrounds trust fund shall not be deposited in the state treasury, but shall be held separate and apart from both the state fair's operating moneys and the state fair foundation fund established in section 173.22. The board as trustee shall hold only legal title to these moneys, which shall not form any part of the general fund of the state. The moneys shall not be subject to appropriation by the general assembly or subject to transfer pursuant to chapter 8. The moneys are not and shall not be deemed public funds for any purpose. The fund shall be an institutional endowment fund within the meaning of and subject to chapter 540A. The fund shall not be subject to audit by the auditor of state, but shall be audited annually by a certified public accountant. The annual audit shall be delivered to the auditor of state, who may include it in any further report that the auditor of state deems appropriate. However, an annual audit shall be a confidential record to the extent required in section 22.7, subsection 52. The moneys may be held in perpetuity, subject to the provisions for release or modification of restrictions on the moneys as provided in chapter 540A.

2011 Acts, ch 79, §6

Referred to in §22.7(52)(a), 173.14

173.23 Lien on property.

The board has a prior lien upon the property of any concessionaire, exhibitor, or person, immediately upon the property being brought onto the grounds, to secure existing or future indebtedness.

87 Acts, ch 233, §233

173.24 Exemption of state fair by the state's purchasing procedures.

The state fair is exempt from the state system of uniform purchasing procedures. However, the board may contract with the department of administrative services to purchase any items through the state system. The board shall adopt its own system of uniform standards and specifications for purchasing.

87 Acts, ch 233, §234; 2003 Acts, ch 145, §286

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CHAPTER 174

COUNTY AND DISTRICT FAIRS

Referred to in §21.2, 22.1, 99B.1, 163.32, 165B.5, 322.5, 331.427, 423.3, 423.4, 490.1801, 717E.1, 717F.7

174.1 Terms defined.
174.2 Powers of a fair.
174.3 Control of fair event and fairgrounds.
174.4 Permits to sell articles.
174.5 Appointment of police. Repealed by 2004 Acts, ch 1019, §32.
174.6 Removal of obstructions.
174.7 Refusal to remove obstructions.
174.8 Publication of financial statement.
174.8A Liability insurance.
174.9 State aid.
174.10 Appropriation — availability.
174.11 Repealed by 99 Acts, ch 204, §38.
174.12 Payment of state aid — participation by delegates.
174.13 County aid.
174.14 Fairground aid.
174.15 Purchase or gift of real property — management.
174.16 Termination of rights of fair.
174.17 Issuance of revenue bonds — standby tax levy.
174.18 Reserved.
174.19 Report of county aid.
174.20 Fraudulent entries of horses.
174.21 Violations — penalty.
174.22 Entry under changed name.
174.23 Class determined.

174.1 Terms defined.

For the purposes of this chapter:

1. *"Association"* means the association of Iowa fairs.

2. *"Fair"* means an organization which is incorporated under the laws of this state, including as a county or district fair or as an agricultural society, for the purpose of conducting a fair event, if all of the following apply:

a. The organization owns or leases at least ten acres of fairgrounds. An organization may meet the requirement of owning or leasing land, buildings, and improvements through ownership by a joint entity under chapter 28E.

b. The organization owns buildings and other improvements situated on the fairgrounds which have been specially constructed for purposes of conducting a fair event.

c. The market value of the fairgrounds and buildings and other improvements located on the fairgrounds is at least twenty-five thousand dollars.

3. *"Fair event"* means an annual gathering of the public on fairgrounds that incorporates agricultural exhibits, demonstrations, shows, or competitions that include programs or projects sponsored by 4-H clubs, future farmers of America, or the Iowa cooperative extension service in agriculture and home economics of Iowa state university. Other activities may include any of the following:

a. Commercial exhibits sponsored by manufacturers or other businesses.

b. Educational programs or exhibits sponsored by governmental entities or nonprofit organizations.

c. Competition in culinary arts, fine arts, or home craft arts.

4. *"Fairgrounds"* or *"grounds"* means the real estate, including land, buildings, and improvements where a fair event is conducted.

5. *"Management"* shall mean president, vice-president, secretary, or treasurer of a fair.

6. *"State aid"* means moneys appropriated by the treasurer of state to the association of Iowa fairs for payments to eligible fairs pursuant to this chapter.

[C24, 27, 31, 35, 39, §**2894;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.1]

97 Acts, ch 215, §32; 2004 Acts, ch 1019, §6 – 8; 2004 Acts, ch 1175, §366; 2010 Acts, ch 1193, §113, 114

Referred to in §68A.405A, 87.4, 99D.13, 137F.5, 142D.3, 335.28, 421.17, 423.4, 423.33, 427.1(39), 669.25, 670.7, 673.1, 717D.3, 726.23

174.2 Powers of a fair.

1. A fair may annually conduct a fair event to further interest in agriculture and to encourage the improvement of agricultural commodities and products, livestock, articles of domestic industry, implements, and other mechanical devices. It may offer and award such premiums as will induce general competition.

2. In addition to the powers granted in this chapter, a fair shall have the powers of a

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corporation not for pecuniary profit under the laws of this state and those powers enumerated in its articles of incorporation, such powers to be exercised before and after the holding of a fair event.

3. No salary or compensation of any kind shall be paid to the president, vice president, treasurer, or to a director of the fair for such duties. However, the president, vice president, treasurer, or a director of the fair may be reimbursed for actual expenses incurred by carrying out duties under this chapter or chapter 173, including but not limited to attending the convention provided under section 173.2. A person claiming expenses under this subsection shall be reimbursed to the same extent that a state employee is entitled to be reimbursed for expenses.

[R60, §1697; C73, §1109; C97, §1658; S13, §1658; C24, 27, 31, 35, 39, §**2895;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.2]

91 Acts, ch 248, §9; 2004 Acts, ch 1019, §9; 2007 Acts, ch 126, §39; 2017 Acts, ch 54, §76

Nonprofit corporations, see chapter 504

174.3 Control of fair event and fairgrounds.

An ordinance or resolution of a county or city shall not in any way impair the authority of a fair. The fair shall have sole and exclusive control over and management of a fair event and fairgrounds.

[C73, §1116; C97, §1664; C24, 27, 31, 35, 39, §**2896;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.3]

99 Acts, ch 204, §29; 2004 Acts, ch 1019, §10

174.4 Permits to sell articles.

The management of a fair may grant a written permit to a person determined proper by the management, to sell fruit, provisions, and other articles not prohibited by law, under such regulations as the management may prescribe.

[C73, §1115; C97, §1663; C24, 27, 31, 35, 39, §**2897;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.4]

2004 Acts, ch 1019, §11

174.5 Appointment of police. Repealed by 2004 Acts, ch 1019, §32.

174.6 Removal of obstructions.

The management of a fair may order the removal of any obstruction to a fair event or on the fairgrounds, including but not limited to shows, swings, booths, tents, or vehicles.

[C73, §1116; C97, §1664; C24, 27, 31, 35, 39, §**2899;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.6]

2004 Acts, ch 1019, §12

174.7 Refusal to remove obstructions.

Any person owning, occupying, or using any such obstruction who shall refuse or fail to remove the same when ordered to do so by the management shall be guilty of a simple misdemeanor.

[C73, §1116; C97, §1664; C24, 27, 31, 35, 39, §**2900;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.7]

174.8 Publication of financial statement.

A fair shall annually publish in one newspaper of the county a financial statement of receipts and disbursements for the current year.

[R60, §1698; C73, §1110; C97, §1659; S13, §1659; C24, 27, 31, 35, 39, §**2901;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.8]

2004 Acts, ch 1019, §13

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174.8A Liability insurance.

The association of Iowa fairs, or a fair, shall have the power to join a local government risk pool as provided in section 670.7.

2008 Acts, ch 1139, §2

174.9 State aid.

An eligible fair which is a member of the association of Iowa fairs as provided in the association's bylaws and which conducts a fair event shall be entitled to receive state aid as provided in this chapter. The moneys paid as state aid must be used exclusively for capital expenditures relating to the acquisition of land for fairgrounds and improvements on the fairgrounds such as the construction of new facilities and the renovation of existing facilities. In order to be eligible for state aid, a fair must file with the association of Iowa fairs on or before November 15 of each year, a statement which provides information as required by the association of Iowa fairs. The information shall at least include all of the following:

1. The amount that the fair paid in cash premiums at its fair for the current year. The statement must correspond with its published offer of premiums.
2. A statement that no part of the amount of state aid was paid for any of the following:
a. Entertainment venues, including but not limited to speed events.
b. To secure games or amusements.
c. Supplies, rentals, equipment, payroll, inventory, fees, or routine operating expenses.
3. A full and accurate statement of the receipts and expenditures of the fair for the current year.
4. A statement of statistical data relative to exhibits and attendance for the year.
5. A copy of the published financial statement published as required by law, together with proof of such publication showing an itemized list of premiums awarded.

[R60, §1698, 1704; C73, §1110, 1112; C97, §1659, 1661; S13, §1659; SS15, §1661-a; C24, 27, 31, 35, 39, §**2902;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.9]

96 Acts, ch 1218, §30, 31; 97 Acts, ch 215, §33, 34; 99 Acts, ch 204, §30, 31; 2004 Acts, ch 1019, §14

Referred to in §174.10

174.10 Appropriation — availability.

1. Any moneys appropriated for state aid shall be paid to the office of treasurer of state for allocation to the association of Iowa fairs. The association shall distribute the moneys to eligible fairs pursuant to this chapter.

2. *a.* The association shall maintain a list of each fair in a county which is a member of the association and conducts a fair event in that county as provided in this chapter. If a county has more than one fair event, the association shall list the name of each fair conducting a fair event in that county for three or more years. The association shall not make a payment to a fair under this chapter unless the fair complies with section 174.9, the name of the fair appears on the association's list, and the fair is a member in good standing according to the bylaws of the association.

b. The association shall prepare a report at the end of each fiscal year concerning the state aid that it received, the manner in which such aid was allocated to eligible fairs, and the manner in which the aid was expended by the fairs. The association shall submit the report to the governor and the general assembly by February 1 of each year. The association shall not use moneys appropriated for state aid, or interest earned on such moneys, for administrative or other expenses.

3. The association's board of directors shall determine the amount of state aid allocated to each eligible fair.

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4. If no fair in a county is eligible to receive state aid, that county's share shall be divided equally among the eligible fairs.

[R60, §1698, 1704; C73, §1110, 1112; C97, §1661; S13, §1659; SS15, §1661-a; C24, 27, §2902; C31, 35, §2902-d1; C39, §**2902.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §174.10; 81 Acts, ch 117, §1023]

95 Acts, ch 67, §53; 96 Acts, ch 1218, §32; 97 Acts, ch 215, §35; 99 Acts, ch 204, §32; 2004 Acts, ch 1019, §15

174.11 Repealed by 99 Acts, ch 204, §38.

174.12 Payment of state aid — participation by delegates.

1. The association of Iowa fairs shall pay a fair the amount due in state aid, less one thousand dollars, as provided in this chapter. The association must certify to the treasurer that the fair is eligible under this chapter to receive the amount to be paid to the fair by the association. The association shall pay the fair the remaining one thousand dollars, if all of the following apply:

a. The secretary of the state fair board certifies to the association that the fair had an accredited delegate in attendance at the annual convention for the election of members of the Iowa state fair board as provided in section 173.2.

b. A district director of the association representing the district in which the county is located, and the director of the Iowa state fair board representing the state fair board district in which the county is located, certify to the association that the fair had an accredited delegate in attendance at at least one of the district meetings and at the association's annual meeting.

2. Any moneys appropriated in state aid remaining due to the failure of a fair to comply with this section shall be distributed equally among the eligible fairs which have qualified for state aid under this section. The treasurer of state shall allocate to the association the total amount to be paid by the association to eligible fairs under this chapter.

[R60, §1698; C73, §1110; C97, §1659; S13, §1659; C24, 27, 31, 35, 39, §**2904;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.12]

96 Acts, ch 1218, §33; 97 Acts, ch 215, §36; 99 Acts, ch 204, §33; 2004 Acts, ch 1019, §16; 2004 Acts, ch 1175, §367; 2009 Acts, ch 41, §263

174.13 County aid.

The board of supervisors of the county in which a fair is located may appropriate moneys to be used for purchasing fairgrounds, constructing or restoring facilities on the fairgrounds, aiding 4-H club work, and paying agricultural and livestock premiums in connection with the fair event.

[C73, §1111; C97, §1660; SS15, §1660; C24, 27, 31, 35, 39, §**2905;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §174.13; 81 Acts, ch 117, §1024; 82 Acts, ch 1104, §5]

83 Acts, ch 123, §75, 209; 85 Acts, ch 67, §19; 2004 Acts, ch 1019, §17

174.14 Fairground aid.

1. The board of supervisors of a county which has acquired real estate for fairgrounds and which has a fair using the fairgrounds may appropriate moneys to be used for any of the following:

a. The erection and repair of buildings or other permanent improvements on the fairgrounds.

b. The payment of debts contracted in the erection or repair and payment of agricultural and livestock premiums.

2. In addition, the net proceeds from the sale of real estate or structures or improvements on the fairgrounds shall be used for the purchase of real estate or the erection of permanent buildings and installation of improvements on new fairgrounds, or the cost of moving structures from the old fairgrounds to the new fairgrounds.

83 Acts, ch 123, §76, 209; 84 Acts, ch 1178, §2; 2004 Acts, ch 1019, §18

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174.15 Purchase or gift of real property — management.

1. Title to land purchased or received for purposes of conducting a fair event shall be taken in the name of the county or a fair. However, the board of supervisors shall place the land under the control and management of a fair. The fair may act as agent for the county in the erection of buildings and maintenance of the fairgrounds, including the buildings and improvements constructed on the grounds. Title to new buildings or improvements shall be taken in the name of the county or a fair. However, the county is not liable for the improvements or expenditures for them.

2. Notwithstanding section 364.7, subsection 3, a city may dispose of real property by gift to a fair.

[SS15, §1660; C24, 27, 31, 35, 39, §**2907;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §174.15; 81 Acts, ch 117, §1025]

98 Acts, ch 1219, §16; 2004 Acts, ch 1019, §19; 2005 Acts, ch 19, §35; 2009 Acts, ch 92, §1

174.16 Termination of rights of fair.

The right of a fair to the control and management of its fairgrounds may be terminated by the board of supervisors whenever well-conducted fair events are not annually held on the fairgrounds.

[SS15, §1660; C24, 27, 31, 35, 39, §**2908;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.16]

2004 Acts, ch 1019, §20

174.17 Issuance of revenue bonds — standby tax levy.

1. The governing body of a fair may issue bonds payable from revenue generated by the operations of the fair event and the use or rental of the real and personal property owned or leased by the fair. The governing body of a fair shall comply with all of the following procedures in issuing such bonds:

a. A fair may institute proceedings for the issuance of bonds by causing a notice of the proposal to issue the bonds to be published at least once in a newspaper of general circulation within the county at least ten days prior to the meeting at which the fair proposes to take action for the issuance of the bonds. The notice shall include a statement of the amount and purpose of the bonds, the maximum rate of interest the bonds are to bear, and the right to petition for an election.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by three percent of the registered voters of the county is filed with the board of supervisors, asking that the question of issuing the bonds be submitted to the registered voters, the board of supervisors shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. The proposition of issuing bonds under this subsection is not approved unless the vote in favor of the proposition is equal to at least sixty percent of the vote cast. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board of supervisors acting on behalf of the fair may proceed with the authorization and issuance of the bonds. Bonds may be issued for the purpose of refunding outstanding and previously issued bonds under this subsection without otherwise complying with the provisions of this subsection.

c. All bonds issued under this subsection shall be payable solely from and shall be secured by an irrevocable pledge of a sufficient portion of the net rents, profits, and income derived from the operation of the fair event and the use or rental of the real and personal property owned or leased by the fair. Bonds issued pursuant to this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this subsection shall not limit or restrict the authority of the fair as otherwise provided by law.

2. To further secure the payment of the bonds, the board of supervisors may, by resolution, provide for the assessment of an annual levy of a standby tax upon all taxable property within the county. A copy of the resolution shall be sent to the county auditor. The revenues from the

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standby tax shall be deposited in a special fund and shall be expended only for the payment of principal of and interest on the bonds issued as provided in this section, when the receipt of revenues pursuant to subsection 1 is insufficient to pay the principal and interest. If payments are necessary and made from the special fund, the amount of the payments shall be promptly repaid into the special fund from the first available revenues received which are not required for the payment of principal of or interest on bonds due. Reserves shall not be built up in the special fund in anticipation of a projected default. The board of supervisors shall adjust the annual standby tax levy for each year to reflect the amount of revenues in the special fund and the amount of principal and interest which is due in that year.

3. In order for the governing body of a fair to issue bonds under this section, the governing body must conduct a fair event that has a verifiable annual attendance of at least one hundred fifty thousand persons and annual outside gate admission revenues of at least four hundred thousand dollars.

99 Acts, ch 204, §34; 2004 Acts, ch 1019, §21, 22

174.18 Reserved.

174.19 Report of county aid.

A fair shall not receive an appropriation from a county under this chapter until the fair submits a financial statement to the county board of supervisors. The statement shall show all expenditures of moneys appropriated to the fair from the county in the previous year. The financial statement submitted to the board of supervisors shall include vouchers related to the expenditures.

[C73, §1113; C97, §1662; C24, 27, 31, 35, 39, §**2911;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.19]

91 Acts, ch 98, §1; 2004 Acts, ch 1019, §23

174.20 Fraudulent entries of horses.

A person shall not knowingly enter or cause to be entered any horse of any age or sex under an assumed name, or out of its proper class, to compete for any purse, prize, premium, stake, or sweepstake offered or given by any person in the state, or drive any such horse under an assumed name, or out of its proper class, where such prize, purse, premium, stake, or sweepstake is to be decided by a contest of speed.

[C97, §1665; C24, 27, 31, 35, 39, §**2912;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.20]

2004 Acts, ch 1019, §24

Referred to in §174.21

174.21 Violations — penalty.

Any person convicted of a violation of section 174.20 shall be guilty of a fraudulent practice.

[C97, §1666; C24, 27, 31, 35, 39, §**2913;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.21]

Fraudulent practices, see §714.8 – 714.14

174.22 Entry under changed name.

The name of any horse for the purpose of entry for competition in any contest of speed shall not be changed after having once contested for a prize, purse, premium, stake, or sweepstake, except as provided by the code of printed rules of the fair or association under which the contest is advertised to be conducted, unless the former name is given.

[C97, §1667; C24, 27, 31, 35, 39, §**2914;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.22]

2004 Acts, ch 1019, §25

174.23 Class determined.

The class to which a horse belongs for the purpose of an entry in any contest of speed, as provided by the printed rules of the fair or association under which such contest is to be made, shall be determined by the public record of said horse in any such former contest.

[C97, §1668; C24, 27, 31, 35, 39, §**2915;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §174.23]

2004 Acts, ch 1019, §26

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CHAPTER 175

AGRICULTURAL DEVELOPMENT

Repealed by 2014 Acts, ch 1080, §112, 114; see chapter 16
Chapter repeal is effective January 1, 2015; repeal of any intervening amendments;
2014 Acts, ch 1080, §113, 114

CHAPTER 175A

GRAPE AND WINE DEVELOPMENT

Repealed by 2010 Acts, ch 1031, §252

CHAPTER 175B

IOWA FARMERS' MARKET NUTRITION PROGRAM

175B.1 Short title.
175B.2 Definitions.
175B.3 Iowa farmers' market nutrition program — establishment and administration.
175B.4 Other programs.
175B.5 Administrative rules.

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175B.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Farmers' Market Nutrition Program Act"*.

2007 Acts, ch 84, §1

175B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of agriculture and land stewardship.
2. *"Federal program"* means the WIC farmers' market nutrition program and the senior farmers' market nutrition program.
3. *"Iowa farmers' market nutrition program"* means one or both of the federal programs as established and administered by the department pursuant to section 175B.3.
4. *"Senior farmers' market nutrition program"* means the federal senior farmers' market nutrition program as authorized by the federal Farm Security and Rural Investment Act of 2002, 7 U.S.C. §3007, and provided for in 7 C.F.R. pt. 249.
5. *"WIC farmers' market nutrition program"* means the federal women, infants, and children farmers' market nutrition program as authorized by the federal Child Nutrition Act of 1966, 42 U.S.C. §1786, and as regulated by 7 C.F.R. pt. 248.

2007 Acts, ch 84, §2

175B.3 Iowa farmers' market nutrition program — establishment and administration.

An Iowa farmers' market nutrition program is established.

1. The department shall administer the Iowa farmers' market nutrition program as a state agency approved by the United States department of agriculture to participate in the federal programs. The department may apply to and submit a state plan for approval by the United States department of agriculture as required to administer the Iowa farmers' market nutrition program.
2. The department and any other state agency, local government agency, or nonprofit entity participating in the federal programs shall cooperate as necessary in order to carry

out the federal programs, including by entering into written agreements. The department and any other state agency shall cooperate under the auspices of the governor.

2007 Acts, ch 84, §3
Referred to in §175B.2

175B.4 Other programs.

Nothing in this chapter restricts the department from providing for other programs which promote the purposes of the federal programs.

2007 Acts, ch 84, §4; 2009 Acts, ch 133, §73

175B.5 Administrative rules.

The department shall adopt rules in order to administer the Iowa farmers' market nutrition program. If another state agency is involved in the administration of this chapter, the other state agency shall cooperate with the department in adopting its rules.

2007 Acts, ch 84, §5
Licensing of vendors at farmers' markets, see chapter 137F

CHAPTER 176

FARM AID ASSOCIATIONS

Repealed by 2002 Acts, ch 1017, §7, 8;
see chapter 504

CHAPTER 176A

COUNTY AGRICULTURAL EXTENSION

Referred to in §159.6, 173.3

176A.1 Short title.
176A.2 Declaration of policy.
176A.3 Definition of terms.
176A.4 Establishment — body corporate — county agricultural extension districts.
176A.5 County agricultural extension council.
176A.6 Elections.
176A.7 Terms — meetings.
176A.8 Powers and duties of county agricultural extension council.
176A.9 Limitation on powers and activities of extension council.
176A.10 County agricultural extension education tax.
176A.11 Annual levy by board of supervisors.
176A.12 County agricultural extension fund.
176A.13 Cooperation extension council — extension service.
176A.14 Extension council officers — duties.
176A.15 Consolidation of extension districts.
176A.16 General election law applicable.

176A.1 Short title.

This chapter may be known and cited as the *"County Agricultural Extension Law"*.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.1]

176A.2 Declaration of policy.

It is the policy of the legislature to provide for aid in disseminating among the people of Iowa useful and practical information on subjects relating to agriculture, home economics, and community and economic development, and to encourage the application of the information in the counties of the state through extension work to be carried on in cooperation with Iowa state university of science and technology and the United States department of agriculture

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as provided in the Act of Congress known as the Smith-Lever Act, adopted May 8, 1914, as amended, 38 Stat. 372 – 374, codified at 7 U.S.C. §341 – 349.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.2]

86 Acts, ch 1245, §838; 2006 Acts, ch 1010, §57

176A.3 Definition of terms.

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

1. *"County agricultural extension council"*, hereinafter referred to as *"extension council"*, means the agency created and constituted as provided in section 176A.5.

2. *"County agricultural extension district"*, hereinafter referred to as *"extension district"*, means a governmental subdivision of this state, and a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions set forth in this chapter.

3. *"Director of extension"* means the "director of Iowa state university of science and technology extension service", and shall hereinafter be referred to as *"director of extension"*.

4. *"Extension service"* means the "cooperative extension service in agriculture and home economics of Iowa state university", and shall hereinafter be referred to as *"extension service"*.

5. *"Iowa state university"* means the "Iowa state university of science and technology", and shall hereinafter be referred to as *"Iowa state university"*.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.3]

2009 Acts, ch 41, §69

176A.4 Establishment — body corporate — county agricultural extension districts.

1. Each county, except Pottawattamie, is constituted and established as a "county agricultural extension district" and shall be a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers and subject to the restrictions set forth in this chapter.

2. Pottawattamie county shall be divided into and constitute two districts as follows:

a. A district to be known as "East Pottawattamie" which shall include the following townships: Pleasant, Layton, Knox, James, Valley, Lincoln, Washington, Belknap, Center, Wright, Carson, Macedonia, Grove, Waveland.

b. A district to be known as "West Pottawattamie" which shall include the following townships: Rockford, Boomer, Neola, Minden, Hazel Dell, York, Crescent, Norwalk, Lake, Garner, Hardin, Kane, Lewis, Keg Creek, Silver Creek.

[C24, 27, 31, 35, 39, §**2930;** C46, 50, 54, §176.8; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.4]

2020 Acts, ch 1063, §68

176A.5 County agricultural extension council.

There shall be elected in each extension district an extension council consisting of nine members. Each member of the extension council shall be a resident registered voter of the extension district.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.5]

90 Acts, ch 1149, §1; 94 Acts, ch 1169, §64

Referred to in §176A.3

176A.6 Elections.

An election shall be held biennially at the time of the general election in each extension district for the election of members of the extension council. All registered voters of the extension district are entitled to vote in the election.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.6]

90 Acts, ch 1149, §2; 95 Acts, ch 67, §53

Referred to in §39.21

176A.7 Terms — meetings.

1. Except as otherwise provided pursuant to law for members elected in 1990, the term

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of office of an extension council member is four years. The term shall commence on the first day of January following the date of the member's election which is not a Sunday or legal holiday.

2. Each extension council shall meet at least two times during a calendar year and at other times during the year as the council determines. The date, time, and place of each meeting shall be fixed by the council.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.7]
90 Acts, ch 1149, §3; 99 Acts, ch 133, §1

176A.8 Powers and duties of county agricultural extension council.

The extension councils of each extension district of the state shall have, exercise, and perform the following powers and duties:

1. To elect from their own number annually a chairperson, vice chairperson, secretary and a treasurer who shall serve and be the officers of the extension council for a term of one year, and perform the functions and duties as herein in this chapter provided.

2. To serve as an agency of the state and to manage and transact all of the business and affairs of its district and have control of all of the property acquired by it and necessary for the conduct of the business of the district for the purposes of this chapter.

3. *a.* To, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident registered voters of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five eligible electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

b. To provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five eligible electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

4. To enter into a memorandum of understanding with the extension service setting forth the cooperative relationship between the extension service and the extension district.

5. To employ all necessary extension professional personnel from qualified nominees furnished to it and recommended by the director of extension and not to terminate the employment of any such without first conferring with the director of extension, and to employ such other personnel as it shall determine necessary for the conduct of the business of the extension district, and to fix the compensation for all such personnel in cooperation with the extension service and in accordance with the memorandum of understanding entered into with such extension service.

6. To prepare annually before April 30 a budget for the fiscal year beginning July 1 and ending the following June 30, in accordance with the provisions of chapter 24 and certify the budget to the board of supervisors of the county of their extension district as required by law.

7. To be responsible for the preparation and adoption of the educational program on extension work in agriculture, home economics, and 4-H club work, and periodically review the program, and for the carrying out of the program in cooperation with the extension service in accordance with the memorandum of understanding with the extension service.

8. To make and adopt such rules not inconsistent with the law as it may deem necessary for its own government and the transaction of the business of the extension district.

9. To fill all vacancies in its membership to serve for the unexpired term of the member creating the vacancy by appointing a resident registered voter of the extension district. However, if an unexpired term in which the vacancy occurs has more than seventy days to run after the date of the next general election and the vacancy occurs seventy-four or more days before the election, the vacancy shall be filled at the next general election.

10. To, as soon as possible following the meeting at which the officers are elected, file in the office of the board of supervisors and of the county treasurer a certificate signed by the chairperson and secretary of the extension council certifying the names, addresses, and

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terms of office of each member, and the names and addresses of the officers of the extension council with the signatures of the officers affixed to the certificate. The certificate shall be conclusive as to the organization of the extension district, its extension council, and as to its members and officers.

11. To deposit all funds received from the "county agricultural extension education fund" in a bank or banks approved by the extension council in the name of the extension district. These receipts shall constitute a fund known as the "county agricultural extension education fund" which shall be disbursed by the treasurer of the extension council on vouchers signed by its chairperson and secretary and approved by the extension council and recorded in its minutes.

12. To expend the "county agricultural extension education fund" for salaries and travel, expense of personnel, rental, office supplies, equipment, communications, office facilities and services, and in payment of such other items as shall be necessary to carry out the extension district program; provided, however, it shall be unlawful for the county agricultural extension council to lease any office space which is occupied or used by any other farm organization or farm cooperative, and provided further, that it shall be lawful for the county agricultural extension council to lease space in a building owned or occupied by a farm organization or farm cooperative.

13. To file with the county auditor and to publish in two newspapers of general circulation in the district before September 1 full and detailed reports under oath of all receipts, from whatever source derived, and expenditures of such county agricultural extension education fund showing from whom received, to whom paid and for what purpose for the last fiscal year.

[S13, §1683-j, -m; C24, 27, 31, 35, 39, §**2930, 2933, 2938;** C46, 50, 54, §176.8, 176.11, 176.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.8]

83 Acts, ch 123, §77, 209; 87 Acts, ch 43, §5; 90 Acts, ch 1149, §4 – 6; 91 Acts, ch 129, §22; 94 Acts, ch 1169, §64; 99 Acts, ch 133, §2, 3; 2001 Acts, ch 56, §10; 2009 Acts, ch 41, §70; 2019 Acts, ch 64, §1 – 3; 2020 Acts, ch 1063, §69; 2024 Acts, ch 1004, §23; 2024 Acts, ch 1094, §33, 47, 48; 2026 Acts, ch 1115, §91

Referred to in §176A.9, 331.427

2024 amendment to subsection 6 applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

Subsection 13 stricken and former subsection 14 renumbered as 13

176A.9 Limitation on powers and activities of extension council.

1. The extension council has for its sole purpose the dissemination of information, the giving of instruction and practical demonstrations on subjects relating to agriculture, home economics, and community and economic development, and the encouragement of the application of the information, instruction, and demonstrations to and by all persons in the extension district, and the imparting to the persons of information on those subjects through field demonstrations, publications, or other media.

2. The extension district, its council, or a member or an employee as a representative of either one or the other shall not engage in commercial or other private enterprises, legislative programs, nor attempt in any manner by the adoption of resolutions or otherwise to influence legislation, either state or national, or other activities not authorized by this chapter.

3. The extension council or a member or employee thereof as a representative of either the extension district or the extension council shall not give preferred services to any individual, group or organization or sponsor the programs of any group, organization or private agency other than as herein provided by this chapter.

4. The extension council may collect reasonable fees and may seek and receive grants, donations, gifts, bequests, or other moneys from public and private sources to be used for the purposes set forth in this section, and may enter into contracts to provide educational services.

5. The extension council and its employed personnel may cooperate with and give information and advice to organized and unorganized groups, but shall not promote, sponsor, or engage in the organization of any group for any purpose except the promoting, organization, and the development of the programs of 4-H clubs. Nothing in this chapter shall prevent the county extension council or extension agents employed by it from

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using or seeking opportunities to reach an audience of persons interested in agricultural extension work through the help of interested farm organizations, civic organizations, or any other group. However, in using or seeking such opportunities, the county extension council or agents employed by the extension council shall make available to all groups and organizations in the county equal opportunity to cooperate in the educational extension program.

6. Members of the council shall serve without compensation, but may receive actual and necessary expenses, including in-state travel expenses at not more than the state rate, incurred in the performance of official duties other than attendance at regular local county extension council meetings. Payment shall be made from funds available pursuant to section 176A.8, subsection 12.

[SS15, §1683-e; C24, 27, 31, 35, 39, §**2929, 2931;** C46, 50, 54, §176.7, 176.9; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.9]

86 Acts, ch 1245, §839; 98 Acts, ch 1166, §1, 2; 2020 Acts, ch 1063, §70

176A.10 County agricultural extension education tax.

1. The extension council of each extension district shall, at a meeting held before April 30, estimate the amount of money required to be raised by taxation for financing the county agricultural extension education program authorized in this chapter. The annual tax levy and the amount of money to be raised from the levy for the county agricultural extension education fund shall not exceed the amount levied for the immediately preceding fiscal year plus any allowable increase under section 444.25.

2. The extension council in each extension district shall comply with chapter 24.

[C24, 27, 31, 35, 39, §**2930;** C46, 50, 54, §176.8; C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §176A.10; 81 Acts, ch 69, §1]

91 Acts, ch 156, §1; 92 Acts, ch 1212, §7; 92 Acts, ch 1246, §25; 99 Acts, ch 133, §4; 2009 Acts, ch 41, §205; 2010 Acts, ch 1069, §24; 2013 Acts, ch 30, §39; 2014 Acts, ch 1026, §37; 2024 Acts, ch 1094, §34, 47, 48; 2026 Acts, ch 1115, §114, 115

Referred to in §444.25
2024 amendment to subsection 1, unnumbered paragraph 1 applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48
2026 amendment applies to property taxes due and payable in fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §115
Section amended

176A.11 Annual levy by board of supervisors.

The board of supervisors of each county shall annually, at the time of levying taxes for county purposes, levy the taxes necessary to raise the county agricultural extension education fund and certified to it by the extension council as provided in this chapter, but if the amount certified for such fund is in excess of the amount authorized by this chapter it shall levy only so much thereof as is authorized by this chapter.

[C24, 27, 31, 35, 39, §**2930;** C46, 50, 54, §176.8; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.11]

176A.12 County agricultural extension fund.

A county agricultural extension education fund shall be established in each county and the county treasurer of each county shall keep the amount of tax levied under this chapter in that fund. Before the fifteenth day of each month, the treasurer shall notify the chairperson of the county extension council of the amount collected for this fund to the first day of that month and shall pay that amount to the treasurer of the extension council as provided in section 331.552, subsection 29.

83 Acts, ch 123, §78, 209; 84 Acts, ch 1003, §4

Referred to in §331.559

176A.13 Cooperation extension council — extension service.

The extension council is specifically authorized to cooperate with the extension service and the United States department of agriculture in the accomplishment of the county agricultural extension education program contemplated by this chapter, to the end that the federal funds allocated to the extension service and the county agricultural extension education fund of each district may be more efficiently used by the extension service and

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the extension council. The director of extension shall coordinate the county agricultural extension education program in the several extension districts.

[S13, §1683-p; C24, 27, 31, 35, 39, §**2931, 2932;** C46, 50, 54, §176.9, 176.10; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.13]

176A.14 Extension council officers — duties.

1. The chairperson of the extension council shall preside at all meetings of the extension council, have authority to call special meetings of said council upon such notice as shall be fixed and determined by the extension council, and shall call special meetings of the extension council upon the written request of a majority of the members of said council, and in addition to the duties imposed in this chapter perform and exercise the usual duties performed and exercised by a chairperson or president of a board of directors of a corporation.

2. The vice chairperson, in the absence or disability of the chairperson, or the chairperson's refusal to act, shall perform the duties imposed upon the chairperson and act in the chairperson's stead.

3. The secretary shall perform the duties usually incident to this office. The secretary shall keep the minutes of all meetings of the extension council. The secretary shall sign such instruments and papers as are required to be signed by the secretary as such in this chapter, and by the extension council from time to time.

4. The treasurer shall receive, deposit and have charge of all of the funds of the extension council and pay and disburse the same as in this chapter required, and as may be from time to time required by the extension council. The treasurer shall keep an accurate record of receipts and disbursements and submit a report thereof at such times as may be required by the extension council.

5. Each of the officers of the extension council shall perform and carry out the officer's duties as provided in this section and shall perform and carry out any other duties as required by rules adopted by the extension council as authorized in this chapter. A member of the extension council, within fifteen days after the member's election, shall take and sign the usual oath of public officers which shall be filed in the office of the county auditor of the county of the extension district. The treasurer of the extension council, within ten days after being elected and before entering upon the duties of the office, shall execute to the extension council a corporate surety bond for an amount not less than twenty thousand dollars. The bond shall be continued until the treasurer faithfully discharges the duties of the office. The bond shall be filed with the county auditor of the county of the extension district. The county auditor shall notify the chairperson of the extension council of the bond's filing in the auditor's office. The cost of the surety bond shall be paid for by the extension council.

[S13, §1683-i, -j, -m; C24, 27, 31, 35, 39, §**2933, 2934, 2938;** C46, 50, 54, §176.11, 176.12, 176.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §176A.14]

97 Acts, ch 73, §1; 98 Acts, ch 1107, §2

Referred to in §331.502

176A.15 Consolidation of extension districts.

Any two or more extension districts may be consolidated to form a single extension district, by resolution duly adopted by the extension council of each such extension district. Upon adoption of such resolutions providing for such consolidation, the extension councils shall do all things which may be necessary or convenient to carry into effect such consolidation. The initial extension council for such new extension district shall consist of the members of the extension councils of the consolidated extension districts. The extension council of such new extension district shall promptly elect officers as provided in this chapter, and upon such election the terms of the officers of the extension councils of the consolidated extension districts shall terminate. The extension council of the new extension district shall select a name for such district and shall file the name, together with copies of the resolution providing for such consolidation, with the recorder of each county affected thereby. The new extension district shall be regarded for all purposes as an extension district, the same as if such extension district consisted of a single county, and its extension council and officers thereof shall have all the powers and duties which now or hereafter may pertain to extension

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councils and officers thereof. All assets and liabilities of the consolidated extension districts shall become the assets and liabilities of the new extension district. The tax rate for the "county agricultural extension education fund" shall be the same in each county included in an extension district formed by consolidation. For the purposes of any law requiring extension districts to file any document with or certify any information to any county officer or board, an extension district formed by consolidation shall file or certify the same with or to the appropriate officer or board of each county included in the extension district. An extension district formed by consolidation may be dissolved and the original extension districts as they existed prior to such consolidation may be reestablished, by resolution duly adopted by the extension council of such extension district; and upon adoption of such resolution, the extension council shall do all things which may be necessary or convenient to carry into effect such dissolution and the reestablishment of the original extension districts.

[C62, 66, 71, 73, 75, 77, 79, 81, §176A.15]

176A.16 General election law applicable.

The provisions of chapter 49 apply to the elections held pursuant to this chapter, and the county commissioner of elections has responsibility for the conducting of those elections.

[C75, 77, 79, 81, §176A.16]

90 Acts, ch 1149, §7

CHAPTER 176B

RESERVED

CHAPTER 177

CROP IMPROVEMENT ASSOCIATION

Referred to in §159.6, 173.3

177.1	Recognition of organization.	177.3	Board of directors.
177.1A	Definitions.	177.4	Employees.
177.2	Powers and purposes.	177.5	Expenses of officers.

177.1 Recognition of organization.

The organization existing in and incorporated under the laws of this state and known as the Iowa crop improvement association shall be entitled to the benefits of this chapter.

[C24, 27, 31, 35, 39, §**2939;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §177.1]

2008 Acts, ch 1096, §1

Referred to in §177.1A

177.1A Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Association"* means the Iowa crop improvement association recognized in section 177.1.

2. *"Department"* means the department of agriculture and land stewardship.

2008 Acts, ch 1096, §2

177.2 Powers and purposes.

The Iowa crop improvement association shall have all powers necessary to carry out the following purposes:

1. Act as the official seed certifying agency for Iowa as provided by rules adopted by the department.

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2. Adopt procedures for conducting seed and plant stock certification and planting stock quality assurance, pursuant to rules adopted by the department.

3. Provide educational and leadership opportunities to influence public policy regarding crop improvement.

4. Conduct, in cooperation with Iowa state university college of agriculture and life sciences, testing and disseminate information regarding the adaptation and performance of crop cultivars.

5. Coordinate all Iowa crop improvement association activities in a manner that is consistent with environmentally sound agricultural practices.

6. Provide a mechanism for commodity identity preservation.

7. Engage in such other activities that are reasonably connected to the purposes of this section.

[C24, 27, 31, 35, 39, §**2940;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §177.2]
87 Acts, ch 225, §204; 2008 Acts, ch 1096, §3; 2009 Acts, ch 41, §71

177.3 Board of directors.

The Iowa crop improvement association shall be governed by a board of directors.

1. The association's articles of incorporation or bylaws shall provide for all of the following:

a. The organization of the board, its procedures for meeting and voting, and the election of its board members and officers.

b. The business of the association, which shall be transacted as provided in this chapter.

2. The board shall include all of the following members:

a. The secretary of agriculture or the secretary's designee.

b. The following persons representing the college of agriculture and life sciences at Iowa state university:

(1) The director of the agricultural experiment station.

(2) The chair of the agronomy department.

(3) The director of the seed science center.

c. Six persons elected by the association's voting shareholders from among its voting shareholders.

[C24, 27, 31, 35, 39, §**2941;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §177.3]
87 Acts, ch 115, §30; 2008 Acts, ch 1096, §4; 2009 Acts, ch 41, §72

177.4 Employees.

The Iowa crop improvement association may employ one or more competent persons to carry out the provisions of this chapter as directed by the association's board of directors. The board may employ an executive director. A person employed by the board shall receive compensation and necessary expenses incurred while engaged in the business of the association as provided by its board of directors.

[C24, 27, 31, 35, 39, §**2942;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §177.4]
2008 Acts, ch 1096, §5
Referred to in §177.5

177.5 Expenses of officers.

A member of the board of directors or officer of the Iowa crop improvement association other than the executive director appointed pursuant to section 177.4 shall serve without compensation. However, a member of the board of directors or officer may receive necessary expenses while engaged in the business of the association pursuant to section 7E.6, as determined by the board.

[C24, 27, 31, 35, 39, §**2943;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §177.5]
2008 Acts, ch 1096, §6

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CHAPTER 177A

CROP PESTS

Referred to in §159.6, 173.3

177A.1	Short title.	177A.13	Quarantines — seizure and destruction.
177A.2	Definitions.	177A.14	Right of access.
177A.3	State entomologist.	177A.15	Right to hearing.
177A.4	Employees — expenses.	177A.16	Violations.
177A.5	Duties — public nuisances.	177A.17	Duty of owner — assessment of costs.
177A.6	Rules.	177A.18	Violations.
177A.7	Infection — eradication — notice.	177A.19	Harmful barberry.
177A.8	Importation — regulations.	177A.20	Liability of principal.
177A.9	Inspection — certificate — fees.	177A.21	Party plaintiff.
177A.10	Report of violations.	177A.22	Construction.
177A.11	Quarantine — general powers.		
177A.12	Federal quarantine — seizures.		

177A.1 Short title.

This chapter shall be known by the short title of *"The Iowa Crop Pest Act"*.

[C27, 31, 35, §4062-b1; C39, §**4062.01;** C46, 50, 54, 58, 62, 66, 71, 73, §267.1; C75, 77, 79, 81, §177A.1]

177A.2 Definitions.

1. As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. For the purposes of this chapter, the following terms shall be construed, respectively, to mean:

a. "Insect pests and diseases." Insect pests and diseases injurious to plants and plant products, including any of the stages of development of such insect pests and diseases.

b. "Places." Vessels, cars, boats, trucks, automobiles, aircraft, wagons and other vehicles or carriers, whether air, land or water, buildings, docks, nurseries, greenhouses, orchards, fields, gardens, and other premises or any container where plants and plant products are grown, kept or handled.

c. "Plants and plant products." Trees, shrubs, vines, berry plants, greenhouse plants and all other nursery plants; forage and cereal plants, and all other parts of plants; cuttings, grafts, scions, buds, and all other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all other plant products.

[C27, 31, 35, §4062-b2; C39, §**4062.02;** C46, 50, 54, 58, 62, 66, 71, 73, §267.2; C75, 77, 79, 81, §177A.2]

2000 Acts, ch 1148, §1

177A.3 State entomologist.

There is hereby created and established within the department of agriculture and land stewardship the office of state entomologist. The state entomologist shall be appointed by, responsible to and under the authority of the secretary of agriculture in the issuance of all rules, the establishment of quarantines and other official acts. The secretary of agriculture shall provide the state entomologist with suitable office space.

[S13, §2575-a47; C24, §4045; C27, 31, 35, §4062-b3; C39, §**4062.03;** C46, 50, 54, 58, 62, 66, 71, 73, §267.3; C75, 77, 79, 81, §177A.3; 81 Acts, ch 70, §1]

177A.4 Employees — expenses.

For the purpose of carrying out the provisions of this chapter, the state entomologist with the approval of the secretary of agriculture shall employ, prescribe the duties of, and fix the compensation of, such inspectors, and other employees as needed and incur such expenses as may be necessary, within the limits of appropriations made by law. The state entomologist

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shall cooperate with other departments, boards and officers of the state and of the United States as far as practicable.

[S13, §2575-a47; C24, §4046; C27, 31, 35, §4062-b4; C39, §**4062.04;** C46, 50, 54, 58, 62, 66, 71, 73, §267.4; C75, 77, 79, 81, §177A.4]

2012 Acts, ch 1023, §157

177A.5 Duties — public nuisances.

The state entomologist shall keep informed as to known species and varieties of insect pests and diseases, the origin, locality, nature and appearance thereof, the manner in which they are disseminated, and approved methods of treatment and eradication. In the rules made pursuant to this chapter the state entomologist shall list the dangerously injurious insect pests and diseases which the entomologist shall find should be prevented from being introduced into, or disseminated within, this state in order to safeguard the plants and plant products likely to become infested or infected with such insect pests and diseases. Every such insect pest and disease listed, and every plant product infested or infected therewith, is hereby declared to be a public nuisance. Every person who has knowledge of the presence in or upon any place of any insect pest or disease so listed, shall immediately report the fact and location to the state entomologist, or the assistant state entomologist, giving such detailed information relative thereto as the person may have. Every person who deals in or engages in the sale of plants and plant products shall furnish to the state entomologist or the entomologist's inspectors, when requested, a statement of the names and addresses of the persons from whom and the localities where the person purchased or obtained such plants and plant products.

[S13, §2575-a47; C24, §4047; C27, 31, 35, §4062-b5; C39, §**4062.05;** C46, 50, 54, 58, 62, 66, 71, 73, §267.5; C75, 77, 79, 81, §177A.5]

Referred to in §177A.19

Nuisances in general, chapter 657

177A.6 Rules.

1. The state entomologist shall, from time to time, adopt rules for carrying out the provisions and requirements of this chapter, including rules under which the inspectors and other employees shall:

a. Inspect places, plants and plant products, and things and substances used or connected therewith,

b. Investigate, control, eradicate and prevent the dissemination of insect pests and diseases, and

c. Supervise or cause the treatment, cutting and destruction of plants and plant products infested or infected therewith.

2. The state entomologist, the entomologist's inspectors, employees, or other authorized agents shall have authority to enforce these rules which shall be published in the same manner as are the other rules of the department.

3. A nursery stock dealer shall not sell, offer for sale, or distribute nursery products by any method, or under any circumstances or condition, which has the capacity and tendency or effect of deceiving purchasers or prospective customers as to quantity, size, grade, kind, species, age, maturity, viability, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

4. When under the provisions of this section it becomes necessary for the state entomologist to verify sizes and grades of nursery stock, or either of them, the entomologist shall use as a guide the "American Standard for Nursery Stock" as revised and approved by the American standards association, inc.

[S13, §2575-a48; C24, §4050, 4051, 4054; C27, 31, 35, §4062-b6; C39, §**4062.06;** C46, 50, 54, 58, 62, 66, 71, 73, §267.6; C75, 77, 79, 81, §177A.6]

2009 Acts, ch 41, §73

Referred to in §177A.19

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177A.7 Infection — eradication — notice.

Whenever inspection discloses that any places, or plants or plant products, or things and substances used or connected therewith, are infested or infected with any dangerously injurious insect pest or disease listed as a public nuisance, written notice thereof shall be given the owner or person in possession or control of the place where found, who shall proceed to control, eradicate, or prevent the dissemination of such insect pest or disease, and to remove, cut, or destroy infested and infected plants and plant products, or things and substances used or connected therewith, as prescribed in the notice or the rules. Whenever such owner or person in possession cannot be found, or shall fail, neglect or refuse to obey the requirements of the notice and the rules, such requirements shall be carried out by the state entomologist, as required by section 177A.17.

[S13, §2575-a48; C24, §4050, 4052, 4053, 4055; C27, 31, 35, §4062-b7; C39, §**4062.07;** C46, 50, 54, 58, 62, 66, 71, 73, §267.7; C75, 77, 79, 81, §177A.7]

Referred to in §177A.19

177A.8 Importation — regulations.

It shall be unlawful for any person to bring or cause to be brought into this state any plant or plant product listed in the rules, unless there be plainly and legibly marked thereon or affixed thereto, or on or to the carrier, or the bundle, package, or container, in a conspicuous place, a statement or tag or device showing the names and addresses of the consignors or shippers and the consignees or persons to whom shipped, the general nature and quantity of the contents, and the name of the locality where grown, together with a certificate of inspection of the proper official of the state, territory, district, or country from which it was brought or shipped, showing that such plant or plant product was found or believed to be free from dangerously injurious insect pests and diseases, and giving any other information required by the state entomologist.

[S13, §2575-a50; C24, §4058; C27, 31, 35, §4062-b8; C39, §**4062.08;** C46, 50, 54, 58, 62, 66, 71, 73, §267.8; C75, 77, 79, 81, §177A.8]

Referred to in §177A.9, 177A.10, 177A.19

177A.9 Inspection — certificate — fees.

1. It shall be unlawful for any person to sell, give away, carry, ship, or deliver for carriage or shipment, within this state, any plants or plant products listed in the rules unless such plants or plant products have been officially inspected and a certificate issued by an inspector of the state entomologist's office stating that such plants or plant products have been inspected and found to be apparently free from dangerously injurious insect pests and diseases, and giving any other facts provided for in the rules. For the issuance of such certificate, the state entomologist may require the payment of a reasonable fee to cover the expense of such inspection and certification. Provided, that if such plants or plant products were brought into this state in compliance with section 177A.8, the certificate required by that section may be accepted in lieu of the inspection and certificate required by this section, in such cases as shall be provided for in the rules. If it shall be found at any time that a certificate of inspection, issued or accepted under the provisions of this section, is being used in connection with plants and plant products which are infested or infected with dangerously injurious insect pests or diseases or in connection with uninspected plants, its further use may be prohibited, subject to such inspection and disposition of the plants and plant products involved as may be provided for by the state entomologist. All moneys collected under the provisions of this chapter shall be turned over to the secretary who shall deposit them in the state treasury.

2. The fees for inspections and certifications shall not be less than twenty-five dollars nor more than five hundred dollars. Certificates shall be issued to nursery stock growers and dealers on an annual basis. Inspection and certification fees for nursery stock growers shall be twenty-five dollars plus five dollars per acre or part thereof, according to the amount of stock inspected. The inspection and certification fee for nursery stock dealers shall be twenty-five dollars. All fees shall be paid at the time of inspection or before a certificate is issued. Inspection and certification shall take place when necessary to enforce this chapter

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and the rules pursuant to it. Certificates issued in accordance with this chapter may be revoked when inspection results determine that conditions violate the standards for which certification was issued.

[S13, §2575-a47, -a49; C24, §4047, 4048, 4057; C27, 31, 35, §4062-b9; C39, §**4062.09;** C46, 50, 54, 58, 62, 66, 71, 73, §267.9; C75, 77, 79, 81, §177A.9; 81 Acts, ch 70, §2]

88 Acts, ch 1272, §19

Referred to in §177A.10, 177A.19

177A.10 Report of violations.

Any person who receives from without the state any plant or plant product without section 177A.8 having been complied with, or who receives any plant or plant product sold, given away, carried, shipped or delivered for carriage or shipment within this state without section 177A.9 having been complied with, shall immediately inform the state entomologist or one of the entomologist's inspectors of such facts and isolate and hold the plant or plant product unopened or unused, subject to such inspection and disposition as may be provided for by the state entomologist.

[S13, §2575-a49; C24, §4057; C27, 31, 35, §4062-b10; C39, §**4062.10;** C46, 50, 54, 58, 62, 66, 71, 73, §267.10; C75, 77, 79, 81, §177A.10]

Referred to in §177A.19

177A.11 Quarantine — general powers.

Whenever the state entomologist shall find that there exists outside of this state any insect pest or disease, and that its introduction into this state should be prevented in order to safeguard plants and plant products in this state, the state entomologist is authorized to quarantine and promulgate quarantine restrictions covering areas within the states affected by the pest and may adopt, issue, and enforce rules supplemental to such quarantines for the control of the pest. Under such quarantines, the state entomologist or the state entomologist's authorized agents may prohibit and prevent the movement within the state without inspection, or the shipment or transportation within the state, of any agricultural or horticultural product, or any other material of any character whatsoever, capable of carrying any dangerously injurious insect pest or disease in any living state of its development; and, in the enforcement of such quarantine, may intercept, stop, and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, vehicles or carriers or any container, material, or substance believed or known to be carrying the insect pest or plant disease in any living state of its development in violation of said quarantines or of the rules issued supplemental thereto, and may seize, possess, and destroy any agricultural or horticultural product or other material of any character whatsoever, moved, shipped, or transported in violation of such quarantines or the rules.

[S13, §2575-a48; C24, §4049; C27, 31, 35, §4062-b11; C39, §**4062.11;** C46, 50, 54, 58, 62, 66, 71, 73, §267.11; C75, 77, 79, 81, §177A.11]

Referred to in §177A.19

177A.12 Federal quarantine — seizures.

1. Until the secretary of agriculture of the United States shall have made a determination that a federal quarantine is necessary, and has duly established the same with reference to any dangerous plant disease or insect infestation, the state entomologist of this state is authorized to promulgate and enforce quarantine regulations prohibiting or restricting the transportation of any class of plant material or product or article into this state from any state, territory or district of the United States, when the entomologist shall have information that a dangerous plant disease or insect infestation exists in such state, territory, district, or portion thereof.

2. The state entomologist, the entomologist's inspectors or duly authorized agents are authorized to seize, destroy, or return to the point of origin any material received in this state in violation of any state quarantine established under the authority of subsection 1, or

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in violation of any federal quarantine established under the authority of the federal Plant Protection Act, 7 U.S.C. §7701 et seq., or any amendment to that Act.

[C27, 31, 35, §4062-b12; C39, §**4062.12;** C46, 50, 54, 58, 62, 66, 71, 73, §267.12; C75, 77, 79, 81, §177A.12]

2006 Acts, ch 1010, §58; 2017 Acts, ch 29, §48

Referred to in §177A.19

177A.13 Quarantines — seizure and destruction.

1. Whenever the state entomologist shall find that there exists in this state, or any part thereof, any dangerously injurious insect pest or plant disease, and that its dissemination should be controlled or prevented, the entomologist may institute quarantines and promulgate quarantine restrictions covering areas within the state affected by such pest or disease, and may adopt, issue and enforce rules supplemental to such quarantines for the control of this pest. Under such quarantines, the state entomologist, the entomologist's inspectors or authorized agents may prohibit and prevent the movement within the state without inspection or the shipment or transportation within this state, of any agricultural or horticultural product, or any other material of any character whatsoever, capable of carrying any dangerously injurious insect pest or disease in any living state of its development; and, in the enforcement of such quarantine, may intercept, stop, and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon, or other vehicles or carriers of any kind or character, whether air, land, or water, or any container or material believed or known to be carrying such insect pest or plant disease in any living state of its development or any such material, in violation of said quarantine or of the rules issued supplemental thereto, and may seize, possess, and destroy any agricultural or horticultural product or other material of any character whatsoever, moved, shipped, or transported in violation of such quarantines or the said rules.

2. The state entomologist shall give public notice of such quarantines, specifying the plants and plant products infested or infected, or likely to become infested or infected; and the movement, planting or other use of any such plant or plant product, or other thing or substance specified in such notice as likely to carry and disseminate such insect pest or disease, except under such conditions as shall be prescribed as to inspection, treatment and disposition, shall be prohibited within such area as the entomologist may designate. When the state entomologist shall find that the danger of the dissemination of such insect pest or disease has ceased to exist, the entomologist shall give public notice that the quarantine is raised.

[S13, §2575-a48; C24, §4049; C27, 31, 35, §4062-b13; C39, §**4062.13;** C46, 50, 54, 58, 62, 66, 71, 73, §267.13; C75, 77, 79, 81, §177A.13]

Referred to in §177A.19

177A.14 Right of access.

The state entomologist and the entomologist's authorized inspectors, employees, and agents shall have free access within reasonable hours to any farm, field, orchard, nursery, greenhouse, garden, elevator, seedhouse, warehouse, building, cellar, freight or express office or car, freight yard, truck, automobile, aircraft, wagon, vehicle, carrier, vessel, boat, container or any place which it may be necessary or desirable for such authorized agents to enter in carrying out the provisions of this chapter. It shall be unlawful to deny such access to such authorized agents or to hinder, thwart, or defeat such inspection or entrance by misrepresentation or concealment of facts or conditions, or otherwise.

[S13, §2575-a48; C24, §4049; C27, 31, 35, §4062-b14; C39, §**4062.14;** C46, 50, 54, 58, 62, 66, 71, 73, §267.14; C75, 77, 79, 81, §177A.14]

Referred to in §177A.19

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177A.15 Right to hearing.

Any person affected by any rule made or notice given may have a review thereof by the secretary of agriculture for the purpose of having such rule or notice modified, suspended or withdrawn.

[C27, 31, 35, §4062-b15; C39, §**4062.15;** C46, 50, 54, 58, 62, 66, 71, 73, §267.15; C75, 77, 79, 81, §177A.15]

Referred to in §177A.19

177A.16 Violations.

Any person, partnership, association or corporation, or any combination of individuals, violating any provision of a quarantine promulgated under the authority of this chapter, or of any rules issued supplemental thereto, shall be guilty of a simple misdemeanor.

[S13, §2575-a50; C24, §4059; C27, 31, 35, §4062-b16; C39, §**4062.16;** C46, 50, 54, 58, 62, 66, 71, 73, §267.16; C75, 77, 79, 81, §177A.16]

2008 Acts, ch 1032, §106

Referred to in §177A.19

177A.17 Duty of owner — assessment of costs.

When treatment or destruction of an agricultural or horticultural plant or product, in field, feedlot, place of assemblage or storage, or elsewhere, or when a special type of plowing or any other agricultural or horticultural operation is required under the rules, the owner or person having charge of the plants, plant products or places, upon due notice from the state entomologist or the entomologist's authorized agents, shall take the action required within the time and in the manner designated by the notice. If the owner or person in charge refuses or neglects to obey the notice, the secretary of agriculture, or the secretary's authorized agents, may do what is required, and the secretary shall assess the expense to the owner after giving the owner legal notice and a hearing. No expense other than that incidental to normal and usual farm operations shall be so assessed. If the assessment is not paid, the secretary shall certify it to the treasurer of the proper county who shall enter it on the tax books and collect it as ordinary taxes are collected and remit it to the secretary.

[S13, §2575-a48; C24, §4055, 4056; C27, 31, 35, §4062-b17; C39, §**4062.17;** C46, 50, 54, 58, 62, 66, 71, 73, §267.17; C75, 77, 79, 81, §177A.17; 81 Acts, ch 70, §3]

Referred to in §177A.7, 177A.19, 331.559

177A.18 Violations.

Any person who shall violate any provision or requirement of this chapter, or of the rules made or of any notice given pursuant thereto, or who shall forge, counterfeit, deface, destroy, or wrongfully use, any certificate provided for in this chapter, or in the rules and regulations made pursuant thereto, shall be deemed guilty of a simple misdemeanor.

[S13, §2575-a50; C24, §4059; C27, 31, 35, §4062-b18; C39, §**4062.18;** C46, 50, 54, 58, 62, 66, 71, 73, §267.18; C75, 77, 79, 81, §177A.18]

Referred to in §177A.19

177A.19 Harmful barberry.

1. No person, firm, or corporation shall receive, ship, accept for shipment, transport, sell, offer for sale, give away, deliver, plant, or permit to exist on the person's, firm's, or corporation's premises any plant of the harmful barberry, or any plant of a species that shall be designated by the state entomologist in published regulations to be a host or carrier of a dangerous plant disease or insect pest.

2. The state entomologist and the entomologist's inspectors, and authorized agents, are hereby empowered to eradicate any such plant found growing in the state. If the owner shall refuse or neglect to eradicate such plants within ten days after receiving a written notice, the expense of such eradication shall be assessed, collected, and enforced against the premises upon which such expense was incurred as taxes are assessed, collected and enforced.

3. The term "*harmful barberry*" shall be interpreted to consist of any species of Berberis or Mahonia susceptible to infection by Puccinia graminis, commonly called black stem rust

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of grain, but not including Japanese barberry (B. thunbergii), which does not propagate the rust.

4. The procedures provided in section 177A.17 and all other applicable provisions of sections 177A.5 through 177A.18 shall govern and apply to the enforcement of this section.

[C24, §4053; C27, 31, 35, §4062-b19; C39, §**4062.19;** C46, 50, 54, 58, 62, 66, 71, 73, §267.19; C75, 77, 79, 81, §177A.19]

2021 Acts, ch 80, §90

177A.20 Liability of principal.

In construing and enforcing the provisions of this chapter, the act, omission, or failure of any official, agent, or other person acting for or employed by an association, partnership or corporation within the scope of the person's authority shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

[C27, 31, 35, §4062-b20; C39, §**4062.20;** C46, 50, 54, 58, 62, 66, 71, 73, §267.20; C75, 77, 79, 81, §177A.20]

177A.21 Party plaintiff.

The secretary of agriculture, the state entomologist, or any of their inspectors or authorized agents shall be a proper party plaintiff in any action in any court of equity brought for the purpose of carrying out any of the provisions of this chapter.

[C27, 31, 35, §4062-b21; C39, §**4062.21;** C46, 50, 54, 58, 62, 66, 71, 73, §267.21; C75, 77, 79, 81, §177A.21]

177A.22 Construction.

This chapter shall not be so construed or enforced as to conflict in any way with any Act of Congress regulating the movement of plants and plant products in interstate or foreign commerce.

[C27, 31, 35, §4062-b22; C39, §**4062.22;** C46, 50, 54, 58, 62, 66, 71, 73, §267.22; C75, 77, 79, 81, §177A.22]

CHAPTER 178

STATE DAIRY ASSOCIATION

Referred to in §159.6, 173.3

178.1 Recognition of organization.
178.2 Duties and objects of association.
178.3 Executive committee.
178.4 Employees of committee.
178.5 Expenses of officers.

178.1 Recognition of organization.

The organization known as the Iowa state dairy association shall be entitled to the benefits of this chapter by filing each year with the department verified proofs of its organization, the names of its president, vice president, secretary, and treasurer, and that five hundred persons are bona fide members of said association, together with such other information as the department may require.

[C24, 27, 31, 35, 39, §**2944;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §178.1]

178.2 Duties and objects of association.

The Iowa state dairy association shall:

1. Promote dairy test associations, shows, and sales.
2. Publish a breeders' directory.
3. Furnish such general instruction and assistance, either by institutes or otherwise, as it may deem proper, to advance the general interests of the dairy industry.

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4. Make an annual report of the proceedings and expenditures to the secretary of agriculture.

[C24, 27, 31, 35, 39, §**2945;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §178.2]

178.3 Executive committee.

The association shall conduct its business through an executive committee which shall consist of:

1. The president and the secretary of the association.
2. The dean of the college of agriculture and life sciences of the Iowa state university of science and technology.
3. A member of the faculty of said university engaged in the teaching of dairying to be designated by said dean.
4. The secretary of agriculture or the secretary's designee.

[C24, 27, 31, 35, 39, §**2946;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §178.3]
87 Acts, ch 115, §31; 2008 Acts, ch 1032, §29

178.4 Employees of committee.

The executive committee may employ two or more competent persons who shall devote their entire time, under the direction of the executive committee, in carrying out the provisions of this chapter. The salary of such persons so employed shall be set by the executive committee subject to the approval of the secretary of agriculture, and such persons shall hold office at the pleasure of the executive committee.

[C24, 27, 31, 35, 39, §**2947;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §178.4]

178.5 Expenses of officers.

The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

[C24, 27, 31, 35, 39, §**2948;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §178.5]

CHAPTER 179

DAIRY INDUSTRY COMMISSION

Referred to in §8A.502, 97B.1A, 159.6

179.1 Definitions.
179.2 Commission created — suspension during national order — reactivation.
179.3 Powers and duties.
179.4 Expenditure of funds.
179.5 Excise tax — administration of moneys — appropriation.
179.5A Right to refund not subject to legal process or transfer.
179.6 Records of producers, first purchasers.
179.7 Returns filed with commission.
179.8 Payment of expenses — limitation.
179.9 Investigations by commission.
179.10 Report.
179.11 Penalties.
179.12 Reserved.
179.13 Referendum.
179.14 Influencing legislation.

179.1 Definitions.

As used in this chapter:

1. *"Collection period"* means a calendar year.
2. The term *"commission"* shall mean the Iowa dairy industry commission.
3. *"First purchaser"* means a person who buys milk from a producer and resells that milk or products made from the milk to another person.
4. *"Nutrition education"* means activities intended to broaden the understanding of sound nutritional principles including the role of milk in a balanced diet.
5. The term *"person"* shall mean individuals, corporations, partnerships, trusts, associations, cooperatives, and any and all other business units.

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6. *"Producer"* means a person who produces milk from cows and thereafter sells the same as milk.

7. *"Promotion"* means actions including but not limited to advertising, sales, promotion, and publicity to advance the image and sales of and demand for milk.

8. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

9. *"Research"* means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and to product utilization, and other related efforts to expand demand for milk.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.1]

85 Acts, ch 126, §1 – 4; 94 Acts, ch 1146, §1; 2012 Acts, ch 1017, §47; 2012 Acts, ch 1023, §157

179.2 Commission created — suspension during national order — reactivation.

1. There is created an Iowa dairy industry commission, referred to in this chapter as the commission. The commission shall be composed of the secretary of agriculture or the secretary's designee, the dean of agriculture at Iowa state university of science and technology or the dean's designee, and sixteen members appointed by the secretary of agriculture as provided in this section.

2. Commissioners shall serve until their successors are duly appointed and qualify. Vacancies occurring in the membership of the commission resulting from death, inability or refusal to serve, or failure to meet the definition of a producer, shall be filled within three months of the time the vacancy occurs in the manner provided by the commission. Vacancy appointments shall be only for the remainder of the unexpired term. A commissioner shall not serve more than two consecutive full terms.

3. Appointive members of the commission shall receive a per diem as specified in section 7E.6 for each day spent on official business of the commission, not to exceed six hundred dollars per annum, and their actual necessary expenses, while engaged in commission activity.

4. When a national promotional order is established by the United States department of agriculture pursuant to the Dairy Product Stabilization Act of 1983, collection of the excise tax in section 179.5 shall be suspended for the period in which the national order is in effect. The commission shall continue to operate thereafter for only the period of time necessary to pay refunds and disburse the funds remaining in the dairy industry fund for the purposes enumerated in this chapter. Upon completion of these acts, the existence of the Iowa dairy industry commission shall be suspended. The secretary of agriculture shall certify the suspension of the commission as of a date certain to the Iowa dairy industry commission and the Iowa state dairy association. When the existence of the commission is suspended, the terms of office being served by individual commissioners shall terminate.

5. When the national promotional order expires, the period of suspension of the excise tax in section 179.5 shall terminate and the secretary of agriculture shall take the steps necessary to collect that excise tax and otherwise fulfill the duties of the commission, except that of expending funds collected under the excise tax, until those duties can be resumed by the reactivated commission. When the national promotional order expires, the period of suspension of the commission shall terminate. The secretary of agriculture shall call the first meeting of the reactivated commission. Upon reactivation, the commission shall reimburse the secretary of agriculture for expenses incurred in carrying out the duties provided in this subsection.

6. When the national dairy promotion program expires and the suspension of the Iowa dairy industry commission terminates pursuant to subsection 5, all first purchasers shall, in a manner designed to reflect their proportionate contributions to the national dairy promotion program in its most recently completed fiscal year, nominate two resident producers for each of the sixteen offices of the commission. The secretary of agriculture shall then appoint one nominee from each set of two nominees as commissioners of the reactivated Iowa dairy industry commission. The secretary of agriculture shall stagger the terms of the reactivated commission resulting in as nearly as possible one third of the commissioners serving for one

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year, one third of the commissioners serving for two years, and one third of the commissioners serving for three years. After the initial staggering of terms by the secretary, commissioners shall be appointed to three-year terms.

7. After the reactivated commission has been formed, nominations for commissioners shall be made by first purchasers in a manner designed to reflect their proportionate contributions to the Iowa dairy industry commission in its most recently completed fiscal year.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.2]
84 Acts, ch 1183, §1; 85 Acts, ch 126, §5 – 8; 91 Acts, ch 258, §32

179.3 Powers and duties.

The powers and duties of the commission shall include the following:

1. To elect a chairperson, a secretary, and from time to time such other officers as it may deem advisable, and from time to time to adopt, rescind, modify and amend all proper and necessary rules, regulations and orders for the exercise of its power and the performance of its duties, which rules and orders shall have the force and effect of law when not inconsistent with existing laws.

2. To administer and enforce this chapter, and do and perform all acts and exercise all powers reasonably necessary to effectuate the purpose of this chapter.

3. To employ at its pleasure and discharge at its pleasure such attorneys, advertising counsel, advertising agencies, clerks and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation.

4. To establish offices and incur any and all expense, and to enter into any and all contracts and agreements for the proper administration and enforcement of this chapter.

5. To report alleged violations of this chapter to the attorney general of the state of Iowa.

6. To conduct scientific research for the purpose of developing and discovering the health, food, therapeutic, dietetic, and industrial uses for products of milk or its derivatives.

7. To make in the name of the commission such advertising contracts and other agreements as it deems necessary to promote the sale and consumption of dairy products on either a state or national basis.

8. To keep accurate books, records, and accounts of all its dealings, which books, records, and accounts shall be audited annually by the auditor of state.

9. To receive, administer, disburse and account for, in addition to the funds received from the excise tax hereinafter imposed by section 179.5, all such other funds as may be voluntarily contributed to said commission for the purpose of promoting dairy products.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.3]
85 Acts, ch 126, §9

179.4 Expenditure of funds.

Funds collected through the excise tax are to be used for purposes of advertising and promotion, product, process, and nutrition, dietetics, and physiology research, nutrition education, public relations, research and development, and for other activities that contribute to producer efficiency and productivity. In addition, the commission shall use these funds to maintain existing markets, to make contributions to organizations working toward the purposes of this section, and to assist in the development of new or enlarged markets for milk, both domestic and foreign. The primary purpose for use of these funds is to increase consumption of milk. The commission may contract for advertising, publicity, sales promotion, research, and educational services the committee deems appropriate to further the objectives of this section.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.4]
85 Acts, ch 126, §10

179.5 Excise tax — administration of moneys — appropriation.

1. There is levied and imposed an excise tax on all producers within the state of three-fourths of one percent of the gross value of milk produced in the state.

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2. All taxes levied and imposed under this chapter shall be deducted from the price received by the producer and shall be collected by the first purchaser, except as follows:

a. If the producer produces milk from cows and sells the milk directly to the consumer, the taxes shall be remitted by that producer.

b. If the producer sells milk to a first purchaser outside the state, the taxes are due and payable by that producer before the shipment is made, except that the commission may make agreements with extra state purchasers for the keeping of records and the collection of the taxes as necessary to secure the payment of the taxes within the time fixed by this chapter.

3. All taxes levied and imposed under this chapter and other contributions made to the dairy industry commission shall be paid to and collected by the commission within thirty days after the end of the month during which the milk was marketed. The commission shall remit the taxes and other contributions to the treasurer of the state each quarter, and at the same time render to the director of the department of administrative services an itemized and verified report showing the source from which the taxes and voluntary contributions were obtained. All taxes and voluntary contributions received, collected, and remitted shall be placed in a special fund by the treasurer of state and the director of the department of administrative services, to be known as the "*dairy industry fund*" to be used by the Iowa dairy industry commission for the purposes set out in this chapter and to administer and enforce the laws relative to this chapter. The department of administrative services shall transfer moneys from the fund to the commission for deposit into an account established by the commission in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the commission. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. Moneys deposited in the fund and transferred to the commission as provided in this section are appropriated and shall be used for the purpose of carrying out the provisions of this chapter.

4. A person from whom the excise tax provided in this chapter is collected may, by application filed with the commission within thirty days after the collection of the tax, have the tax refunded to that person by the commission.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.5]

85 Acts, ch 126, §11; 94 Acts, ch 1146, §2; 2003 Acts, ch 145, §286

Referred to in §179.2, 179.3, 179.8

Suspension during national order; see §179.2

179.5A Right to refund not subject to legal process or transfer.

The right of a person to a refund under this chapter or under chapter 181, 182, 183A, 184A, 185, or 185C is not subject to execution, levy, attachment, garnishment, or other legal process, and is not transferable or assignable at law or in equity.

86 Acts, ch 1100, §1; 89 Acts, ch 137, §1

179.6 Records of producers, first purchasers.

Every producer shipping milk to a first purchaser outside of Iowa who is not by agreement with the commission collecting the tax imposed by this chapter, and every first purchaser within the state, and every producer distributing milk directly to the consumer, shall keep a complete and accurate record of all milk produced or purchased by the person during the period for which an excise tax levy is imposed under this chapter. The records shall be in the form and contain the information prescribed by the commission, shall be preserved by the person charged with their making for a period of two years, and shall be offered or submitted for inspection at any time upon written or oral request by the commission or its duly authorized agent or employee.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.6]

85 Acts, ch 126, §12; 86 Acts, ch 1238, §8

179.7 Returns filed with commission.

Every person charged by this chapter or by agreement with the commission with the keeping of records provided for in this chapter shall at the times the commission may by rule require, file with the commission a return on forms to be prescribed and furnished by

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the commission. Producers shall state the quantity of milk produced. First purchasers shall state the quantity of milk handled, bottled, processed, distributed, delivered to, or purchased by the person from the producers of dairy products or their agents in the state. Returns shall contain other information as the commission may require, and shall be made in triplicate, one copy of which shall be for the files of the person making the return, one copy available at the office of the person for the use of the person's patrons, and the original filed with the commission.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.7]
85 Acts, ch 126, §13; 86 Acts, ch 1238, §9

179.8 Payment of expenses — limitation.

1. No part of the expense incurred by the commission shall be paid out of moneys in the state treasury except moneys transferred to the commission from the dairy industry fund. Moneys transferred from the fund to the commission, as provided in section 179.5, shall be used for the payment of all salaries and other expenses necessary to carry out the provisions of this chapter. However, in no event shall the total expenses exceed the total taxes collected and transferred from the fund to the commission.

2. No more than five percent of the excise tax collected and received by the commission pursuant to section 179.5 shall be utilized for administrative expenses of the commission.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.8]
85 Acts, ch 126, §14; 94 Acts, ch 1146, §3; 2018 Acts, ch 1041, §50

179.9 Investigations by commission.

The commission shall have the power to cause its authorized agents to enter upon the premises of any person charged by this chapter or by agreement with the commission with the collection of the excise tax imposed by this chapter, and to cause to be examined by any such agent any books, records, documents, or other instruments bearing upon the amount of such tax collected or to be collected by such person; provided that the commission has reasonable ground to believe that all the tax herein levied has not been collected, or if it has not been fully accounted for as herein provided.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.9]

179.10 Report.

The commission shall each year prepare and submit a report summarizing the activities of the commission under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.10]
85 Acts, ch 126, §15; 94 Acts, ch 1146, §4

179.11 Penalties.

Except as otherwise provided, any person who shall violate or aid in the violation of any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor. All prosecutions for alleged violations of the provisions of this chapter shall be by the county attorney of the county in which such alleged violation occurred and shall be instituted and conducted under the direction and authority of the attorney general of the state.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §179.11]
Referred to in §331.756(30)

179.12 Reserved.

179.13 Referendum.

1. At a time designated by the commission within eighteen months after termination of the national promotional order made pursuant to the Dairy Production Stabilization Act of 1983, 7 U.S.C. §4501 et seq., the commission shall conduct a referendum under administrative procedures prescribed by the department.

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2. Upon signing a statement certifying to the department that the person is a bona fide producer as defined in this chapter, each producer is entitled to one vote in each referendum. When the secretary is required to determine the approval or disapproval of producers under this section, the secretary shall consider the approval or disapproval of a cooperative association of producers, engaged in a bona fide manner in marketing milk, as the approval or disapproval of the producers who are members of or contract with the cooperative association of producers. If a cooperative association elects to vote on behalf of its members, the cooperative association shall provide each producer on whose behalf the cooperative association is expressing approval or disapproval with a description of the question presented in the referendum together with a statement of the manner in which the cooperative association intends to cast its vote on behalf of the membership. The information shall inform the producer of procedures to follow to cast an individual ballot if the producer chooses to do so within the period of time established by the secretary for casting ballots. The notification shall be made at least thirty days prior to the referendum and shall include an official ballot. The ballots shall be tabulated by the secretary and the vote of the cooperative association shall be adjusted to reflect the individual votes.

3. The department shall count and tabulate the ballots filed during the referendum within thirty days of the close of the referendum. If from the tabulation the department determines that a majority of the total number of producers voting in the referendum favors the proposal, the excise tax provided for in this chapter shall be continued. The ballots cast pursuant to this section constitute complete and conclusive evidence for use in determinations made by the department under this chapter.

4. The secretary may conduct a referendum at any time after the Iowa dairy industry commission is reactivated, and shall hold a referendum on request of a representative group comprising ten percent or more of the number of producers eligible to vote, to determine whether the producers favor the termination or suspension of the excise tax. The secretary shall suspend or terminate collection of the excise tax within six months after the secretary determines that suspension or termination of the excise tax is favored by a majority of the producers voting in the referendum, and shall terminate the excise tax in an orderly manner as soon as practicable after the determination.

[C75, 77, 79, 81, §179.13]

85 Acts, ch 126, §16; 2017 Acts, ch 29, §49

179.14 Influencing legislation.

Neither commissioners, nor employees of the commission, shall attempt in any manner to influence legislation affecting any matters pertaining to the activities of the commission. No portion of the dairy industry fund shall be used in any manner to influence legislation or support any political candidate for public office, either directly or indirectly, or to support any political party.

[C75, 77, 79, 81, §179.14]

CHAPTER 180

RESERVED

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CHAPTER 181

BEEF CATTLE PRODUCERS ASSOCIATION

Referred to in §8A.502, 97B.1A, 159.6, 173.3, 179.5A

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181.8	Executive committee — entering premises — examining records.	181.19	Initial and special referendums.
181.9	and 181.10 Repealed by 2004 Acts, ch 1037, §18, 19.	181.19A	Continuance referendum.
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181.1 Definitions.

As used in this chapter, unless the context requires otherwise:

1. *"Association"* means the Iowa beef cattle producers association.
2. *"Cattle"* means any live domesticated bovine animal regardless of age.
3. *"Executive committee"* means the executive committee of the association as created in section 181.3.
4. *"Federal Act"* means the federal Beef Promotion and Research Act of 1985, 7 U.S.C. §2901 et seq.
5. *"Federal assessment"* means an excise tax on the sale of bovine animals imposed pursuant to the federal Act.
6. *"Producer"* means any person who owns or acquires ownership of cattle. However, a person shall not be considered a producer if any of the following apply:

a. The person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee.

b. The person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; resold such cattle no later than ten days from the date on which the person acquired ownership; and certified as required by rules adopted by the executive committee.

7. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.
8. *"Records"* means books, papers, documents, accounts, agreements, memoranda, electronic records of accounts, or correspondence relating to a matter regulated under this chapter.
9. *"Secretary"* means the secretary of agriculture.
10. *"State assessment"* means an excise tax on the sale of cattle imposed pursuant to this chapter.

[C71, 73, 75, 77, 79, 81, §181.6]
86 Acts, ch 1100, §5; 94 Acts, ch 1146, §6; 97 Acts, ch 30, §2, 9
CS97, §181.1
2004 Acts, ch 1037, §1, 19; 2012 Acts, ch 1017, §48; 2016 Acts, ch 1043, §1, 2, 21

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181.1A Recognition of organization.

The Iowa beef cattle producers association now existing in and incorporated under the laws of this state is entitled to the benefits of this chapter by filing, each year, with the department of agriculture and land stewardship, verified proof of the names of its president, vice president, secretary, and treasurer, together with other information required by the department of agriculture and land stewardship.

[C24, 27, 31, 35, 39, §**2949;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §181.1]

86 Acts, ch 1100, §2

CS97, §181.1A

Referred to in §181.17

181.2 Duties and objects of association.

The Iowa beef cattle producers association shall do all of the following:

1. Aid in the marketing and promotion of the cattle industry of the state.
2. Conduct research on beef production and evaluate Iowa beef production needs.
3. Provide educational materials and opportunities to consumers, producers, and youth regarding the benefits of Iowa's beef cattle industry.
4. Prepare an annual report of the proceedings and expenditures of the executive committee as provided in section 181.18B.

[C24, 27, 31, 35, 39, §**2950;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §181.2]

94 Acts, ch 1146, §5; 2004 Acts, ch 1037, §2, 19; 2016 Acts, ch 1043, §3, 21

181.3 Executive committee — creation and operation.

1. An executive committee of the Iowa beef cattle producers association is created. The executive committee consists of ten members, including all of the following:

a. Five producers elected by the Iowa beef cattle producers association pursuant to section 181.6A.

b. Two producers appointed by the Iowa cattlemen's association.

c. One livestock market representative appointed pursuant to subsection 2.

d. The secretary of agriculture or a designee, who shall serve as an ex officio, voting member.

e. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or a designee, who shall serve as an ex officio, voting member.

2. The Iowa livestock auction market association shall nominate two livestock market representatives. The secretary of agriculture shall appoint one of the nominees or another livestock market representative of the secretary's choice, who shall serve at the pleasure of the secretary.

3. The executive committee shall elect a chairperson, secretary, and other officers it deems necessary.

4. *a.* A member who is a producer or livestock market representative described in subsection 1, paragraphs "*a*" through "*c*", shall serve a three-year term. The member shall not serve more than two consecutive full terms.

b. Except for an ex officio member, a vacancy in the executive committee resulting from death, inability or refusal to serve, or failure to meet the qualifications of this chapter shall be filled by the executive committee. If the executive committee fails to fill a vacancy, the secretary shall appoint a person to fill the vacancy. A vacancy appointment shall be filled only for the remainder of the unexpired term.

[C24, 27, 31, 35, 39, §**2951;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §181.3]

86 Acts, ch 1100, §3; 97 Acts, ch 30, §1; 2004 Acts, ch 1037, §3, 4, 19; 2008 Acts, ch 1032, §30; 2016 Acts, ch 1043, §4, 21; 2017 Acts, ch 29, §50

Referred to in §181.1

181.4 Executive committee — employees.

The executive committee may employ two or more competent persons who shall devote their entire time, under the direction of the executive committee, in carrying out the

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provisions of this chapter. The salary of persons so employed shall be set by the executive committee, and the persons shall hold office at the pleasure of the executive committee.

[C24, 27, 31, 35, 39, §**2952;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §181.4]

86 Acts, ch 1100, §4; 2004 Acts, ch 1037, §5, 19; 2016 Acts, ch 1043, §5, 21

181.5 Expenses of officers.

The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

[C24, 27, 31, 35, 39, §**2953;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §181.5]

181.6 Reserved.

181.6A Executive committee — election.

1. The Iowa beef cattle producers association shall hold an annual meeting of producers. An election shall be held at the annual meeting, as necessary, for election of producers to the executive committee.

2. Prior to the annual meeting, the association shall appoint a nominating committee. At least sixty days prior to the annual meeting of the association, the nominating committee shall nominate two producers as candidates for each position on the executive committee for which an election is to be held. At least forty-five days prior to the annual meeting of the association, additional candidates may be nominated by a written petition of fifty producers. Procedures governing the place of filing and the contents of the petition shall be promulgated and publicized by the executive committee.

3. Producers attending the annual meeting of the association may vote for one nominee for each position on the executive committee for which an election is held. Producers not attending the annual meeting of the association may vote by absentee ballot if the ballot is requested and mailed, with proper postage, to the executive committee prior to the annual meeting of the association. For each position for which an election is held, the candidate receiving the highest number of votes shall be elected.

4. Notice of election for executive committee membership shall be given by the executive committee by publication in a newspaper of general circulation in the state and in any other reasonable manner as determined by the executive committee, and shall set forth the date, time, and place of the annual meeting of the association. The executive committee shall administer the elections, with the assistance of the secretary.

86 Acts, ch 1100, §6; 2004 Acts, ch 1037, §6, 19; 2016 Acts, ch 1043, §6, 21

Referred to in §181.3

181.7 Executive committee — research and education programs.

The executive committee shall initiate, administer, or participate in research and education programs directed toward the better and more efficient production, promotion, and utilization of cattle and the marketing of products made from cattle. The executive committee shall provide for the methods and means that it determines are necessary to further the purposes of this section, including but not limited to any of the following:

1. Providing public relations and other promotion techniques for the maintenance of present markets.

2. Making donations to nonprofit organizations furthering the purposes of this section.

3. Assisting in the development of new or larger domestic markets for products made from cattle.

4. Assisting in the development of new or larger foreign markets for cattle and products made from cattle.

[C71, 73, 75, 77, 79, 81, §181.7]

2004 Acts, ch 1037, §7, 19; 2016 Acts, ch 1043, §7, 21

Referred to in §181.13

181.7A Commencement of federal assessment — suspension and recommencement of state assessment — rate.

1. Prior to the commencement of the collection of the federal assessment, the executive

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committee may seek certification as a qualified state beef council within the meaning of the federal Act.

2. The executive committee shall suspend the state assessment upon collection of the federal assessment. The state assessment shall recommence upon the earlier of the following:

a. The noncollection of the federal assessment. The recommenced state assessment shall be imposed for a four-year period. Its effective date shall be the first date for which the federal assessment is not collected.

b. The passage of a special referendum pursuant to section 181.19 regardless of whether a federal assessment is being collected.

3. The rate of the recommenced state assessment shall be the same as the rate that was last in effect under section 181.19 immediately prior to the suspension of the state assessment.

86 Acts, ch 1100, §7; 2004 Acts, ch 1037, §8, 19; 2016 Acts, ch 1043, §8, 21
Referred to in §181.13, 181.19

181.8 Executive committee — entering premises — examining records.

The executive committee may authorize its agents to enter at a reasonable time upon the premises of any purchaser charged by this chapter with remitting the state assessment to the executive committee, and to examine records and other instruments relating to the collection of the state assessment. However, the executive committee must first have reasonable grounds to believe that the state assessment has not been remitted or fully accounted for.

[C71, 73, 75, 77, 79, 81, §181.8]
2004 Acts, ch 1037, §9, 19; 2016 Acts, ch 1043, §9, 21

181.9 and 181.10 Repealed by 2004 Acts, ch 1037, §18, 19.

181.11 Collection of state assessment.

1. A state assessment imposed as provided in this chapter shall be levied and collected from the purchaser on each sale of cattle at a rate provided in this chapter. The state assessment shall be imposed on any person selling cattle and shall be deducted by the purchaser from the price paid to the seller. The purchaser, at the time of the sale, shall make and deliver to the seller a separate invoice for each sale showing the names and addresses of the seller and the purchaser, the number of cattle sold, and the date of sale. The purchaser shall forward the state assessment to the executive committee at a time prescribed by the executive committee, but not later than the last day of the month following the end of the prior reporting period in which the cattle are sold.

2. The executive committee may enter into arrangements with persons purchasing cattle outside of this state for remitting the state assessment by such purchasers.

2004 Acts, ch 1037, §10, 19; 2016 Acts, ch 1043, §10, 21
Referred to in §181.15

181.12 Remission of state assessment on application.

A person from whom a state assessment is collected may, by written application filed with the executive committee within ninety days after its collection, have the amount remitted to the person by the executive committee. The information that the state assessment is refundable and the address of the executive committee to which application for a refund may be made shall appear on the invoice of sale form supplied by the purchaser to the producer near the area on the form which shows the amount of the state assessment paid. The executive committee shall furnish uniform application for refund forms and make the refund forms readily available to all producers. A purchaser charged by this chapter with remitting the state assessment shall make the forms readily available to all producers.

[C71, 73, 75, 77, 79, 81, §181.12; 81 Acts, ch 71, §1]
2004 Acts, ch 1037, §11, 19; 2016 Acts, ch 1043, §11, 21
Right to refund not subject to execution or transfer; §179.5A

181.13 Administration of moneys originating from state assessment — appropriation.

1. All state assessments imposed under this chapter shall be paid to and collected by the executive committee and deposited with the treasurer of state in a separate cattle promotion

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fund which shall be created by the treasurer of state. The department of administrative services shall transfer moneys from the fund to the executive committee for deposit into an account established by the executive committee in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the executive committee. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From the moneys collected, deposited, and transferred to the executive committee, in accordance with the provisions of this chapter, the executive committee shall first pay the costs of referendums held pursuant to this chapter, the costs of collection of such state assessments, and the expenses of its agents. At least ten percent of the remaining moneys shall be remitted to the association in proportions determined by the executive committee, for use in a manner not inconsistent with section 181.7. The remaining moneys, with approval of a majority of the executive committee, shall be expended as the executive committee finds necessary to carry out the provisions and purposes of this chapter. However, in no event shall the total expenses exceed the total amount transferred from the fund for use by the executive committee.

2. All moneys deposited in the cattle promotion fund and transferred to the executive committee pursuant to this section are appropriated and shall be used for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

3. If the state assessment is suspended as provided in section 181.7A or a continuance referendum fails to pass as provided in section 181.19A, moneys remaining in the cattle promotion fund and transferred to the executive committee shall continue to be transferred and expended in accordance with the provisions of this chapter until exhausted.

[C71, 73, 75, 77, 79, 81, §181.13]

86 Acts, ch 1100, §8; 94 Acts, ch 1146, §7; 97 Acts, ch 30, §3; 2003 Acts, ch 145, §286; 2004 Acts, ch 1037, §12, 19; 2006 Acts, ch 1030, §17; 2016 Acts, ch 1043, §12, 21

181.14 Notice. Repealed by 2004 Acts, ch 1037, §18, 19.

181.15 Referendum — procedures.

Upon receiving a petition to conduct a referendum as provided in section 181.19 or 181.19A, the secretary shall conduct the referendum as follows:

1. The secretary shall provide for the publication of a notice of the referendum for a period of not less than five days in a newspaper of general circulation in the state and in such other newspapers as the secretary may prescribe. The notice of referendum shall set forth the period for voting and the voting places for the referendum and the amount of the state assessment. A referendum shall not be commenced prior to fourteen days after the last day of such period of publication.

2. Each producer upon signing a statement certifying that the person is a bona fide producer shall be entitled to one vote. At the close of the referendum period, the secretary shall count and tabulate the ballots filed during the referendum period. The ballots cast in the referendum shall constitute complete and conclusive evidence for use in any determination made by the secretary under the provisions of this chapter.

3. The secretary shall tabulate the ballots to determine whether the referendum has passed. If from such tabulation the secretary determines that a majority of the total number of producers voting approves the imposition of a state assessment, the state assessment shall be imposed as provided in section 181.11 at a rate provided for in section 181.19.

4. The secretary may prescribe such additional procedures as may be necessary to conduct a referendum.

[C71, 73, 75, 77, 79, 81, §181.15]

86 Acts, ch 1195, §3; 2004 Acts, ch 1037, §13, 19

181.16 Moneys remaining in fund. Repealed by 2004 Acts, ch 1037, §18, 19.

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181.17 Executive committee — election — voting by nonmember producers.

A producer who is not a member of the Iowa beef cattle producers association shall be entitled to vote in elections of persons to be members of the executive committee in the same manner as if the producer were a member. The members elected to the executive committee shall elect from their number the officers referred to in section 181.1A.

[C71, 73, 75, 77, 79, 81, §181.17]

97 Acts, ch 30, §5; 2005 Acts, ch 3, §46; 2016 Acts, ch 1043, §13, 21

181.18 Rules.

All rules adopted by the executive committee shall be subject to the provisions of chapter 17A.

[C71, 73, 75, 77, 79, 81, §181.18]

2005 Acts, ch 3, §47; 2016 Acts, ch 1043, §14, 21

181.18A Not a state agency.

The Iowa beef cattle producers association is not an agency of state government.

93 Acts, ch 102, §1

181.18B Report.

Each year, the executive committee shall prepare and submit a report summarizing the activities of the executive committee under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under this chapter.

94 Acts, ch 1146, §9; 2004 Acts, ch 1037, §14, 19; 2016 Acts, ch 1043, §15, 21

Referred to in §181.2

181.19 Initial and special referendums.

1. The secretary shall, upon the petition of five hundred producers, conduct an initial referendum to determine whether a state assessment is to be imposed, at a rate established by the executive committee not to exceed one dollar per head on all cattle sold for any purpose.

2. The secretary shall, upon the petition of five hundred producers, conduct a special referendum to do any of the following:

a. Determine whether a state assessment already imposed shall be increased to a rate, established by the executive committee, not to exceed one dollar per head on all cattle sold for any purpose.

b. Determine whether a state assessment suspended pursuant to section 181.7A is to be in addition to a federal assessment. The state assessment shall be imposed at a rate not to exceed one dollar per head on all cattle sold for whatever purpose.

3. If a referendum passes, the secretary shall establish an effective date to commence the state assessment. However, the state assessment must be commenced within ninety days from the date that the secretary determines that the referendum has passed.

4. If a special referendum to increase the rate of the state assessment does not pass, the result of the special referendum shall not affect the existence or length of the state assessment in effect on the date that the special referendum was conducted.

[C75, 77, 79, 81, §181.19; 81 Acts, ch 71, §2]

86 Acts, ch 1195, §4; 97 Acts, ch 30, §6, 7; 2004 Acts, ch 1037, §15, 19; 2016 Acts, ch 1043, §16, 21

Referred to in §181.7A, 181.15

181.19A Continuance referendum.

1. The secretary shall, upon the petition of producers, conduct a continuance referendum to determine whether a state assessment should be renewed. The secretary must receive the petition not less than one hundred fifty and not more than two hundred forty days before the four-year anniversary of a state assessment's effective date. The petition must be signed within that period by a number of producers equal to or greater than two percent of the number of producers in this state reported in the most recent United States census of agriculture, requesting a referendum to determine whether to continue the state

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assessment. The referendum shall be conducted not earlier than thirty days before the four-year anniversary date of the state assessment.

2. If the secretary determines that a continuance referendum has passed, the state assessment shall continue in effect for four additional years from the anniversary of its effective date.

3. If the secretary determines that the referendum has not passed, the secretary and the executive committee shall terminate the assessment in an orderly manner as soon as practicable after the determination. Another referendum shall not be held for at least one hundred eighty days from the date that the assessment is terminated.

4. If no valid petition for a continuance referendum is received by the secretary within the time period provided in this section, the state assessment shall continue in effect for four additional years from the anniversary of its effective date.

2004 Acts, ch 1037, §16, 19; 2016 Acts, ch 1043, §17, 21
Referred to in §181.13, 181.15

181.20 Misdemeanors.

Any person who shall violate or assist in the violation of any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor.

[C71, 73, §181.19; C75, 77, 79, 81, §181.20]

CHAPTER 182

IOWA SHEEP AND WOOL PROMOTION BOARD

Referred to in §159.6, 173.3, 179.5A

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182.3 Notice of referendum.
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182.6 Nominations for initial board.
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182.8 Terms.
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182.19 Bond required.
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182.22 Purchasers outside Iowa.
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182.24 Board member disclosure.

182.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Assessment"* means an excise tax on the sale of sheep or wool as provided in this chapter.

2. *"Board"* means the Iowa sheep and wool promotion board established pursuant to section 182.5.

3. *"Concentration point"* means a location or facility where sheep are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of sheep from various sources. *"Concentration point"* includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.

4. *"District"* means an official crop reporting district formed by the United States department of agriculture and set out in the annual farm census published by the Iowa department of agriculture and land stewardship.

5. *"First purchaser"* means a person who purchases sheep or wool from a producer.

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6. *"Producer"* means a person who is actively engaged within this state in the business of producing or marketing sheep or wool and who receives income from the production of sheep or wool.

7. *"Sale"* or *"sold"* means a transaction in which the property in or to sheep or wool is transferred from the producer to a first purchaser for full or partial consideration.

8. *"Secretary"* means the secretary of agriculture.

9. *"Sheep"* means an animal of the ovine species, regardless of age, produced or marketed in this state.

10. *"Wool"* means the natural fiber produced by sheep.

85 Acts, ch 207, §1; 86 Acts, ch 1245, §631; 99 Acts, ch 50, §1 – 4; 2012 Acts, ch 1109, §1, 2, 7
Further definitions; see §159.1

182.2 Petition for referendum election.

Upon receipt of a petition signed by at least fifty producers in each district requesting a referendum by election to determine whether to establish the board and to impose an assessment, the secretary shall call a referendum to be conducted within sixty days following receipt of the petition.

85 Acts, ch 207, §2; 99 Acts, ch 50, §5

182.3 Notice of referendum.

1. The secretary shall give notice of the referendum on the question of whether to establish an Iowa sheep and wool promotion board and to impose the assessment by publishing the notice for a period of not less than five days in at least one newspaper of general circulation in the state. The notice shall state the voting places, period of time for voting, and other information deemed necessary by the secretary.

2. A referendum shall not be commenced until five days after the last date of publication.

85 Acts, ch 207, §3; 2020 Acts, ch 1062, §94
Referred to in §182.13B

182.4 Establishment of sheep and wool promotion board — assessment — termination.

1. Each producer who signs a statement certifying that the producer is a bona fide producer is entitled to one vote. At the close of the referendum, the secretary shall count and tabulate the ballots cast. If a majority of voters favor establishing an Iowa sheep and wool promotion board and imposing an assessment, an Iowa sheep and wool promotion board shall be established. The assessment shall be imposed commencing not more than sixty days following the referendum as determined by the Iowa sheep and wool promotion board, and shall continue until terminated by a referendum as provided in subsection 2. If a majority of the voters do not favor establishing an Iowa sheep and wool promotion board and imposing the assessment, the assessment shall not be imposed and the board shall not be established until another referendum is held under this chapter and a majority of the voters favor establishing a board and imposing the assessment. If a referendum fails, another referendum shall not be held within one hundred eighty days.

2. Upon receipt of a petition signed by at least twenty-five producers in each district requesting a referendum election to determine whether to terminate the establishment of the Iowa sheep and wool promotion board and to terminate the imposition of the assessment, the secretary shall call a referendum to be conducted within sixty days following the receipt of the petition. The petitioners shall guarantee the payment of the costs of a referendum held under this subsection. If the majority of the voters of a referendum do not favor termination, an additional referendum may be held when the secretary receives a petition signed by at least twenty-five producers in each district. However, the additional referendum shall not be held within one hundred eighty days.

85 Acts, ch 207, §4
Referred to in §182.5, 182.13B

182.5 Composition of board.

The Iowa sheep and wool promotion board established pursuant to section 182.4 shall be composed of nine producers. The dean of the college of agriculture and life sciences of Iowa

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state university of science and technology or the dean's representative and the secretary or the secretary's designee shall serve as ex officio, nonvoting members of the board. The board shall annually elect a chairperson from its membership.

85 Acts, ch 207, §5; 2008 Acts, ch 1032, §31; 2022 Acts, ch 1152, §22
Referred to in §182.1

182.6 Nominations for initial board.

Candidates for positions on the initial board are nominated by filing a petition with the secretary containing the signatures of at least twenty-five producers in the candidate's district qualified to vote on the referendum. Candidates shall be resident producers of the district from which they are nominated. The secretary shall receive the nominations, and shall call an election for members of the initial board within thirty days following passage of the question at the referendum election.

85 Acts, ch 207, §6

182.7 Notice of election for membership positions.

1. Notice of the initial election for membership positions on the board shall be given by the secretary by publication in a newspaper of general circulation in the state at least five days prior to the date of the election and in any other reasonable manner as determined by the secretary. The notice shall set forth the period of time for voting, voting places, and other information as the secretary deems necessary.

2. Notice of a subsequent election for a membership position on the board shall be given by the board by publication in a newspaper of general circulation in the state and in any other reasonable manner established by the board. The notice shall set forth the period of time for voting, voting places, and other information as the board deems necessary.

85 Acts, ch 207, §7; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1152, §23

182.8 Terms.

The term of office for members of the board shall be three years. The members on the initial board shall determine their terms by lot, so that three members shall serve a one-year term, three members shall serve a two-year term, and three members shall serve a three-year term. A member elected to the initial board shall not serve more than two complete consecutive terms. A member subsequently elected to the board shall not serve more than a certain number of consecutive terms if, and as may be, established by the board.

85 Acts, ch 207, §8; 2022 Acts, ch 1152, §24

182.9 Subsequent membership — nominations — election.

After the appointment of the initial board, the board shall administer subsequent elections for members of the board with the assistance of the secretary. Before the expiration of a member's term of office, the board shall nominate any number of producers as candidates for the membership position for which an election is to be held. The board shall nominate candidates based on criteria established by the board. Additional candidates may be nominated by a written petition signed by twenty-five producers. The petition shall be in a form and delivered to the board as required by the board.

85 Acts, ch 207, §9; 2022 Acts, ch 1152, §25

182.10 Vacancies.

The board shall by appointment fill an unexpired term if a vacancy occurs on the board. The board shall select an appointee based on the criteria established by the board.

85 Acts, ch 207, §10; 2022 Acts, ch 1152, §26

182.11 Purposes of board.

The purposes of the board shall be to:

1. Enter into contracts or agreements with or make grants to recognized and qualified agencies, individuals, or organizations for the development and carrying out of research and

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education programs directed toward better and more efficient production, marketing, and utilization of sheep and wool and their products.

2. Provide methods and means, including, but not limited to, public relations and other promotion techniques for the maintenance of present markets.

3. Assist in development of new or larger markets, both domestic and foreign, for sheep and wool and their products.

85 Acts, ch 207, §11
Referred to in §182.18

182.12 Powers and duties.

The board may:

1. Administer and enforce this chapter and perform acts reasonably necessary to effectuate the purposes of this section.

2. Employ and discharge assistants and professional counsel as necessary, prescribe their duties and powers, and fix their compensation.

3. Establish offices, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

4. Adopt, rescind, and amend all proper and necessary rules for the exercise of its powers and duties.

5. Enter into arrangements for collection of the assessment on sheep and wool.

6. Formulate and execute assessment procedures and methods of collection.

7. Receive and investigate complaints and violations of this chapter and take necessary action.

8. Confer and cooperate with legally constituted authorities of other states and the United States.

9. Establish accounts in adequately protected financial institutions to receive, hold, and disburse board moneys.

85 Acts, ch 207, §12
Referred to in §182.13B, 182.16

182.13 Compensation — meetings.

Members of the board may receive payment for their actual expenses and travel in performing official board functions. Payment shall be made from amounts collected from the assessment. No member of the board shall be a salaried employee of the board or any organization or agency receiving funds from the board. The board shall meet at such times as it deems necessary.

85 Acts, ch 207, §13; 2024 Acts, ch 1170, §97
Referred to in §182.24

182.13A Not a state agency.

The Iowa sheep and wool promotion board is not an agency of state government.

93 Acts, ch 102, §2

182.13B Assessment rate.

1. If a majority of voters at a referendum conducted pursuant to section 182.4 approve the establishment of an Iowa sheep and wool promotion board and the imposition of an assessment, the assessment shall be imposed on wool and sheep at the following rates:

a. For wool, two cents imposed on each pound of wool sold by a producer.

b. For sheep, ten cents imposed on each head of sheep sold by a producer.

2. *a.* Notwithstanding subsection 1, upon a resolution adopted by the board, the secretary shall call a special referendum for voters to authorize increasing the assessment rate imposed on sheep as provided in this section.

b. The special referendum shall be conducted in the same manner as a referendum conducted upon receipt of a petition as provided in this chapter, unless otherwise provided in the board's resolution. Only producers are eligible to vote in an election and each producer is entitled to one vote.

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3. The special referendum conducted pursuant to subsection 2 shall allow a voter to cast a ballot for the following two questions:

a. For the first question, whether to authorize an increase in the assessment rate to twenty-five cents imposed on each head of sheep.

b. For the second question, if the first question is approved by a majority of voters, whether to also authorize the board to increase that assessment rate by future resolution as provided in this section.

4. If a majority of voters approve the first question, twenty-five cents shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12.

5. If a majority of voters approve both the first and second questions, all of the following apply:

a. Twenty-five cents shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12.

b. The board may adopt one or more resolutions to further impose an increased assessment rate. The increased assessment rate shall be imposed on each head of sheep sold by a producer as effectuated by the board pursuant to section 182.12. The board shall comply with all of the following:

(1) The board must wait three or more years from the effective date of the previous action imposing an increase in order to adopt a resolution. For the first increase, the effective date is the date of the special referendum. For any subsequent increase, the effective date is the date that the board last adopted a resolution imposing an increased rate as provided in this paragraph *"b"*.

(2) The board shall not adopt a resolution until it provides notice to producers of the proposed increase and an opportunity for producers to submit written or oral comments to the board regarding the proposed increase. The board may provide notice by publication in the same manner as provided in section 182.3, publication on its internet site, mail bearing a United States postal service postmark, electronic transmission, or hand-delivery.

(3) The increase in the assessment rate imposed by a resolution adopted by the board must equal five cents. However, the assessment rate imposed by a resolution of the board shall not equal more than fifty cents.

6. *a.* If a majority of voters do not authorize increasing the assessment rate pursuant to a special referendum conducted pursuant to this section, the assessment rate shall be the same as provided in subsection 1.

b. Not more than one special referendum shall be conducted pursuant to this section.

2012 Acts, ch 1109, §3, 6, 7

182.14 Assessment.

1. An assessment provided in this chapter shall be imposed on the producer as follows:

a. If the producer sells wool or sheep to the first purchaser within this state, the following shall apply:

(1) If the sale occurs at a concentration point, the assessment shall be imposed at the time of delivery. The first purchaser shall deduct the assessment from the price paid to the producer at the time of sale.

(2) If the sale does not occur at a concentration point, the producer shall deduct the assessment from the amount received from the sale and shall forward the amount deducted to the board within thirty days following each calendar quarter.

b. If the producer sells, ships, or otherwise disposes of wool or sheep to any person outside this state, the producer shall deduct the assessment from the amount received from the sale and shall forward the amount deducted to the board.

2. The assessment imposed by this section shall be remitted to the board not later than thirty days following each calendar quarter during which the assessment amount was deducted.

85 Acts, ch 207, §14; 99 Acts, ch 50, §6; 2000 Acts, ch 1154, §16; 2012 Acts, ch 1109, §4 – 7

Referred to in §182.16

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182.15 Invoice required.

1. At the time of sale, the first purchaser shall sign and deliver to the producer separate invoices for each purchase. The invoices shall show:

a. The name and address of the producer and the seller, if different from the producer.

b. The name and address of the first purchaser.

c. The pounds of wool or head of sheep sold.

d. The date of the purchase.

e. The rate of withholding and the total amount of the assessment withheld.

2. Invoices shall be legibly written and shall not be altered.

85 Acts, ch 207, §15; 99 Acts, ch 50, §7; 2009 Acts, ch 41, §263

182.16 Deposit and disbursement of funds.

The board shall deposit amounts collected from the assessment imposed pursuant to section 182.14 in an account established pursuant to section 182.12. Expenses and disbursements incurred and made pursuant to this chapter shall be made by voucher, draft, or check bearing the signature of a person designated by majority vote of the board.

85 Acts, ch 207, §16; 99 Acts, ch 50, §8

182.17 Refunds.

A producer who has paid the assessment may, by application in writing to the board, secure a refund of all or part of the amount paid. The refund shall be payable only when the application has been made to the board within sixty days after the deduction has been made by the producer or within sixty days after the remittance has been made by the first purchaser. Each application for refund by a producer shall have attached proof that the assessment was paid. The proof of the assessment paid may be in the form of a duplicate or certified copy of the purchase invoice by the purchaser.

85 Acts, ch 207, §17

Right to refund not subject to execution or transfer; §179.5A

182.18 Use of moneys.

1. Moneys collected under this chapter are subject to audit by the auditor of state and shall be used by the Iowa sheep and wool promotion board first for the payment of collection and refund expenses, second for payment of the costs and expenses arising in connection with conducting referendums, third for the purposes identified in section 182.11, and fourth for the cost of audits for the auditor of state. Moneys of the board remaining after a referendum is held at which a majority of the voters favor termination of the board and the assessment shall continue to be expended in accordance with this chapter until exhausted. The auditor of state may seek reimbursement for the cost of the audit.

2. The board shall not engage in any political activity, and it shall be a condition of any allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

85 Acts, ch 207, §18; 2010 Acts, ch 1189, §31

182.19 Bond required.

All persons holding positions of trust under this chapter shall give bond in the amount required by the board. The premiums for bond costs shall be paid from the moneys of the board.

85 Acts, ch 207, §19

182.20 Examination of records.

Persons subject to this chapter shall furnish on forms provided by the board information needed to enable the board to effectuate the policies of this chapter. For the purpose of ascertaining the correctness of a report made to the board under this chapter, the secretary may examine books, papers, records, copies of tax returns not confidential by law, and accounts, which are in the control of any person. The secretary may hold hearings, take

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testimony, administer oaths, subpoena witnesses, and issue subpoenas in connection with the administration of this chapter.

85 Acts, ch 207, §20

182.21 Penalty.

A person who willfully violates a provision of this chapter, willfully gives a false report, statement, or record required by the board, or willfully fails to furnish or render a report, statement or record required by the secretary is guilty of a simple misdemeanor.

85 Acts, ch 207, §21

182.22 Purchasers outside Iowa.

The secretary may enter into arrangements with first purchasers from outside Iowa for payment of the assessment.

85 Acts, ch 207, §22

182.23 Report.

During the period of collection of the assessment, the board in cooperation with the auditor of state shall make an annual report which shall show all income, expenses and other relevant information.

85 Acts, ch 207, §23

182.24 Board member disclosure.

Notwithstanding section 182.13, a member of the board may receive compensation, including a salary, from an organization or agency, including an educational institution, receiving funds from the board. If a member of the board has a pecuniary interest, either direct or indirect, in a matter considered by the board, the interest shall be disclosed by the member to the board and included in the minutes for that meeting of the board. The member having the pecuniary interest shall not participate in an action taken by the board on the matter.

88 Acts, ch 1284, §66

CHAPTER 183

RESERVED

CHAPTER 183A

IOWA PORK PRODUCERS COUNCIL

Referred to in §8A.502, 97B.1A, 179.5A

183A.1 Definitions.
183A.2 Iowa pork producers council.
183A.3 Terms.
183A.4 Vacancies.
183A.5 Duties, objects, and powers of the council.
183A.6 Assessment.
183A.7 Administration of moneys — appropriation.
183A.8 Refund of assessment.
183A.9 Referendum.
183A.9A Suspension during national order.
183A.10 Per diem and expenses.
183A.11 Audit.
183A.12 Examination of books.
183A.12A Report.
183A.13 Misdemeanors.
183A.14 Influencing legislation.

183A.1 Definitions.

As used in this chapter:

1. *"Assessment"* means an excise tax on the sale of porcine animals as provided in this chapter.

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2. *"First purchaser"* means a person who buys porcine animals from a seller in the first instance.

3. *"Iowa pork producers council"* or *"council"* means the body established under section 183A.2.

4. *"Market development"* means research, education, and other programs directed at better and more efficient production, marketing, and utilization of pork; public relations and other promotion techniques for the maintenance of existing markets for pork, including but not limited to contributions to organizations working toward the purposes of this subsection; development of new or larger markets for pork both domestic and foreign, including but not limited to public relations and other promotion techniques; and the adoption, prevention, modification, or elimination of trade barriers which bear on the flow of pork in commercial channels.

5. *"Porcine animals"* means swine raised for slaughter, feeder pigs, or swine seedstock.

6. *"Pork"* means porcine animals and all parts of porcine animals.

7. *"Pork Promotion Act"* means the federal Pork Promotion, Research, and Consumer Information Act of 1985.

8. *"Producer"* means a person engaged in this state in the business of producing and marketing porcine animals in the previous calendar year.

9. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

85 Acts, ch 199, §1; 86 Acts, ch 1100, §9, 10; 86 Acts, ch 1245, §632; 94 Acts, ch 1146, §10; 2012 Acts, ch 1017, §49

Referred to in §183A.7
Further definitions; see §159.1

183A.2 Iowa pork producers council.

The Iowa pork producers council is created. The council consists of seven members, including two producers from each of three districts of the state designated by the secretary, and one producer from the state at large. The secretary shall appoint these members. The Iowa pork producers association may recommend the names of potential members, but the secretary is not bound by the recommendations. The secretary, the dean of the college of agriculture and life sciences of Iowa state university of science and technology, and the state veterinarian, or their designees, shall serve on the council as nonvoting ex officio members.

85 Acts, ch 199, §2; 86 Acts, ch 1100, §11; 2008 Acts, ch 1032, §32

Referred to in §183A.1, 183A.9A

183A.3 Terms.

The voting members of the council shall serve terms of three years, and shall not serve for more than two complete consecutive terms.

85 Acts, ch 199, §3; 86 Acts, ch 1100, §12

Referred to in §183A.9A

183A.4 Vacancies.

A vacancy in the voting membership of the council resulting from death, inability or refusal to serve, or failure to meet the qualifications established in this chapter, shall be filled by the council for the remainder of the unexpired term. If the council fails to fill the vacancy, the secretary shall fill it.

85 Acts, ch 199, §4; 86 Acts, ch 1100, §13

183A.5 Duties, objects, and powers of the council.

1. The council shall:

a. Aid in the promotion of the pork industry of the state.

b. Make an annual report of its proceedings and expenditures to the secretary.

c. Elect a chairperson, secretary, and other officers it deems advisable.

d. Administer and enforce this chapter, and do and perform all acts and exercise all powers reasonably necessary to effectuate the purposes and requirements of this chapter.

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e. Hire and discharge employees and professional counsel as necessary, prescribe their duties and powers, and fix their compensation.

f. Establish offices, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

g. Report alleged violations of this chapter to the attorney general or appropriate county attorney.

h. Keep accurate books, records, and accounts of all its dealings.

i. Receive, administer, disburse and account for, in addition to the funds received from the assessment provided in this chapter, other funds voluntarily contributed to the council for the purpose of promoting the pork industry.

2. The council or its designated agent may enter into arrangements with persons purchasing Iowa produced pork outside Iowa, for collection of the assessment from those persons.

3. The council is a state agency only for the purposes of chapters 21 and 22. Chapter 17A does not apply to the council.

85 Acts, ch 199, §5; 86 Acts, ch 1100, §14, 15; 2009 Acts, ch 41, §263

183A.6 Assessment.

1. The council shall make an assessment of not less than point zero zero two nor more than point zero zero three of the gross sale price of all porcine animals. The assessment shall be point zero zero two five of the gross sale price of porcine animals until consent to an assessment has been given through the initial referendum referred to in this chapter. After approval of the initial referendum, the rate of assessment shall be determined by the council. The assessment shall be made at the time of delivery of the animals for sale, and shall be deducted by the first purchaser from the price paid to the seller. The first purchaser, at the time of sale, shall make and deliver to the seller an invoice for each purchase showing the names and addresses of the seller and the first purchaser, the number and kind of animals sold, the date of sale, and the assessment made on the sale.

2. Assessments shall be paid to the Iowa pork producers council or its designated agent by first purchasers at a time prescribed by the council, but not later than the last day of the month following the month in which the animals were purchased.

85 Acts, ch 199, §6; 86 Acts, ch 1100, §16; 2017 Acts, ch 54, §76

Referred to in §183A.9A

183A.7 Administration of moneys — appropriation.

1. Assessments imposed under this chapter paid to and collected by the Iowa pork producers council shall be deposited in the pork promotion fund which is established in the office of the treasurer of state. The department of administrative services shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open.

2. All moneys deposited in the pork promotion fund and transferred to the council as provided in this section are appropriated and shall be used for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

3. From the moneys collected, deposited, and transferred to the council as provided in this chapter, the council shall first pay the costs of referendums held pursuant to this chapter. Of the moneys remaining, at least twenty-five percent shall be remitted to the national pork producers council and at least fifteen percent shall be remitted to the Iowa pork producers association, in the proportion the committee determines, for use by recipients in a manner not inconsistent with market development as defined in section 183A.1. Moneys remaining shall be spent as found necessary by the council to further carry out the provisions and purposes of this chapter.

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4. However, in no event shall the total expenses exceed the total amount of moneys transferred from the fund for use by the council.

85 Acts, ch 199, §7; 86 Acts, ch 1100, §17; 94 Acts, ch 1146, §11; 2002 Acts, ch 1119, §143; 2003 Acts, ch 145, §286; 2016 Acts, ch 1011, §121

Referred to in §183A.9A

183A.8 Refund of assessment.

A producer from whom the assessment has been deducted, upon written application filed with the council within thirty days after its collection, shall have that amount refunded by the council. Application forms shall be given by the council to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for a refund by a producer shall have attached a proof of assessment deducted. The proof of assessment deducted shall be in the form of the original or a copy of the purchase invoice by the first purchaser. The council shall have no more than thirty days from the date the application for refund is received to remit the refund to the producer.

85 Acts, ch 199, §8; 86 Acts, ch 1076, §1

Right to refund not subject to execution or transfer; §179.5A

183A.9 Referendum.

1. At a time designated by the council within eighteen months after the termination of the collection of assessments under the Pork Promotion Act, the secretary shall conduct an initial referendum under administrative procedures prescribed by the department of agriculture and land stewardship.

2. Upon signing a statement certifying to the secretary that the person is a bona fide producer as defined in this chapter, each producer is entitled to one vote in each referendum. The secretary shall determine the qualification of producers under this section.

3. The secretary shall count and tabulate the ballots filed during the referendum within thirty days of the close of the referendum. If from the tabulation the secretary determines that a majority of the total number of producers voting in the referendum favors the assessment, the assessment provided for in the referendum shall be levied. The ballots cast pursuant to this section constitute complete and conclusive evidence for use in determinations made by the secretary under this chapter.

4. The secretary shall hold subsequent referendums on request of ten percent or more of the number of producers eligible to vote, to determine whether the producers favor the termination or suspension of the assessment. The secretary shall suspend or terminate collection of the assessment within six months after the secretary determines that suspension or termination of the assessment is favored by a majority of the producers voting in the referendum, and shall terminate the assessment in an orderly manner as soon as practicable after the determination.

85 Acts, ch 199, §9; 86 Acts, ch 1100, §18; 2016 Acts, ch 1011, §121

183A.9A Suspension during national order.

1. The terms of all voting members serving on the council on January 31, 1986 terminate at the time provided in subsection 2.

2. On the date of the commencement of the collection of assessments under the Pork Promotion Act, the collection of the assessments under section 183A.6 shall be suspended. The council shall continue to operate after suspension until all refunds are paid and all funds remaining in the pork promotion fund, less a reserve for future refunds, are disbursed for the purposes enumerated in this chapter. Notwithstanding section 183A.7, the council need not retain a reserve for future referendums. Upon completion of these acts, the existence of the Iowa pork producers council is suspended. The secretary of agriculture shall certify the suspension of the council as of a date certain to the Iowa pork producers council and the Iowa pork producers association. When the existence of the council is suspended, the terms of office of council members terminate.

3. On the date of the termination of the collection of assessments under the Pork Promotion Act, the period of suspension of the assessments under subsection 2 terminates.

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The secretary shall collect the assessments under section 183A.6 until this duty can be resumed by the reactivated council.

4. On the date of the termination of the collection of assessments under the Pork Promotion Act, the period of suspension of the council under subsection 2 terminates. Within sixty days from this date, the secretary shall appoint voting members to the council. For purposes of section 183A.3, a voting member so appointed is deemed not to have served a previous consecutive term. The terms of office of voting members of the initial reactivated council shall be determined by lot, but members from the same district shall not serve the same terms. As nearly as possible one-third of the voting members shall serve for one year, one-third of the voting members shall serve for two years, and one-third of the voting members shall serve for three years. Subsequent voting members shall be appointed pursuant to section 183A.2.

5. The secretary shall call the first meeting of the reactivated council. Upon reactivation, the council shall reimburse the secretary for expenses incurred in carrying out the duties provided in this section.

86 Acts, ch 1100, §19

183A.10 Per diem and expenses.

The members of the council shall receive a per diem as specified in section 7E.6 for each day spent on official business of the council, not to exceed six hundred dollars per annum, and their actual necessary expenses, while engaged in council activity.

85 Acts, ch 199, §10; 91 Acts, ch 258, §33

183A.11 Audit.

Moneys collected, deposited in the fund, and transferred to the council, as provided in this chapter shall be supervised by a certified public accountant employed by the council using generally accepted accounting principles and shall be subject to audit by the auditor of state.

85 Acts, ch 199, §11; 94 Acts, ch 1146, §12

183A.12 Examination of books.

Persons subject to this chapter and first purchasers shall furnish any information needed to enable the council and secretary to carry out the provisions of this chapter. For the purpose of ascertaining the correctness of any information given to the council or the secretary under this chapter, the secretary may examine books, papers, records, copies of tax returns, accounts, correspondence, contracts, or other documents and memoranda the secretary deems relevant which are in the control of any person and which are not otherwise confidential as provided by law. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas duces tecum in connection with the administration of this chapter.

85 Acts, ch 199, §12

183A.12A Report.

The council shall prepare and submit a report summarizing the activities of the council under this chapter each year to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under the provisions of this chapter.

94 Acts, ch 1146, §13

183A.13 Misdemeanors.

A person who violates or assists in the violation of any of the provisions of this chapter is guilty of a simple misdemeanor.

85 Acts, ch 199, §13

183A.14 Influencing legislation.

Neither council members nor employees of the council shall attempt in any manner to influence legislation affecting any matters pertaining to the council's activities. No portion

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of the pork promotion fund shall be used, directly or indirectly, to influence legislation, to support any candidate for public office, or to support any political party.

85 Acts, ch 199, §14

CHAPTER 184

IOWA EGG COUNCIL

Referred to in §8A.502, 97B.1A

184.1 Definitions.
184.2 Establishment of Iowa egg council and assessment.
184.3 Assessment.
184.4 Invoice required.
184.5 Referendums conducted to abolish the council and terminate imposition of the assessment.
184.6 Composition of council.
184.7 Terms and administration procedures.
184.8 Election and appointment procedures.
184.9 Duties of the council — marketing.
184.9A Duties of the council — research.
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184.12 Compensation.
184.13 Administration of moneys.
184.14 Use of moneys — appropriation — audit.
184.15 Bond required.
184.16 Examination of records.
184.17 Penalty.
184.18 Purchasers outside Iowa.
184.19 Not a state agency.

184.1 Definitions.

As used in this chapter, unless the context indicates otherwise:

1. *"Assessment"* means an excise tax on the sale of eggs as provided in this chapter.
2. *"Council"* means the Iowa egg council.
3. *"Egg product"* means a product produced in whole or in part from eggs or spent fowl.
4. *"Eggs"* means eggs produced from a layer-type chicken. *"Eggs"* includes shell eggs or eggs broken for further processing. However, *"eggs"* does not include any of the following:

a. Fertile eggs that are incubated, hatched, or used for vaccines.

b. Organic eggs which are produced as part of a production operation which is certified by the department pursuant to chapter 190C.

5. *"Eligible voter"* means a producer who is qualified to vote in a referendum conducted under this chapter according to the requirements of section 184.2 or 184.3.
6. *"Market development"* means programs which are directed toward any of the following:

a. Better and more efficient production, marketing, and utilization of eggs or egg products.

b. The maintenance of present markets and the development of new or larger markets for the sale of eggs or egg products.

c. Prevention, modification, or elimination of trade barriers which obstruct the free flow of eggs or egg products in commerce.

7. *"Processor"* means the first purchaser of eggs from a producer, or a person who both produces and processes eggs.
8. *"Producer"* means any person who owns, or contracts for the care of, thirty thousand or more layer-type chickens raised in this state.
9. *"Purchaser"* means a person who resells eggs purchased from a producer or offers for sale a product produced from the eggs for any purpose.
10. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

[C75, 77, 79, 81, §196A.1]

86 Acts, ch 1245, §641; 94 Acts, ch 1146, §39; 95 Acts, ch 7, §4; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §1, 2, 13

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C99, §184.1
2005 Acts, ch 43, §1; 2012 Acts, ch 1017, §50

184.2 Establishment of Iowa egg council and assessment.

1. The secretary shall call and the department shall conduct a referendum upon the department's receipt of a petition which is signed by at least twenty producers requesting a referendum to determine whether to establish an Iowa egg council and to impose an assessment as provided in section 184.3. The referendum shall be conducted within sixty days following receipt of the petition. The petitioners shall guarantee payment of the cost of the referendum by providing evidence of financial security as required by the department.

2. The department shall give notice of the referendum on the question whether to establish a council and to impose an assessment by publishing the notice for a period of not less than five days in at least one newspaper of general circulation in the state. The notice shall state the voting places, period of time for voting, and other information deemed necessary by the department. A referendum shall not be commenced until five days after the last date of publication.

3. *a.* Each producer who signs a statement certifying that the producer is a bona fide producer shall be an eligible voter under this section. An eligible voter is entitled to cast one vote in each referendum conducted under this section.

b. At the close of the referendum, the secretary shall count and tabulate the ballots cast.

(1) If a majority of eligible voters approve establishing an Iowa egg council and imposing an assessment, a council shall be established, and an assessment shall be imposed commencing not more than sixty days following the referendum as determined by the council and shall continue until eligible voters voting in a referendum held pursuant to section 184.5 vote to abolish the council and terminate the imposition of the assessment.

(2) If a majority of the voters do not approve establishing the council and imposing the assessment, the council shall not be established and an assessment shall not be imposed until another referendum is held under this chapter and a majority of the eligible voters approve establishing a council and imposing the assessment. If a referendum should fail, another referendum shall not be held within one hundred eighty days.

4. Immediately after passage of the question at the referendum, the secretary shall appoint seven members to the council in accordance with section 184.6 based on nominations made by the north central poultry association or its successor organization. The association shall nominate and the secretary shall appoint two members representing large producers, two members representing medium producers, and three members representing small producers. The department, in consultation with the association, shall determine initial classifications for small, medium, and large producers. The secretary shall complete the appointments within thirty days following passage of the question at the referendum.

[C75, 77, 79, 81, §196A.4]
95 Acts, ch 7, §5; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §3, 13
C99, §184.2
2026 Acts, ch 1200, §53
Referred to in §184.1, 184.5
Subsection 4 amended

184.3 Assessment.

1. *a.* Except as provided in paragraph *"b"*, an assessment of two and one-half cents is imposed on each thirty dozen eggs produced in this state. The assessment shall be imposed on a producer at the time of delivery to a purchaser who shall deduct the assessment from the price paid to a producer at the time of sale. The assessment shall not be refundable. The assessment is due to be paid to the council within thirty days following each calendar quarter, as provided by the council.

b. Upon request of the council, the secretary shall call a special referendum for producers to vote on whether to authorize an increase in the assessment to an amount that is more than two and one-half cents imposed on each thirty dozen eggs produced in this state. Notice shall be given and the special referendum shall be conducted in the manner provided in section

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184.5. If a majority of the producers voting approves the increase, the council may increase the assessment for the amount approved. However, the assessment shall not exceed fifteen cents imposed on each thirty dozen eggs produced in this state.

2. If the producer sells eggs to a purchaser outside the state of Iowa, the producer shall deduct the assessment from the amount received from the sale and shall forward the amount deducted to the council within thirty days following each calendar quarter. If the producer and processor are the same person, then that person shall pay the assessment to the council within thirty days following each calendar quarter.

3. The council may charge interest on any amount of the assessment that is delinquent. The rate of interest shall not be more than the current rate published in the Iowa administrative bulletin by the department of revenue pursuant to section 421.7. The interest amount shall be computed from the date the assessment is delinquent, unless the council designates a later date. The interest amount shall accrue for each month in which there is delinquency calculated as provided in section 421.7, and counting each fraction of a month as an entire month. The interest amount due shall become a part of the assessment due.

[C75, 77, 79, 81, §196A.15]
95 Acts, ch 7, §14
CS95, §196A.4A
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §4, 13
C99, §184.3
2000 Acts, ch 1164, §1; 2003 Acts, ch 145, §286; 2005 Acts, ch 43, §2
Referred to in §184.1, 184.2, 184.13

184.4 Invoice required.

1. At the time of sale, the purchaser shall sign and deliver to the producer separate invoices for each purchase. The invoices shall show:

a. The name and address of the producer and the seller, if different from the producer.
b. The name and address of the purchaser.
c. The quantity of eggs sold.
d. The date of the purchase.
e. The rate of withholding and the total amount of assessment withheld.

2. Invoices shall be legibly written and shall not be altered.

[C75, 77, 79, 81, §196A.16]
95 Acts, ch 7, §15
CS95, §196A.4B
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13
C99, §184.4
2009 Acts, ch 41, §263

184.5 Referendums conducted to abolish the council and terminate imposition of the assessment.

1. A referendum may be called to abolish the council and terminate the imposition of the assessment. The secretary shall call, and the department shall conduct, the referendum upon the department's receipt of a petition requesting the referendum. The petition must be signed by at least twenty eligible voters or fifty percent of all eligible voters, whichever is greater. In order to be an eligible voter under this section, a producer must have paid an assessment in the year of the referendum. The referendum shall be conducted within sixty days following receipt of the petition. The petitioners shall guarantee payment of the cost of the referendum by providing evidence of financial security as required by the department.

2. The following procedures shall apply to a referendum conducted pursuant to this section:

a. The department shall publish a notice of the referendum for a period of not less than five days in at least one newspaper of general circulation in the state. The notice shall state the voting places, period of time for voting, and other information deemed necessary by the department. A referendum shall not be commenced until five days after the last date of publication.

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b. Upon signing a statement certifying to the secretary that the producer is an eligible voter, a producer is entitled to one vote in each referendum conducted pursuant to this section. The department may conduct the referendum by mail, electronic means, or a general meeting of eligible voters. The department shall conduct the referendum and count and tabulate the ballots filed during the referendum within thirty days following the close of the referendum.

(1) If a majority of the total number of eligible voters who vote in the referendum approve the continuation of the council and the imposition of the assessment, the council and the imposition of the assessment shall continue as provided in this chapter.

(2) If a majority of the total number of eligible voters who vote in the referendum held pursuant to this section do not approve continuing the council and the imposition of the assessment, the secretary shall terminate the collection of the assessment on the first day of the year for which the referendum was to continue. The secretary shall terminate the activities of the council in an orderly manner as soon as practicable after the determination. An additional referendum may be held as provided in section 184.2. However, the subsequent referendum shall not be held within one hundred eighty days.

95 Acts, ch 7, §6
CS95, §196A.4C
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §5, 13
C99, §184.5
Referred to in §184.2, 184.3, 184.14

184.6 Composition of council.

The Iowa egg council established under this chapter shall be composed of seven members. Each member must be a natural person who is a resident of this state and a producer or an officer, equity owner, or employee of a producer. A producer shall not be represented by more than two members of the council. Two persons shall represent large producers, two persons shall represent medium producers, and three persons shall represent small producers. The council shall adopt rules pursuant to chapter 17A establishing classifications for large, medium, and small producers. The following persons or their designees shall serve as ex officio nonvoting members:

1. The secretary.
2. The director of the economic development authority.
3. The chairperson of the poultry science section of the department of animal science at Iowa state university of science and technology.

[C75, 77, 79, 81, §196A.5]
95 Acts, ch 7, §7; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §6, 13
C99, §184.6
2003 Acts, ch 15, §1; 2011 Acts, ch 118, §85, 89
Referred to in §184.2

184.7 Terms and administration procedures.

1. A person shall serve as a member on the council for a term of three years. A person may serve as a member on the council for more than one term.
2. The council shall elect a chairperson, and other officers as needed, from among its voting members.
3. A majority of voting members of the council present during a meeting shall constitute a quorum. A majority of the members present during a meeting is necessary to carry out the duties and exercise the powers of the council as provided in this chapter, unless the council requires a greater number.
4. The council shall meet at such times as the council determines are necessary.

95 Acts, ch 7, §8
CS95, §196A.5A
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13
C99, §184.7
99 Acts, ch 109, §1, 8; 2024 Acts, ch 1170, §98

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184.8 Election and appointment procedures.

1. The council shall appoint a committee to nominate candidates to stand for election to the council. The council may require that the committee nominate candidates to be appointed by the council to fill a vacancy in a position for the unexpired term of a member.

2. The council shall appoint a producer to fill a member's position occurring because of a vacancy on the council. The person appointed to fill the vacancy must meet the same requirements as a person elected to that position. The person shall serve for the remainder of the unexpired term.

3. The council shall provide a notice of an election for members of the council by any means deemed reasonable by the council. The notice shall include the period of time for voting, voting places, and any other information determined necessary by the council.

95 Acts, ch 7, §9
CS95, §196A.5B
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §7, 13
C99, §184.8
Referred to in §184.10

184.9 Duties of the council — marketing.

The council shall develop new and expand existing markets for eggs and egg products, and may provide for any of the following:

1. Increasing the utilization of eggs or egg products.

2. Increasing the awareness of the health benefits associated with the consumption of eggs or egg products.

3. Increasing the awareness of the economic benefits associated with the production and processing of eggs or egg products.

[C75, 77, 79, 81, §196A.11]
95 Acts, ch 7, §10; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §8, 13
C99, §184.9
2005 Acts, ch 43, §3

184.9A Duties of the council — research.

The council shall participate in research programs or projects, including by conducting or financing such programs or projects, relating to any of the following:

1. Increasing the utilization of eggs or egg products.

2. Improving the production or processing of eggs or egg products.

3. Preventing, modifying, or eliminating barriers to trade which obstruct the free flow of eggs or egg products in commerce.

2005 Acts, ch 43, §4

184.9B Duties of the council — education.

The council shall participate in education programs or projects, including by conducting or financing such programs or projects, as follows:

1. The council's education programs or projects may provide for any of the following:

a. The utilization of eggs or egg products.

b. The production or processing of eggs or egg products.

c. The safe consumption of eggs or egg products.

d. The prevention, modification, or elimination of barriers to trade which obstruct the free flow of eggs or egg products in commerce.

e. Increasing the awareness of the health benefits associated with the consumption of eggs or egg products.

f. Increasing the awareness of the economic benefits associated with the production and processing of eggs or egg products.

2. The council's education programs or projects may be designed to increase consumers' knowledge of the production or processing of eggs, the preparation of eggs or egg products, or the consumption of eggs or egg products.

3. As part of the council's education programs or projects, the council may provide for the

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dissemination of information of public interest, including but not limited to the development or publication of materials in a printed or electronic format.

2005 Acts, ch 43, §5; 2006 Acts, ch 1010, §59

184.10 Powers of council.

The council may perform any function that it deems necessary to carry out its purposes and duties as provided in this chapter, including but not limited to doing any of the following:

1. Employ and discharge assistants and professional counsel as necessary, prescribe their duties and powers and fix their compensation.
2. Establish offices, incur expenses and enter into any contracts or agreements necessary to carry out the purposes of this chapter.
3. Adopt, rescind and amend all proper and necessary rules for the exercise of its powers and duties.
4. Enter into arrangements for the collection of the assessment.
5. Receive gifts, rents, royalties, license fees or other moneys for deposit in the Iowa egg fund as provided in section 184.13.
6. Become a dues-paying member of an organization carrying out a purpose related to any of the following:

a. The production or processing of eggs or egg products.

b. The consumption or utilization of eggs or egg products.

7. Administer elections for members of the council and provide for the appointment of persons to fill vacancies occurring on the council, as provided in section 184.8. The department may assist the council in administering an election, upon request to the secretary by the council.

[C75, 77, 79, 81, §196A.12]

95 Acts, ch 7, §11; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §9, 10, 13

C99, §184.10

99 Acts, ch 109, §2, 3, 8; 2005 Acts, ch 43, §6 – 8

184.11 Prohibited actions.

The Iowa egg council shall not do any of the following:

1. Execute a contract or act as an agent of a person who executes a contract for any of the following:

a. Selling eggs or egg products.

b. Selling equipment used in the manufacturing of egg products.

2. *a.* Make any contribution of council moneys, either directly or indirectly, to any political party or organization or in support of a political candidate for public office.

b. Make payments to a political candidate including but not limited to a member of Congress or the general assembly for honoraria, speeches, or for any other purposes above actual and necessary expenses.

[C75, 77, 79, 81, §196A.13]

95 Acts, ch 7, §12; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §11, 13

C99, §184.11

99 Acts, ch 109, §4, 5, 8

184.12 Compensation.

Members of the council may receive payment for their actual expenses and travel in performing official council functions. A voting member of the council shall not be a salaried employee of the council or any organization or agency receiving moneys from the council.

[C75, 77, 79, 81, §196A.14]

95 Acts, ch 7, §13; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13

C99, §184.12

99 Acts, ch 109, §6, 8

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184.13 Administration of moneys.

Subject to the provisions of section 184.3, the assessment imposed by this chapter shall be remitted by the purchaser to the council not later than thirty days following each calendar quarter during which the assessment was collected. Amounts collected from the assessment shall be deposited in the office of the treasurer of state in a separate fund to be known as the Iowa egg fund. The department of administrative services shall transfer moneys from the fund to the council for deposit into an account established by the council in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open.

[C75, 77, 79, 81, §196A.17]

94 Acts, ch 1146, §40; 95 Acts, ch 209, §22; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13

C99, §184.13

2003 Acts, ch 145, §286

Referred to in §184.10, 184.14

184.14 Use of moneys — appropriation — audit.

1. All moneys deposited in the Iowa egg fund and transferred to the council as provided in section 184.13 are appropriated and shall be used for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions set forth in this chapter.

2. Moneys collected, deposited in the fund, and transferred to the council as provided in this chapter are subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit. The moneys transferred to the council shall be used by the council first for the payment of collection expenses, second for payment of the costs and expenses arising in connection with conducting referendums, third to perform the functions and carry out the duties of the council as provided in this chapter, and fourth for the cost of audits by the auditor of state. Moneys remaining after the council is abolished and the imposition of an assessment is terminated pursuant to a referendum conducted pursuant to section 184.5 shall continue to be expended in accordance with this chapter until exhausted.

[C75, 77, 79, 81, §196A.19]

86 Acts, ch 1100, §24; 89 Acts, ch 137, §3; 94 Acts, ch 1146, §41; 95 Acts, ch 7, §16; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §12, 13

C99, §184.14

2005 Acts, ch 43, §9; 2010 Acts, ch 1189, §32

184.15 Bond required.

The council shall provide a bond for all persons holding positions of trust under this chapter.

[C75, 77, 79, 81, §196A.21]

94 Acts, ch 1146, §42; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13

C99, §184.15

99 Acts, ch 109, §7, 8

184.16 Examination of records.

Persons subject to the provisions of this chapter shall furnish on forms provided by the council any information needed to enable the council to effectuate the policies of this chapter. For the purpose of ascertaining the correctness of any report made to the council under the provisions of this chapter, the secretary may examine books, papers, records, copies of tax returns not confidential by law, and accounts, which are in the control of any person. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas in connection with the administration of this chapter.

[C75, 77, 79, 81, §196A.22]

98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13

C99, §184.16

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184.17 Penalty.

Any person who willfully violates any provision of this chapter, willfully gives a false report, statement, or record required by the council, or willfully fails to furnish or render any report, statement or record required by the secretary shall be guilty of a simple misdemeanor.

[C75, 77, 79, 81, §196A.23]
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13
C99, §184.17

184.18 Purchasers outside Iowa.

The secretary may enter into arrangements with purchasers from outside Iowa for payment of the assessment.

[C75, 77, 79, 81, §196A.24]
95 Acts, ch 7, §17; 98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13
C99, §184.18

184.19 Not a state agency.

The Iowa egg council is not an agency of state government.

93 Acts, ch 102, §3
CS93, §196A.14A
CS95, §196A.26
98 Acts, ch 1032, §11; 98 Acts, ch 1038, §13
C99, §184.19

CHAPTER 184A

EXCISE TAX ON TURKEYS

Referred to in §8A.502, 97B.1A, 179.5A

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184A.17 Report.
184A.18 Not a state agency.
184A.19 Prohibited activities.

184A.1 Definitions.

As used in this chapter, unless the context indicates otherwise:

1. *"Account"* means the turkey council account created pursuant to section 184A.4.
2. *"Council"* means the Iowa turkey marketing council established pursuant to sections 184A.1A and 184A.1B.
3. *"Fund"* means the Iowa turkey fund created pursuant to section 184A.4.
4. *"Integrator"* means any person who is both a producer and a processor.
5. *"Market development"* means research and education programs to provide better and more efficient production, marketing, and utilization of turkey and turkey products produced

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for resale. The programs may include, but are not limited to, supporting public relations, promotion, and research efforts. The programs may provide for all of the following:

a. The maintenance of present markets and the development of new or larger domestic or foreign markets.

b. The prevention, modification, or elimination of trade barriers which obstruct the free flow of commerce.

c. The education of consumers regarding the benefits of purchasing and consuming turkey products and the role of turkey producers and processors.

d. Participation in activities and events sponsored by the national turkey federation, and the national turkey federation research fund which provide for research and promotion regarding the production and marketing of turkeys and turkey products.

6. *"Processor"* means a person who purchases more than one thousand turkeys for slaughter each year. A processor includes an integrator.

7. *"Producer"* means a person residing within this state or outside this state who does business in this state and who raises more than five thousand turkeys for slaughter each year. A producer includes an integrator.

8. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

9. *"Qualified producer"* means a producer who resides within this state.

10. *"Turkey"* means a turkey raised for slaughter.

11. *"Turkey product"* means a product produced in whole or in part from a turkey.

[C73, 75, 77, 79, 81, §184A.1]

86 Acts, ch 1100, §20; 94 Acts, ch 1146, §14; 99 Acts, ch 158, §1, 18, 19; 2012 Acts, ch 1017, §51

184A.1A Referendum conducted to establish an Iowa turkey marketing council and impose an assessment.

1. The department shall call and conduct a referendum upon the department's receipt of a petition which is signed by at least twenty eligible voters requesting a referendum to determine whether to establish an Iowa turkey marketing council as provided in section 184A.1B and impose an assessment as provided in section 184A.2. In order to be an eligible voter under this section, a petitioner must be a qualified producer. The referendum shall be conducted by election within sixty days following receipt of the petition. The petitioners shall guarantee payment of the cost of the referendum by providing evidence of financial security as required by the department.

2. The department shall give notice of the referendum on the question whether to establish a council and to impose an assessment by publishing the notice for a period of not less than five days in at least one newspaper of general circulation in the state, and for a similar period in other newspapers as prescribed by the department. The notice shall state the voting places, period of time for voting, the manner of voting, the amount of the assessment, and other information deemed necessary by the department. A referendum shall not be commenced until five days after the last date of publication.

3. *a.* Each eligible voter who signs a statement certifying that the eligible voter is a qualified producer shall be an eligible voter under this section. An eligible voter is entitled to cast one vote in each referendum conducted under this section. The department may conduct the referendum by mail, electronic means, or a general meeting of eligible voters.

b. At the close of the referendum, the department shall count and tabulate the ballots cast.

(1) If a majority of eligible voters who vote in the referendum approve establishing the council and imposing an assessment, a council shall be established, and an assessment shall be imposed commencing not more than sixty days following the referendum as determined by the council. The council and assessment shall continue for five years as provided in section 184A.12.

(2) If a majority of eligible voters who vote in the referendum do not approve establishing the council and imposing the assessment, the council shall not be established and an assessment shall not be imposed until another referendum is held under this section and a majority of the eligible voters voting approve establishing a council and imposing the

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assessment. If a referendum should fail, another referendum shall not be held within one hundred eighty days from the date of the last referendum.

4. Within thirty days after approval at the referendum to establish a council and to impose an assessment, the department shall organize the council as provided in section 184A.1B.

99 Acts, ch 158, §2, 18, 19; 2000 Acts, ch 1058, §22
Referred to in §184A.1, 184A.2, 184A.12, 184A.12A

184A.1B Turkey marketing council — composition and procedures.

1. The council shall consist of the following members:

a. The secretary of agriculture or the secretary's designee who shall serve at the pleasure of the secretary.

b. Six persons appointed by the board of the Iowa turkey federation. The appointees shall be knowledgeable about the care and management of poultry. The board shall appoint and replace the appointees by election as provided by the board. An appointee shall serve on the council at the pleasure of the board.

c. Any number of ex officio nonvoting members appointed by the board of the Iowa turkey federation. The board shall appoint and replace the appointees by election as provided by the board. An appointee shall serve on the council at the pleasure of the board.

2. The council shall elect a chairperson, and other officers, as needed, from among its members. An officer shall serve for a term as provided by the council and may be reelected to serve subsequent terms unless otherwise provided by the council.

3. A majority of voting members of the council present during a meeting shall constitute a quorum. A majority of the voting members present during a meeting is necessary to carry out the duties and exercise the powers of the council as provided in this chapter, unless the council requires a greater number.

4. The council shall meet on the call of the chairperson or as otherwise provided by the council.

99 Acts, ch 158, §3, 18, 19
Referred to in §184A.1, 184A.1A, 184A.12A

184A.1C Powers of the council.

The council may do all of the following:

1. Employ, manage, and discharge assistants and professional counsel as necessary, prescribe their duties and powers, and provide for their compensation.

2. Establish offices, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

3. Adopt rules necessary to administer the functions of the council as provided in this chapter.

4. Enter into arrangements for the collection and deposit of the assessment.

5. Require that any administrator, employee, or other person occupying a position of trust under this chapter give bond in the amount required by the council. The premiums for bonds shall be part of the costs of collecting the assessment.

6. Receive money, including in the form of gifts, rents, royalties, or license fees which shall be deposited in the turkey council account as provided in section 184A.4.

99 Acts, ch 158, §4, 18, 19
Referred to in §184A.4

184A.2 Assessment.

1. If an assessment is approved by a majority of the eligible voters voting at a referendum as provided in section 184A.1A or 184A.12, all of the following shall apply:

a. The assessment shall be imposed on each turkey delivered for processing.

b. The council shall establish a rate of assessment for each turkey delivered for processing. The council may establish different rates based on attributes or characteristics of turkeys. However, a rate shall not be more than three cents for each turkey delivered for processing.

c. The assessment shall be imposed on the producer and collected at the time of delivery of a turkey to the processor. The assessment shall be deducted by the processor at the time

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of delivery from the price paid to the producer at the time of the sale to the processor. A processor shall remit assessments to the council on a monthly basis as provided by the council. The council shall deposit the remitted assessments in the Iowa turkey fund as provided in section 184A.4.

2. The council may enter into agreements with processors from outside this state for the payment of the assessment.

3. The council shall provide for a refund of an assessment according to rules adopted by the council.

[C73, 75, 77, 79, 81, §184A.2]
99 Acts, ch 158, §5, 18, 19
Referred to in §184A.1A, 184A.4, 184A.10, 184A.12, 184A.12A
Right to refund not subject to execution or transfer; §179.5A

184A.3 Assessment documentation.

A processor receiving turkeys for slaughter shall do all of the following:

1. At the time of payment to the producer, the processor shall sign and submit a receipt to the producer which includes the rate of assessment imposed and the amount of the assessment for all turkeys delivered for processing.

2. Within a period established by rules adopted by the council, the processor shall regularly sign and submit to the council an invoice or other records required by the council to expedite collection of the assessment. The council may require that the processor submit a separate invoice for each purchase. The invoice shall be legibly printed and shall not be altered. An invoice shall include all of the following:

a. The name and address of the producer and the seller, if the seller's name is different from the producer.

b. The name and address of the processor.

c. The number of turkeys sold.

d. The date of the delivery.

[C73, 75, 77, 79, 81, §184A.3]
99 Acts, ch 158, §6, 18, 19

184A.4 Administration of moneys.

1. The assessments collected by the council as provided in section 184A.2 shall be deposited in the office of the treasurer of state in a special fund known as the Iowa turkey fund. The department of administrative services shall transfer moneys from the fund to the council for deposit into the turkey council account established by the council pursuant to this section. The department shall transfer the moneys as provided in a resolution adopted by the council. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open.

2. The council shall establish a turkey council account in a qualified financial institution. The council shall provide for the deposit of all of the following into the account:

a. The assessment collected, deposited in the Iowa turkey fund, and transferred to the council as provided in this section.

b. Moneys, other than assessments, including moneys in the form of gifts, rents, royalties, or license fees received by the council pursuant to section 184A.1C.

[C73, 75, 77, 79, 81, §184A.4]
94 Acts, ch 1146, §15; 99 Acts, ch 158, §7, 18, 19; 2003 Acts, ch 145, §286
Referred to in §184A.1, 184A.1C, 184A.2, 184A.6, 184A.9

184A.5 Repealed by 99 Acts, ch 158, §17, 19.

184A.6 Use of moneys.

1. All moneys deposited in the turkey council account pursuant to section 184A.4 shall be used by the council for purposes of administering this chapter.

2. The council shall expend moneys from the account first for the payment of expenses for the collection of assessments, second for the payment of expenses related to conducting a referendum as provided in section 184A.12, and third for the cost of audits by the auditor of

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state as required in section 184A.9. The council shall expend remaining moneys for market development, producer education, and the payment of refunds to producers as provided in this chapter.

[C73, 75, 77, 79, 81, §184A.6]

94 Acts, ch 1146, §16; 99 Acts, ch 158, §8, 18, 19; 2000 Acts, ch 1154, §17; 2010 Acts, ch 1189, §33

Referred to in §184A.19

184A.7 Repealed by 94 Acts, ch 1146, §46.

184A.8 Repealed by 99 Acts, ch 158, §17, 19.

184A.9 Audit.

Moneys required to be deposited in the turkey council account as provided in section 184A.4 shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the turkey council account.

[C73, 75, 77, 79, 81, §184A.9]

94 Acts, ch 1146, §17; 99 Acts, ch 158, §9, 18, 19; 2010 Acts, ch 1189, §34

Referred to in §184A.6

184A.10 Referendum.

Upon receipt of a petition signed by at least twenty-five producers requesting an initial referendum election to determine whether to impose the fee as provided in section 184A.2 the secretary shall call and conduct an initial referendum.

[C73, 75, 77, 79, 81, §184A.10]

184A.11 Repealed by 99 Acts, ch 158, §17, 19.

184A.12 Referendum conducted to continue the council and the imposition of the assessment.

1. The council shall call for a referendum to continue the council established pursuant to section 184A.1A, and to continue the assessment established pursuant to section 184A.2. The council shall call and conduct the referendum by election as provided in this section. The department shall oversee the conduct of the referendum. The referendum shall be conducted in the fifth year following the referendum establishing the council and assessment.

2. The following procedures shall apply to a referendum conducted pursuant to this section:

a. The council shall publish a notice of the referendum for a period of not less than five days in at least one newspaper of general circulation in the state and for a similar period in other newspapers as prescribed by the council. The notice shall state the voting places, period of time for voting, manner of voting, and other information deemed necessary by the council. A referendum shall not be commenced until five days after the last date of publication.

b. Upon signing a statement certifying to the council that a producer is an eligible voter, the producer is entitled to one vote in each referendum conducted pursuant to this section. In order to be an eligible voter under this section, a producer must be a qualified producer who paid an assessment in the year in which the referendum is held. The council may conduct the referendum by mail, electronic means, or a general meeting of eligible voters. The council shall conduct the referendum and count and tabulate the ballots filed during the referendum within thirty days following the close of the referendum.

(1) If a majority of eligible voters who vote in the referendum approves the continuation of the council and the imposition of the assessment, the council and the imposition of the assessment shall continue as provided in this chapter.

(2) If a majority of eligible voters who vote in the referendum does not approve continuing the council and the imposition of the assessment, the department shall terminate the collection of the assessment on the first day of the year for which the referendum was to continue. The department shall terminate the activities of the council in an orderly manner as soon as practicable after the referendum. A subsequent referendum may be held as

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provided in section 184A.1A. However, the subsequent referendum shall not be held within one hundred eighty days from the date of the last referendum.

[C73, 75, 77, 79, 81, §184A.12]
99 Acts, ch 158, §10, 18, 19
Referred to in §184A.1A, 184A.2, 184A.6

184A.12A Referendum conducted to abolish the council and terminate the imposition of the assessment.

1. A referendum may be called to abolish the council established pursuant to sections 184A.1A and 184A.1B, and to terminate the imposition of the assessment established pursuant to section 184A.2. The department shall call and conduct the referendum upon the department's receipt of a petition requesting the referendum. The petition must be signed by at least twenty eligible voters or fifty percent of all eligible voters, whichever is greater. In order to be an eligible voter under this section, a producer must be a qualified producer who paid an assessment in the year in which the referendum is held. The referendum shall be conducted by election within sixty days following receipt of the petition. The petitioners shall guarantee payment of the cost of the referendum by providing evidence of financial security as required by the department.

2. The following procedures shall apply to a referendum conducted pursuant to this section:

a. The department shall publish a notice of the referendum for a period of not less than five days in at least one newspaper of general circulation in the state and for a similar period in other newspapers as prescribed by the department. The notice shall state the voting places, period of time for voting, manner of voting, and other information deemed necessary by the department. A referendum shall not be commenced until five days after the last date of publication.

b. Upon signing a statement certifying to the department that a producer is an eligible voter, the producer is entitled to one vote in each referendum conducted pursuant to this section. The department may conduct the referendum by mail, electronic means, or a general meeting of eligible voters. The department shall conduct the referendum and count and tabulate the ballots filed during the referendum within thirty days following the close of the referendum.

(1) If a majority of eligible voters who vote in the referendum approves the continuation of the council and the imposition of the assessment, the council and the imposition of the assessment shall continue as provided in this chapter.

(2) If a majority of eligible voters who vote in the referendum does not approve continuing the council and the imposition of the assessment, the department shall terminate the collection of the assessment on the first day of the year for which the referendum was to continue. The department shall terminate the activities of the council in an orderly manner as soon as practicable after the referendum. A subsequent referendum may be held as provided in section 184A.1A. However, the subsequent referendum shall not be held within one hundred eighty days from the date of the last referendum.

99 Acts, ch 158, §11, 18, 19

184A.13 Repealed by 99 Acts, ch 158, §17, 19.

184A.14 Examination of books.

Any person subject to the provisions of this chapter shall furnish, on forms provided by the council, information required by the council to effectuate the provisions of this chapter. In order to administer this chapter, the council may examine books, papers, records, copies of tax returns, accounts, correspondence, contracts, or other documents and memoranda that it deems relevant which are in the control of a person subject to this chapter and which are not otherwise confidential as provided by law. The council may hold hearings, take testimony,

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administer oaths, subpoena witnesses, and issue subpoenas duces tecum in connection with the administration of this section.

[C73, 75, 77, 79, 81, §184A.14]
99 Acts, ch 158, §12, 18, 19

184A.15 Misdemeanor.

A person is guilty of a simple misdemeanor for willfully violating any provision of this chapter, or for willfully rendering or furnishing a false or fraudulent report, statement, or record required by the council.

[C73, 75, 77, 79, 81, §184A.15]
99 Acts, ch 158, §13, 18, 19

184A.16 Repealed by 99 Acts, ch 158, §17, 19.

184A.17 Report.

The council shall prepare and submit a report summarizing the activities of the council under this chapter each year to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning assessments collected and expended under the provisions of this chapter.

[C73, 75, 77, 79, 81, §184A.17]
94 Acts, ch 1146, §18; 99 Acts, ch 158, §14, 18, 19

184A.18 Not a state agency.

The council is not a state agency.

[C73, 75, 77, 79, 81, §184A.18]
99 Acts, ch 158, §15, 18, 19

184A.19 Prohibited activities.

The council shall not do any of the following:

1. Operate with a deficit or use deficit financing for administration of this chapter.
2. Expend moneys from the account in a manner that is not authorized pursuant to section 184A.6.
3. Become involved in supporting a political campaign or issue, by making a contribution of moneys from the account, either directly or indirectly, to any political party or organization or in support of a political candidate for public office. The council shall not expend the moneys to a political candidate including but not limited to a member of Congress or the general assembly for honoraria, speeches, or for any other purposes above actual and necessary expenses.

[C73, 75, 77, 79, 81, §184A.19]
99 Acts, ch 158, §16, 18, 19

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CHAPTER 185

IOWA SOYBEAN ASSOCIATION

Referred to in §8A.502, 97B.1A, 179.5A

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185.1 Definitions.

As used in this chapter:

1. *"Association"* means the Iowa soybean association as recognized in section 185.1A.

2. *"Board"* means the Iowa soybean association board of directors established by this chapter.

3. *"Bushel"* means sixty pounds of soybeans by weight.

4. *"District"* means an official crop reporting district formed by the United States department of agriculture and set out in the annual farm census published by the Iowa department of agriculture and land stewardship.

5. *"First purchaser"* means a person, public or private corporation, governmental subdivision, association, cooperative, partnership, commercial buyer, dealer, or processor who purchases soybeans from a producer for the first time for any purpose except to feed it to the purchaser's livestock or to manufacture a product from the soybeans purchased for the purchaser's personal consumption.

6. *"Influencing legislation"* means the same as defined in 26 C.F.R. §56.4911 as that section exists on July 1, 2005.

7. *"Market development"* means to engage in research and educational programs directed toward better and more efficient production and utilization of soybeans; to provide methods and means, including but not limited to, public relations and other promotion techniques for the maintenance of present markets; to provide for the development of new or larger domestic and foreign markets; and to provide for the prevention, modification, or elimination of trade barriers which obstruct the free flow of soybeans.

8. *"Marketed in this state"* refers to a sale of soybeans to a first purchaser who is a resident of or doing business in this state where actual delivery of the soybeans occurs in this state.

9. *"National assessment"* means the assessment on soybeans collected pursuant to 7 U.S.C. ch. 92.

10. *"Net market price"* means the sales price received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors.

11. *"Producer"* means a person engaged in this state in the business of producing and

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marketing in the person's name at least two hundred fifty bushels of soybeans in the previous year.

12. *"Promotional order"* means an order administered pursuant to this chapter which establishes a program for the promotion, research, and market development of soybeans and provides for a state assessment to finance the program.

13. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

14. *"Sale"* or *"purchase"* includes but is not limited to the pledge or other encumbrance of soybeans as security for a loan extended under a federal price support loan program. Sale and actual delivery of the soybeans under the federal price support loan program occurs when the soybeans are marketed following redemption by the producer or when the soybeans are forfeited in lieu of loan repayment. If the soybeans are forfeited in lieu of repayment, the purchase price of the soybeans is the principal amount of the loan extended and the state assessment shall be collected at the time of loan settlement.

15. *"Secretary"* means the secretary of agriculture.

16. *"Soybeans"* means and includes all kinds of varieties of soybeans marketed or sold as soybeans by the producer.

17. *"State assessment"* or *"assessment"* means an excise tax on each bushel of soybeans marketed in this state which is imposed pursuant to a promotional order as provided in this chapter.

[C73, 75, 77, 79, 81, §185.1]

83 Acts, ch 22, §1, 2; 86 Acts, ch 1245, §633; 94 Acts, ch 1146, §19, 20; 2005 Acts, ch 82, §1 – 3; 2012 Acts, ch 1017, §52; 2012 Acts, ch 1023, §157

Further definitions; see §159.1

185.1A Recognition of Iowa soybean association.

The corporation known as the Iowa soybean association incorporated under the laws of this state shall be entitled to the benefits of this chapter by filing each year with the secretary a verified proof of its organization, the names of its officers, and any other information required by the secretary.

2005 Acts, ch 82, §4

Referred to in §185.1

185.1B Duties and objects of the association.

The Iowa soybean association shall aid in the promotion of the soybean industry through research, education, public relations, promotion, and market development projects and programs as directed by the board to accomplish its purposes as provided in section 185.11.

2005 Acts, ch 82, §5

185.2 Petition for election.

Upon receipt of a petition signed by at least five hundred producers requesting an initial referendum election to determine whether a promotional order shall be placed in effect, the secretary shall call an initial referendum election to be conducted within sixty days following receipt of the petition. Producers shall vote by written ballot in the manner provided by this chapter for referendum elections.

[C73, 75, 77, 79, 81, §185.2]

185.3 Board established — elections.

The Iowa soybean association board of directors shall administer this chapter.

1. *a.* The board shall consist of directors who are producers residing in Iowa at the time of the election. The directors shall be elected as follows:

(1) Four directors shall be elected from producers from the state at large.

(2) One director per district shall be elected from producers from each district in the state. However, two directors shall be elected from the producers from a district if more than an average of twenty-five million bushels of soybeans were produced in that district in the three years prior to the election.

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b. A producer shall be entitled to vote in the election regardless of whether the producer is a member of the association.

2. The following persons shall serve on the board as nonvoting, ex officio directors:

a. The secretary or the secretary's designee.

b. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or the dean's designee.

c. The director of the economic development authority or the director's designee.

d. Any other person that the board appoints.

[C73, 75, 77, 79, 81, §185.3]

2005 Acts, ch 82, §6; 2008 Acts, ch 1031, §40; 2008 Acts, ch 1032, §33; 2011 Acts, ch 118, §85, 89

185.4 Reserved.

185.5 Notice of election for directors.

Notice of elections for directors of the board in a district shall be given by the board by publication in a newspaper of general circulation in the district and in any other reasonable manner as determined by the board and shall set forth the period of time for voting, voting procedures, and other information the board deems necessary.

[C73, 75, 77, 79, 81, §185.5]

88 Acts, ch 1134, §35; 2005 Acts, ch 82, §7

185.6 Manner of election — tie votes.

In districts electing one director, the candidate receiving the highest number of votes shall be elected. In districts electing two directors, producers shall vote for two directors, and the two candidates receiving the highest number of votes shall be elected. If the election results in a tie vote, the board shall appoint a director from among the candidates who received the same number of votes.

[C73, 75, 77, 79, 81, §185.6]

2005 Acts, ch 82, §8

185.7 Terms.

A director's term shall be for three years. A director shall not serve for more than three full terms.

[C73, 75, 77, 79, 81, §185.7]

88 Acts, ch 1134, §36; 2005 Acts, ch 82, §9

185.8 Election administration — candidate nominations.

The board shall administer elections for its directors with the assistance of the secretary. Prior to the expiration of a director's term of office, the board shall appoint a nominating committee of five producers. The nominating committee shall nominate two resident producers as candidates for each director position for which an election is to be held. Additional candidates may be nominated by a written petition of one hundred producers. Procedures governing the time and place of filing shall be adopted and publicized by the board. A place shall not be reserved on the ballot for write-in candidates, and votes cast for write-in candidates shall not be counted.

[C73, 75, 77, 79, 81, §185.8]

88 Acts, ch 1134, §37; 2005 Acts, ch 82, §10

185.9 Vacancies — removal.

1. The board shall by appointment fill an unexpired term if a vacancy occurs in the board.

2. The secretary may remove a director for any reason enumerated in section 66.1A.

[C73, 75, 77, 79, 81, §185.9]

2005 Acts, ch 82, §11

185.10 Ex officio members. Repealed by 2005 Acts, ch 82, §28. See §185.3.

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185.11 Purpose of board.

The purposes of the board shall be to:

1. Provide for research and education programs directed toward better and more efficient production, marketing, and utilization of soybeans and soybean products.

2. Provide methods and means, including, but not limited to, public relations and other promotion techniques for the maintenance of present markets.

3. Assist in development of new or larger markets, both domestic and foreign, for soybeans and soybean products.

4. Work for prevention, modification, or elimination of trade barriers which obstruct the free flow of soybeans and soybean products to market.

[C73, 75, 77, 79, 81, §185.11]

2005 Acts, ch 82, §12

Referred to in §185.1B, 185.13, 185.26, 185.29

185.12 Officers.

The board shall:

1. Elect a chairperson and other officers as advisable.

2. Administer this chapter, and perform all acts reasonably necessary to effectuate the purposes of this chapter.

[C73, 75, 77, 79, 81, §185.12]

185.13 Powers and duties.

The board shall carry out its purposes as provided in section 185.11. The board shall administer this chapter, including by doing all of the following:

1. Employ and discharge assistants and professional counsel as necessary, prescribe their duties and powers, and fix their compensation.

2. Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

3. Adopt, rescind, and amend all proper and necessary rules for the exercise of its powers and duties.

4. Enter into arrangements for collection of the state assessment on soybeans marketed in this state.

5. Periodically review or evaluate each program conducted pursuant to this chapter to ensure that the program contributes to one of the purposes of the board.

6. Administer the soybean checkoff account as provided in section 185.26.

[C73, 75, 77, 79, 81, §185.13]

94 Acts, ch 1146, §22; 2005 Acts, ch 82, §13 – 15; 2009 Acts, ch 95, §1

185.14 Compensation — meetings.

Each director of the board shall receive a per diem of one hundred dollars and actual expenses in performing official board functions, notwithstanding section 7E.6. A director of the board shall not be a salaried employee of the board or any organization or agency which is receiving moneys from the board. The board shall meet as necessary.

[C73, 75, 77, 79, 81, §185.14]

91 Acts, ch 258, §34; 2005 Acts, ch 82, §16; 2008 Acts, ch 1046, §1; 2024 Acts, ch 1170, §99

185.15 Term of promotional order.

A promotional order shall be effective for four years from its effective date, and upon each four-year anniversary of its effective date shall be either extended or terminated as provided in this chapter.

[C73, 75, 77, 79, 81, §185.15]

86 Acts, ch 1195, §5; 88 Acts, ch 1134, §38

185.16 Notice of referendum.

Notice of a referendum election to initiate or extend a promotional order shall be given by publication in a newspaper of general circulation in this state at least ten days prior to the

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date of the referendum and in any other reasonable manner as may be determined by the secretary for the initial referendum and by the board for extension of the promotional order.
[C73, 75, 77, 79, 81, §185.16]

185.17 Contents of notice.
The notice of referendum shall set forth the period of time for voting, voting places and such other information as the secretary may deem necessary in an initial referendum. The board shall make such determinations in any subsequent referendum.
[C73, 75, 77, 79, 81, §185.17]

185.18 Counting.
At the close of a referendum voting period, the secretary shall count and tabulate the ballots cast during the referendum period.
[C73, 75, 77, 79, 81, §185.18]

185.19 Effect.
The ballots shall constitute conclusive evidence as to the validity of the promotional order.
[C73, 75, 77, 79, 81, §185.19]

185.20 Producers only to vote.
Only producers are eligible to vote in an election for directors or a referendum election and only in the district in which they reside. A producer shall sign an affidavit at the time of voting certifying the producer's eligibility to vote. Each qualified producer shall be entitled to one vote.
[C73, 75, 77, 79, 81, §185.20]
2005 Acts, ch 82, §17

185.21 Assessment.
1. A state assessment which is adopted upon the initiation of a promotional order shall be collected during the effective period of the promotional order, and shall be of no force or effect upon termination of the promotional order.
2. The state assessment shall be paid into the soybean promotion fund established in section 185.26.
3. The rate of the state assessment shall be as follows:
a. If the national assessment is being collected, the rate of the state assessment shall be one-quarter of one percent of the net market price of the soybeans marketed in this state.
b. If the national assessment is not being collected, the rate of the state assessment shall be one-half of one percent of the net market price of soybeans marketed in this state.
[C73, 75, 77, 79, 81, §185.21]
94 Acts, ch 1146, §23; 2005 Acts, ch 82, §18

185.22 Promotional order.
After a promotional order has been issued, the first purchaser at the time of payment for soybeans shall show the total amount of state assessment deducted from the sale on the purchase invoice.
[C73, 75, 77, 79, 81, §185.22]
2005 Acts, ch 82, §19

185.23 Deduction of assessment.
The state assessment shall be deducted from the purchase price of soybeans at the time of sale, and forwarded to the board by the first purchaser in the manner and at intervals determined by the board.
[C73, 75, 77, 79, 81, §185.23]
2005 Acts, ch 82, §20

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185.24 Termination of a promotional order.

If a promotional order is not extended as determined by a referendum, the secretary and the board shall terminate the promotional order in an orderly manner as soon as practicable. After all moneys collected from the state assessment are expended, the board shall remain in existence as provided in its articles of incorporation or bylaws. The directors shall no longer be elected as required in this chapter. The ex officio directors shall no longer serve on the board. The board shall cease to administer this chapter, and the board shall no longer carry out its duties or exercise its powers as provided in this chapter. However, if a future referendum passes, the board shall be reorganized by the secretary and the directors then serving on the board shall be deemed to be the same directors who served on the board when the promotional order was terminated. The directors shall serve out their terms as though there had been no lapse of time between the two effective orders.

[C73, 75, 77, 79, 81, §185.24]

94 Acts, ch 1146, §24; 2005 Acts, ch 82, §21

Referred to in §185.25

185.25 Special referendum — producer petition.

1. Upon receipt of a petition not less than one hundred fifty nor more than two hundred forty days from a four-year anniversary of the effective date of an initial promotional order signed within that same period by a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture, requesting a referendum to determine whether to extend the promotional order, the secretary shall call a referendum to be conducted not earlier than thirty days before the four-year anniversary date. If the secretary determines that extension of the promotional order is not favored by a majority of the producers voting in the referendum, the promotional order shall be terminated as provided in section 185.24. If the promotional order is terminated, another referendum shall not be held within one hundred eighty days. A succeeding referendum shall be called by the secretary upon the petition of a number of producers equal to or greater than one percent of the number of producers reported in the most recent United States census of agriculture requesting a referendum, who shall guarantee the costs of the referendum.

2. If no valid petition is received by the secretary within the time period described in subsection 1, or if a petition is received but the referendum to extend the promotional order passes, the promotional order shall continue in effect for four additional years from the anniversary of its effective date.

[C73, 75, 77, 79, 81, §185.25]

86 Acts, ch 1195, §6; 94 Acts, ch 1146, §25; 2018 Acts, ch 1041, §51

185.25A Special referendum — request by the board. Repealed by 2005 Acts, ch 82, §28.

185.26 Administration of moneys.

1. The state assessment collected by the board shall be deposited in a special fund known as the soybean promotion fund, in the office of the treasurer of state. The fund may also contain any gifts or federal or state grant received by the board. Moneys collected, deposited into the fund, and transferred to the board, as provided in this chapter, shall be subject to audit by the auditor of state. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account known as the soybean checkoff account which shall be established by the board in a qualified financial institution. The department shall transfer the moneys into the account as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, deposited, and transferred to the soybean checkoff account as provided in this section, the board shall first pay the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended to carry out the purposes of the board as provided in section 185.11. The board shall strictly segregate moneys in the soybean checkoff account from all other moneys of the board. Moneys in the soybean checkoff account shall

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be expended by the board exclusively for carrying out the purposes of the board as provided in section 185.11. The account shall be subject to audit by the auditor of state.

2. The fiscal year of the association shall commence on October 1 and end on September 30.

[C73, 75, 77, 79, 81, §185.26]

94 Acts, ch 1146, §27; 2003 Acts, ch 145, §286; 2005 Acts, ch 82, §22; 2006 Acts, ch 1030, §18

Referred to in §185.13, 185.21, 185.29, 185.30, 185.34

185.27 Refund of assessment.

A producer who has sold soybeans and had the state assessment deducted from the sale price may, by application in writing to the board, secure a refund in the amount deducted. The refund shall be payable only when the application is made to the board within sixty days after the deduction. Application forms shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for refund by a producer shall have attached thereto proof of assessment deducted. The proof of assessment may be in the form of a duplicate or certified copy of the purchase invoice by the first purchaser. The board shall have thirty days from the date the application for refund is received to remit the refund to the producer.

[C73, 75, 77, 79, 81, §185.27]

2005 Acts, ch 82, §23

Right to refund not subject to execution or transfer, §179.5A

185.28 Use of moneys — appropriation.

All moneys collected, deposited, and transferred to the board as provided in this chapter, are appropriated and shall be used for the administration of this chapter by the board and for the payment of claims by the board based upon obligations incurred in the performance of board activities and functions provided in this chapter.

[C73, 75, 77, 79, 81, §185.28]

94 Acts, ch 1146, §28

185.29 Remission of remaining moneys.

After the board has paid the costs of elections, referendum, necessary board expenses, and administrative costs, the remaining moneys collected, deposited in the fund, and transferred to the soybean checkoff account as provided in section 185.26 shall be expended by the board as is necessary to carry out its purposes as provided in section 185.11.

[C73, 75, 77, 79, 81, §185.29]

94 Acts, ch 1146, §29; 2005 Acts, ch 82, §24

185.30 Bond.

Every person occupying a position of trust under any provisions of this chapter shall provide a bond in an amount required by the board. The premium for the bond shall be paid out of moneys transferred from the soybean promotion fund to the board pursuant to section 185.26.

[C73, 75, 77, 79, 81, §185.30]

94 Acts, ch 1146, §30

185.31 Penalty.

It is a simple misdemeanor for any person to willfully violate any provision of this chapter or for any person to willfully render or furnish a false or fraudulent report, statement, or record required by the secretary.

[C73, 75, 77, 79, 81, §185.31]

185.32 First purchaser information.

Every first purchaser shall upon request furnish the secretary with such information as is necessary to enable the secretary and the board to carry out the provisions of this chapter. Such information shall be provided as prescribed by the secretary. The secretary may examine any records relating to the purchase, sale, storage, processing, handling,

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or assessment of soybeans by any first purchaser. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas as may be necessary for the proper administration of this chapter.

[C73, 75, 77, 79, 81, §185.32]

185.33 Report.

The board shall each year prepare and submit a report summarizing the activities of the board under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under the provisions of this chapter.

[C73, 75, 77, 79, 81, §185.33]

94 Acts, ch 1146, §31

185.34 Not a state agency.

1. The association is not a state agency.

2. *a.* Except as provided in paragraph *"b"*, the board is not a state agency or a governmental entity as defined in section 8A.101, public employer as defined in section 20.3, or an authority or instrumentality of the state.

b. The board is deemed to be all of the following:

(1) A department for purposes of chapter 11.

(2) A public body for purposes of chapter 12C. Moneys deposited into the soybean checkoff account as established in section 185.26 shall be deemed to be public funds under chapter 12C.

(3) An agency for purposes of an appeal from its final decision under chapter 17A. A person who is aggrieved or adversely affected by the board's final agency action is entitled to judicial review as provided in section 17A.19.

(4) A governmental body for purposes of chapter 21.

[C73, 75, 77, 79, 81, §185.34]

2005 Acts, ch 82, §25

185.35 Political activity — influencing legislation prohibited.

1. Except as provided in subsection 2, all of the following shall apply:

a. The board shall not expend any moneys on political activity or on any attempt to influence legislation.

b. It shall be a condition of any allocation of moneys that an organization receives from the board, that the organization shall not expend the moneys on a political activity or on an attempt to influence legislation.

2. Subsection 1 does not apply to a communication or action taken by the board if any of the following applies:

a. The board may communicate or take action directed to an appropriate government official or government relating to the marketing of soybeans or soybean products to a foreign country.

b. The communication or action relates to the prevention, modification, or elimination of trade barriers.

2005 Acts, ch 82, §26

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CHAPTER 185A

IOWA SOYBEAN ASSOCIATION

Repealed by 2005 Acts, ch 82, §27; see chapter 185

CHAPTER 185B
CORN GROWERS ASSOCIATION

185B.1 Recognition of organization.
185B.2 Duties and objects of association.

185B.1 Recognition of organization.

The corporation known as the Iowa corn growers association incorporated under the laws of this state shall be entitled to the benefits of this chapter by filing each year with the department verified proofs of its organization, names of its officers, and five hundred persons who are bona fide members thereof together with such other information as the department may require.

[C71, 73, 75, 77, 79, 81, §185B.1]

185B.2 Duties and objects of association.

The Iowa corn growers association shall:

1. Aid the promotion of corn growers and the corn industry of Iowa through education, research, marketing, transportation study, and public relations programs, and to foster research designed to develop new additional and improved uses for corn products and determine better methods of converting them to various industrial and human uses.
2. Make an annual report of the proceedings to the secretary of agriculture.

[C71, 73, 75, 77, 79, 81, §185B.2]

CHAPTER 185C
CORN PROMOTION BOARD

Referred to in §8A.502, 97B.1A, 179.5A

185C.1 Definitions.
185C.2 Petition for election.
185C.3 Establishment of corn promotion board.
185C.4 Reserved.
185C.5 Notice of election.
185C.6 Number and election of directors.
185C.7 Terms of directors.
185C.8 Administration of elections for directors.
185C.9 Vacancies.
185C.10 Ex officio nonvoting members.
185C.11 Purposes and powers of the board.
185C.11A Financial assistance program.
185C.12 Officers.
185C.13 Powers and duties.
185C.14 Membership of board — compensation — meetings.
185C.15 Term of promotional order — automatic extension.
185C.16 Notice of referendum.
185C.17 Contents of notice.
185C.18 Counting.
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185C.20 Producers only to vote.
185C.21 State assessment.
185C.22 State assessment on purchase invoice.
185C.23 Deduction of state assessment.
185C.24 Cancellation and suspension.
185C.25 Effective period of promotional order — termination.
185C.25A Collection of federal assessment.
185C.26 Deposit of moneys — corn promotion fund.
185C.27 Refund of assessment.
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185C.29 Remission of excess funds.
185C.30 Bond.
185C.31 Penalty.
185C.32 First purchaser information.
185C.33 Report.
185C.34 Not a state agency.

185C.1 Definitions.

As used in this chapter:

1. *"Assessment"* means a state or federal assessment.
2. *"Board"* means the Iowa corn promotion board established by this chapter.
3. *"Bushel"* means fifty-six pounds of corn by weight.
4. *"Corn"* means and includes all kinds of varieties of corn marketed or sold as corn by the producer but shall not include sweet corn or popcorn or seed corn.

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5. *"Director"* means a district elected director or a board elected director as provided in section 185C.6.

6. *"District"* means an official crop reporting district formed by the United States department of agriculture for use on January 1, 2013, and set out in the annual farm census published in that year by the department of agriculture and land stewardship.

7. *"Federal assessment"* means a federal excise tax or other charge which is imposed for purposes related to market development.

8. *"First purchaser"* means a person, public or private corporation, governmental subdivision, association, cooperative, partnership, commercial buyer, dealer, or processor who purchases corn from a producer for the first time for any purpose except to feed it to the purchaser's livestock or to manufacture a product from the corn purchased for the purchaser's personal consumption.

9. *"Market development"* means to engage in research and educational programs directed toward better and more efficient utilization of corn; to provide methods and means, including but not limited to, public relations and other promotion techniques for the maintenance of present markets; to provide for the development of new or larger domestic and foreign markets; and to provide for the prevention, modification, or elimination of trade barriers which obstruct the free flow of corn.

10. *"Marketed in this state"* refers to a sale of corn to a first purchaser who is a resident of or doing business in this state where actual delivery of the corn occurs in this state.

11. *"Marketing year"* means the twelve-month period beginning the first day of September and ending on the following thirty-first day of August.

12. *"Producer"* means any individual, firm, corporation, partnership, or association engaged in this state in the business of producing and marketing in their name at least two hundred fifty bushels of corn in the previous marketing year.

13. *"Promotional order"* means an order pursuant to this chapter which provides for the administration of this chapter and provides for a state assessment necessary to provide for its administration.

14. *"Qualified financial institution"* means a bank or credit union as defined in section 12C.1.

15. *"Sale"* or *"purchase"* may, to the extent determined by the board, include the pledge or other encumbrance of corn as security for a loan extended under a federal price support loan program. Actual delivery of the corn occurs when the corn is pledged or otherwise encumbered to secure the loan. The purchase price of the corn is the principal amount of the loan extended and the purchase invoice for the corn is the documentation required for extension of the loan.

16. *"Secretary"* means the secretary of agriculture.

17. *"State assessment"* means a state excise tax on each bushel of corn marketed in this state which is imposed as part of a promotional order to administer this chapter.

[C77, 79, 81, §185C.1]

83 Acts, ch 22, §3, 4; 86 Acts, ch 1245, §634; 89 Acts, ch 198, §1 – 3; 94 Acts, ch 1146, §32, 33; 2004 Acts, ch 1024, §1, 2; 2012 Acts, ch 1017, §53; 2012 Acts, ch 1023, §157; 2013 Acts, ch 140, §103, 104, 112

Further definitions; see §159.1

185C.2 Petition for election.

Upon receipt of a petition signed by at least five hundred producers requesting an initial referendum election to determine whether a promotional order shall be placed in effect, the secretary shall call an initial referendum election to be conducted within sixty days following receipt of the petition. Producers shall vote by written ballot in the manner provided by this chapter for referendum elections.

[C77, 79, 81, §185C.2]

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185C.3 Establishment of corn promotion board.

If a majority of the producers voting in the referendum election approve the passage of the promotional order, an Iowa corn promotion board shall be established.

[C77, 79, 81, §185C.3]

2013 Acts, ch 140, §105, 112

Referred to in §185C.6

185C.4 Reserved.

185C.5 Notice of election.

Notice of elections for directors of the board in a district shall be given by the board by publication in a newspaper of general circulation in the district and in any other reasonable manner as determined by the board and shall set forth the period of time for voting, voting places, and other information the board deems necessary.

[C77, 79, 81, §185C.5]

88 Acts, ch 1134, §39

Referred to in §185C.6, 185C.8

185C.6 Number and election of directors.

The Iowa corn promotion board established pursuant to section 185C.3 shall be composed of directors elected as provided in this chapter. The directors shall include all of the following:

1. Nine district elected directors. Each such director shall be elected from a district as provided in section 185C.5, this section, and sections 185C.7 and 185C.8. A candidate receiving the highest number of votes in each district shall be elected to represent that district.

2. Three board elected directors. Each such director shall be elected by the board. The candidate receiving the highest number of votes by the board shall be elected to represent the state on an at-large basis.

[C77, 79, 81, §185C.6]

2013 Acts, ch 140, §106, 112; 2014 Acts, ch 1026, §38

Referred to in §185C.1, 185C.8

185C.7 Terms of directors.

1. A director's term of office shall be for three years. A district elected director shall not serve for more than three complete consecutive terms. A board elected director shall not serve for more than one complete term of office. A district elected director who is elected as board elected director shall not serve more than a total of four terms of office, regardless of whether any of the terms of office are complete or consecutive.

2. If the board is reconstituted pursuant to section 185C.8, the terms of the directors shall be controlled by this section. However, the initial terms of the reconstituted board shall be staggered. To the extent practicable, one-third of the elected directors shall serve an initial term of one year, one-third of the elected directors shall serve an initial term of two years, and one-third of the elected directors shall serve an initial term of three years. The initial terms of board elected directors shall be determined by board directors drawing lots.

[C77, 79, 81, §185C.7]

88 Acts, ch 1134, §40; 89 Acts, ch 198, §4; 2013 Acts, ch 140, §107, 112

Referred to in §185C.6, 185C.8

185C.8 Administration of elections for directors.

1. The Iowa corn promotion board shall administer elections for district elected directors of the board with the assistance of the secretary. Prior to the expiration of a director's term of office, the board shall appoint a nominating committee for the district represented by that director. The nominating committee shall consist of five producers who are residents of the district from which a director must be elected. The nominating committee shall nominate two resident producers as candidates for each director position for which an election is to be held. Additional candidates may be nominated by a written petition of twenty-five producers.

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Procedures governing the time and place of filing shall be adopted and publicized by the board.

2. Following recommencement of the promotional order, or termination of the promotional order's suspension as provided in section 185C.24, the secretary shall order the reconstitution of the board. An election of district elected directors shall be held within thirty days from the date of the order. The secretary shall call for, provide for notice of, conduct, and certify the results of the election in a manner consistent with sections 185C.5 through 185C.7. Directors shall serve terms as provided in section 185C.7. Rules or procedures adopted by the board and in effect at the date of suspension shall continue in effect upon reconstitution of the board. The Iowa corn growers association may nominate two resident producers as candidates for each director position. Additional candidates may be nominated by a written petition of at least twenty-five producers.

3. The Iowa corn promotion board shall administer elections for board elected directors. Prior to the expiration of a board elected director's term of office, the board may appoint a nominating committee. In order to be eligible for nomination and election, a candidate must have previously served on the board as an elected director. An officer of the board shall certify the results of the election.

[C77, 79, 81, §185C.8]

88 Acts, ch 1134, §41; 89 Acts, ch 198, §5; 2013 Acts, ch 140, §108, 112

Referred to in §185C.6, 185C.7, 185C.24

185C.9 Vacancies.

The board shall by appointment fill an unexpired term if a vacancy occurs in the board.

[C77, 79, 81, §185C.9]

185C.10 Ex officio nonvoting members.

The following persons shall serve on the board as ex officio, nonvoting members:

1. The secretary or the secretary's designee.

2. The dean of the college of agriculture and life sciences of Iowa state university of science and technology or the dean's designee.

3. Two representatives of first purchaser organizations appointed by the board.

[C77, 79, 81, §185C.10]

86 Acts, ch 1100, §22; 94 Acts, ch 1146, §34; 2004 Acts, ch 1024, §3; 2008 Acts, ch 1032, §34; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 140, §109, 112

185C.11 Purposes and powers of the board.

1. The purposes of the board shall be to:

a. Provide for market development.

b. Provide for research and education programs directed toward better and more efficient production, marketing, and utilization of corn and corn products.

c. Provide methods and means, including, but not limited to, public relations and other promotion techniques for the maintenance of present markets.

d. Assist in development of new or larger markets, both domestic and foreign, for corn and corn products.

e. Work for prevention, modification, or elimination of trade barriers which obstruct the free flow of corn and corn products to market.

f. Promote the production and marketing of ethanol.

g. Administer the financial assistance program as provided in section 185C.11A.

h. Support education and training programs, or demonstration projects, which improve the production and marketing of corn or corn products or which improve environmental stewardship practices when producing corn.

i. Grant academic scholarships to full-time graduate and postgraduate students engaged in the study of areas or subjects relating to improving or increasing the production, marketing, or utilization of corn or corn products.

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2. The board may carry out these purposes directly or contract with recognized and qualified persons.

[C77, 79, 81, §185C.11]

91 Acts, ch 254, §13; 2004 Acts, ch 1024, §4

Referred to in §185C.26, 185C.29

185C.11A Financial assistance program.

1. The board shall assist in efforts to improve the economic conditions of corn producers by providing financial assistance to eligible persons for purposes of supporting projects which expand markets for all corn produced in this state and products derived from that corn. A project must relate to any of the following:

a. The planning, development, construction, operation, or improvement of a new or existing value-added facility which utilizes corn or corn products.

b. The development, production, or utilization of a variety of corn which expresses new or specialized traits.

c. The development of products or the delivery of services likely to increase the profits or reduce the risks associated with corn production or marketing.

2. The board may provide financial assistance in the form of an interest loan, low-interest loan, no-interest loan, forgivable loan, loan guarantee, grant, letter of credit, equity financing, principal buy-down, interest buy-down, or a combination of these forms. The board shall not approve an application for financial assistance under this section to refinance an existing loan.

3. A person is eligible for financial assistance under this section if all of the following apply:

a. The financial assistance will be used to support a project that will provide a demonstrable benefit to corn producers.

b. The board approves a business plan submitted by the person. The business plan must demonstrate the person's managerial and technical expertise to carry out the project.

c. The person agrees to comply with terms and conditions of the financial assistance as determined by the board.

4. The board shall award financial assistance to an eligible person based on all of the following criteria:

a. The degree to which the project will benefit corn producers.

b. The feasibility of the project to become a viable enterprise.

c. The amount of the investment in the project contributed by corn producers.

d. The economic and technical viability of the processes to be employed.

e. The economic and technical viability of the products to be produced.

2004 Acts, ch 1024, §5

Referred to in §185C.11

185C.12 Officers.

The board shall:

1. Elect a chairperson and other officers as advisable.

2. Administer this chapter, and perform all acts reasonably necessary to effectuate the purposes of this chapter.

[C77, 79, 81, §185C.12]

185C.13 Powers and duties.

The board may:

1. Employ and discharge assistants and professional counsel as necessary, prescribe their duties and powers, and fix their compensation.

2. Acquire and establish offices, issue negotiable instruments, incur expenses, and enter into any contracts or agreements necessary to carry out the purposes of this chapter.

3. Adopt, rescind, and amend all proper and necessary rules for the exercise of its powers and duties.

4. Enter into arrangements for collection of the assessment on corn marketed in this state.

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5. To the extent provided by federal law, be responsible for collection of receipts from the federal assessment, and for expenditure of proceeds from the federal assessment.

[C77, 79, 81, §185C.13]

89 Acts, ch 198, §6; 2009 Acts, ch 95, §2

185C.14 Membership of board — compensation — meetings.

1. Each director of the board shall receive a per diem of one hundred dollars and actual expenses in performing official board functions, notwithstanding section 7E.6.

2. A director of the board shall not be a salaried employee of the board or any organization or agency which is receiving funds from the board.

3. The board shall meet at such times as deemed necessary by the board.

[C77, 79, 81, §185C.14]

91 Acts, ch 258, §35; 2009 Acts, ch 95, §3; 2013 Acts, ch 140, §110, 112; 2024 Acts, ch 1170, §100

185C.15 Term of promotional order — automatic extension.

A promotional order shall be effective for four years from its effective date. Upon the date that an order is due to expire the order shall automatically be extended for an additional four years from the date that the order or last extension would otherwise expire, except as provided in section 185C.24.

[C77, 79, 81, §185C.15]

88 Acts, ch 1134, §42; 89 Acts, ch 198, §7

Referred to in §185C.25

185C.16 Notice of referendum.

Notice of a referendum election to initiate or terminate a promotional order shall be given by publication in a newspaper of general circulation in this state at least ten days prior to the date of the referendum and in any other reasonable manner as determined by the secretary for the initial referendum and by the board for termination of the promotional order.

[C77, 79, 81, §185C.16]

89 Acts, ch 198, §8; 90 Acts, ch 1168, §31

Referred to in §185C.25

185C.17 Contents of notice.

The notice of referendum shall set forth the period of time for voting, voting places and such other information as the secretary may deem necessary in an initial referendum. The board shall make such determinations in any subsequent referendum.

[C77, 79, 81, §185C.17]

Referred to in §185C.25

185C.18 Counting.

At the close of a referendum voting period, the secretary shall count and tabulate the ballots cast during the referendum period.

[C77, 79, 81, §185C.18]

Referred to in §185C.25

185C.19 Effect.

The ballots shall constitute conclusive evidence as to the validity of the promotional order.

[C77, 79, 81, §185C.19]

Referred to in §185C.25

185C.20 Producers only to vote.

Only producers are eligible to vote in an election for directors or a referendum election and only in the district in which they reside. A producer shall sign an affidavit furnished by the secretary at the time of voting certifying the producer's eligibility to vote. Each qualified producer shall be entitled to one vote.

[C77, 79, 81, §185C.20]

Referred to in §185C.25

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185C.21 State assessment.

1. The board shall determine and set the state assessment rate. State assessments collected pursuant to the promotional order shall be paid into the corn promotion fund established in section 185C.26. Except as provided in subsection 2, a state assessment shall not exceed one-quarter of one cent per bushel upon corn marketed in this state.

2. Upon request of the board, the secretary shall call a special referendum for producers to vote on whether to authorize an increase in the state assessment above one-quarter of one cent per bushel, notwithstanding subsection 1. The special referendum shall be conducted as provided in this chapter for referendum elections. However, the special referendum shall not affect the existence or length of the promotional order in effect. If a majority of the producers voting in the special referendum approve the increase, the board may increase the assessment to the amount approved in the special referendum. The board shall establish the effective date of a rate change. However, a state assessment shall not exceed a scheduled maximum rate determined as follows:

a. Before September 1, 2014, one cent.

b. For each marketing year of the period beginning September 1, 2014, and ending August 31, 2019, two cents.

c. For each marketing year beginning on and after September 1, 2019, three cents.

[C77, 79, 81, §185C.21]

89 Acts, ch 198, §9; 94 Acts, ch 1146, §35; 98 Acts, ch 1030, §1; 2014 Acts, ch 1049, §1

185C.22 State assessment on purchase invoice.

After a promotional order has been issued, the first purchaser at the time of payment for corn shall show the total amount of state assessment deducted from the sale on the purchase invoice.

[C77, 79, 81, §185C.22]

89 Acts, ch 198, §10

185C.23 Deduction of state assessment.

The state assessment shall be deducted from the purchase price of corn at the time of sale, and forwarded to the board by the first purchaser in the manner and at intervals determined by the board.

[C77, 79, 81, §185C.23]

89 Acts, ch 198, §11

185C.24 Cancellation and suspension.

1. The board shall be suspended and board operations and terms of members shall cease upon either of the following events:

a. The state assessment is terminated pursuant to section 185C.25.

b. The state assessment is suspended pursuant to section 185C.25A.

2. However, notwithstanding subsection 1, the board shall continue to operate until proceeds remaining in the corn promotion fund are disbursed. Disbursement shall be made as provided for payment of moneys under section 185C.26.

3. The secretary shall order that the board be reconstituted upon either of the following events:

a. Recommencement of the promotional order, pursuant to section 185C.25.

b. Termination of the promotional order's suspension, pursuant to section 185C.25A.

4. Until the board is reconstituted under section 185C.8, the secretary has the powers to perform the duties of the board as provided in this chapter, including the collection of the state assessment at the rate in effect on the date when collection of the state assessment was terminated pursuant to section 185C.25. However, the secretary shall not expend funds from state assessment.

[C77, 79, 81, §185C.24]

89 Acts, ch 198, §12

Referred to in §185C.8, 185C.15

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185C.25 Effective period of promotional order — termination.

1. A state assessment adopted upon the initiation of a promotional order shall be collected during the effective period of the order, and shall have no effect upon termination of the promotional order. Upon adoption or extension of the promotional order, the order shall be effective for the period described in section 185C.15 unless the order is terminated as provided in this section or suspended as provided in section 185C.25A.

2. The secretary shall call a referendum to terminate the promotional order if all the following conditions are met:

a. The secretary receives a petition signed by at least five percent of the state's producers reported in the most recent United States census of agriculture.

b. The petition is signed by at least five percent of the state's producers residing in each of five districts according to the most recent United States census of agriculture.

c. The secretary receives the petition not less than one hundred fifty days from the date that the order is due to expire, but receives the petition not more than two hundred forty days before the date that the order is due to expire.

3. The secretary shall conduct the election as provided for a referendum under this chapter, including sections 185C.16 through 185C.20. If upon counting and tabulating the ballots, the secretary determines that a majority of voting producers favor termination of the state assessment, the secretary, in cooperation with the board, shall terminate the state assessment in an orderly manner as soon as practicable.

4. If the assessment is terminated, another referendum shall not be held for at least one hundred eighty days from the date that the assessment is terminated. A succeeding referendum to restore the assessment shall be called by the secretary upon petition of at least five hundred producers requesting a referendum. The petitioners shall guarantee the costs of the succeeding referendum. The secretary shall conduct the election as provided for a referendum under this chapter not later than one hundred fifty days after the secretary receives the petition. If a referendum held pursuant to this subsection is approved by producers, the promotional order shall commence no later than two hundred ten days following the date that the petition is received by the secretary.

[C77, 79, 81, §185C.25]
89 Acts, ch 198, §13
Referred to in §185C.24

185C.25A Collection of federal assessment.

Prior to the collection of the federal assessment, the board may approve the continued collection of the state assessment during the collection of the federal assessment. If the collection of the state assessment would be in addition to, and not an offset against, the collection of the federal assessment, the board shall suspend the collection of the state assessment. On the date of the termination or suspension of the federal assessment, the promotional order shall recommence and the suspension of the state assessment shall terminate.

89 Acts, ch 198, §14
Referred to in §185C.24, 185C.25

185C.26 Deposit of moneys — corn promotion fund.

A state assessment collected by the board from a sale of corn shall be deposited in the office of the treasurer of state in a special fund known as the corn promotion fund. The fund may include any gifts, rents, royalties, interest, license fees, or a federal or state grant received by the board. Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the fund as provided in this chapter. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, the

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board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended to carry out the purposes of this chapter as provided in section 185C.11.

[C77, 79, 81, §185C.26]

89 Acts, ch 198, §15; 94 Acts, ch 1146, §36; 98 Acts, ch 1030, §2; 2003 Acts, ch 145, §286; 2004 Acts, ch 1024, §6; 2010 Acts, ch 1189, §35; 2015 Acts, ch 29, §29

Referred to in §185C.21, 185C.24, 185C.27, 185C.28

185C.27 Refund of assessment.

A producer who has sold corn and had a state assessment deducted from the sale price, by application in writing to the board, may secure a refund in the amount deducted. The refund shall be payable only when the application shall have been made to the board within sixty days after the deduction. Application forms shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for refund by a producer shall have attached to the application proof of the assessment deducted. The proof of assessment may be in the form of a duplicate or certified copy of the purchase invoice by the first purchaser. The board shall have thirty days from the date the application for refund is received to remit the refund to the producer. The board may provide for refunds of a federal assessment as provided by federal law. Unless inconsistent with federal law, refunds shall be made under section 185C.26.

[C77, 79, 81, §185C.27]

89 Acts, ch 198, §16

Right to refund not subject to execution or transfer, §179.5A

185C.28 Use of moneys — appropriation.

Moneys deposited in the corn promotion fund and transferred to the board as provided in section 185C.26, including federal moneys to the extent permitted by federal law, are appropriated and shall be used for the administration of this chapter and for the payment of claims based upon obligations incurred in the performance of activities and functions provided in this chapter.

[C77, 79, 81, §185C.28]

89 Acts, ch 198, §17; 94 Acts, ch 1146, §37

185C.29 Remission of excess funds.

1. After the direct and indirect costs incurred by the secretary and the costs of elections, referendums, necessary board expenses, and administrative costs have been paid, at least seventy-five percent of the remaining moneys from a state assessment deposited in the corn promotion fund shall be used to carry out the purposes of the board as provided in section 185C.11.

2. The Iowa corn promotion board shall not expend any funds on political activity, and it shall be a condition of any allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

[C77, 79, 81, §185C.29]

89 Acts, ch 198, §18; 2004 Acts, ch 1024, §7; 2007 Acts, ch 126, §40; 2011 Acts, ch 34, §38

185C.30 Bond.

Every person occupying a position of trust under any provisions of this chapter shall give bond in such amount as may be required by the board, the premium for which shall be paid out of the corn promotion fund.

[C77, 79, 81, §185C.30]

185C.31 Penalty.

It is a simple misdemeanor for any person to willfully violate any provision of this chapter or for any person to willfully render or furnish a false or fraudulent report, statement, or record required by the secretary.

[C77, 79, 81, §185C.31]

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185C.32 First purchaser information.

Every first purchaser shall upon request furnish the secretary with such information as is necessary to enable the secretary and the board to carry out the provisions of this chapter. Such information shall be provided as prescribed by the secretary. The secretary may examine any records relating to the purchase or the state assessment of corn by any first purchaser. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas as may be necessary for the proper administration of this chapter. When requested by the board, the secretary shall employ these powers in the manner requested.

[C77, 79, 81, §185C.32]

89 Acts, ch 198, §19

185C.33 Report.

The board shall each year prepare and submit a report summarizing the activities of the board under this chapter to the auditor of state and the secretary of agriculture. The report shall show all income, expenses, and other relevant information concerning fees collected and expended under the provisions of this chapter.

[C77, 79, 81, §185C.33]

89 Acts, ch 198, §20; 94 Acts, ch 1146, §38

185C.34 Not a state agency.

The Iowa corn promotion board is not a state agency.

[C77, 79, 81, §185C.34]

CHAPTER 186

IOWA STATE HORTICULTURE SOCIETY

Referred to in §159.6, 173.3

186.1	Meetings and organization of society.	186.3	Affiliation with allied societies.
186.2	Horticultural exposition.	186.4	Annual report.
		186.5	Appropriations.

186.1 Meetings and organization of society.

The Iowa state horticulture society shall hold meetings as necessary for the transaction of business. The officers and board of directors of the society shall be chosen as provided for in the constitution of the society, for the period and in the manner prescribed therein, but the secretary of agriculture or the secretary's designee shall be a member of the board of directors and of the executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

[C73, §1117; C97, §1669; C24, 27, 31, 35, 39, §**2963;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §186.1]

87 Acts, ch 115, §32; 2009 Acts, ch 41, §74; 2024 Acts, ch 1170, §101

186.2 Horticultural exposition.

The society is authorized to hold, at such time and in such place in Iowa as it may select, a horticultural exposition, including honey products and manufactured plant products, with practical and scientific demonstrations of approved methods of crop production, grading, packing, marketing, and establishment of standard market grades pertaining to horticulture. It may delegate to its executive committee the duty and power to make and execute all plans for the holding of such an exposition.

[C24, 27, 31, 35, 39, §**2964;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §186.2]

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186.3 Affiliation with allied societies.

The society shall encourage the affiliation with itself of societies organized for the purpose of furthering the horticultural, honey bee, or forestry interests of the state.

[C73, §1118; C97, §1670; C24, 27, 31, 35, 39, §**2965;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §186.3]

186.4 Annual report.

The secretary of the society shall make an annual report to the department of agriculture and land stewardship at such time as the department may require. Such report shall contain the proceedings of the society, an account of the exposition, a summarized statement of the expenditures for the year, the general condition of horticultural, honey bee, and forestry interests throughout the state, together with such additional information as the department may require.

[C73, §1119; C97, §1671; C24, 27, 31, 35, 39, §**2966;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §186.4]

2025 Acts, ch 30, §33

186.5 Appropriations.

All money appropriated by the state for the use of the Iowa state horticulture society shall be paid on the warrant of the director of the department of administrative services, upon the order of the president and secretary of said society, in such sums and at such times as may be for the interests of said society. All expenditures from state funds for the use of the Iowa state horticulture society are to be approved by the secretary of agriculture.

[C27, 31, 35, §2966-a1; C39, §**2966.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §186.5]

2003 Acts, ch 145, §286; 2009 Acts, ch 41, §75

CHAPTER 186A

RESERVED

CHAPTER 187

CHOOSE IOWA ACT

Referred to in §23A.2, 159.20

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187.331 Choose Iowa food bank purchasing program. Transferred to §187.308; 2026 Acts, ch 1139, §14.

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SUBCHAPTER I

GENERAL

187.101 Short title.

This chapter shall be known and may be cited as the *"Choose Iowa Act"*.

2024 Acts, ch 1177, §8, 16

187.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agricultural commodity"* means an animal or plant, or raw material originating from an animal or plant.

2. *"Component"* means an agricultural commodity that is combined to form a product during processing.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Farm"* means land and associated structures used to produce an agricultural commodity.

5. *a. "Financial assistance"* means support provided by the department to an eligible business under this chapter from moneys or other assets legally available to the department.

b. "Financial assistance" includes any form of grant, low-interest loan, or forgivable loan.

6. *"Food item"* means an agricultural commodity, or an item processed from an agricultural commodity, that is fit for human consumption.

7. *"Fund"* means the choose Iowa fund created in section 187.201.

8. *"Horticulture item"* means any of the following:

a. A nursery, floral, or greenhouse plant.

b. A product processed from a nursery, floral, or greenhouse plant, including a seed, rooting, cutting, tissue culture, seedling, or other propagation material.

9. *"Located in"* means the place or places at which a business's operations are located and where at least ninety-eight percent of the business's employees work, or where employees that are paid at least ninety-eight percent of the business's payroll work.

10. *"Natural fiber item"* means fiber originating from an agricultural commodity for use in processing, including manufacturing into a textile, apparel, or other similar product.

11. *"Process"* means to prepare a product that includes an agricultural commodity alone or as a component.

12. *a. "Product"* means an agricultural commodity that in its raw or processed state is moveable at the time of its retail sale.

b. "Product" includes but is not limited to a food item, horticulture item, or natural fiber item.

2024 Acts, ch 1177, §9, 16

187.103 Administration.

The department shall adopt all rules under chapter 17A as it determines necessary or desirable to administer this chapter.

2024 Acts, ch 1177, §10, 16

187.104 through 187.200 Reserved.

SUBCHAPTER II

FINANCING

187.201 Choose Iowa fund.

1. A choose Iowa fund is created in the state treasury under the management and control of the department.

2. The fund shall include moneys collected as fees by the department as provided in section 187.303, moneys appropriated by the general assembly, and other moneys available to and obtained or accepted by the department, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the department and shall be used exclusively to administer the programs created in this chapter as determined and directed by the department, and shall not require further special authorization by the general assembly.

4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of a fiscal year shall not revert.

2022 Acts, ch 1152, §7
C2023, §159.31
2024 Acts, ch 1177, §6, 14, 16
C2025, §187.201
2026 Acts, ch 1040, §25; 2026 Acts, ch 1139, §3
Referred to in §187.102
See Code editor's note on simple harmonization at the beginning of this Code volume
Subsection 3 amended

187.202 through 187.300 Reserved.

SUBCHAPTER III

PROGRAMS

PART 1

CHOOSE IOWA

187.301 Choose Iowa promotional program.

1. The department shall establish and administer a choose Iowa promotional program to advertise for retail sale an Iowa product that may include any of the following:

a. An agricultural commodity produced on an Iowa farm, except that it may be prepared for sale by washing or packaging in this state.

b. An agricultural commodity processed in this state, if its components originate as an agricultural commodity produced on an Iowa farm.

2. The department shall enroll a person as a choose Iowa member who is any of the following:

a. Actively participating in the program by producing, processing, or marketing Iowa agricultural products originating as commodities produced on Iowa farms.

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b. Otherwise supporting the program as required by the department.

3. *a.* The department may adopt rules further defining an Iowa farm, Iowa agricultural commodity, and Iowa product; and describing how an Iowa agricultural commodity originates on an Iowa farm.

b. The department may adopt rules providing for the acceptable use of a component that originates from an agricultural commodity not produced on an Iowa farm. In adopting the rules, the department may consider whether the component is an incidental or insignificant part of an Iowa product.

c. The department may adopt rules providing for choose Iowa membership criteria.

2022 Acts, ch 1152, §4
C2023, §159.28
2024 Acts, ch 1177, §4, 14, 16
C2025, §187.301
2026 Acts, ch 1139, §4, 5
NEW subsection 2 and former subsection 2 renumbered as 3
Subsection 3, NEW paragraph c

187.302 Choose Iowa logo.

1. As part of the choose Iowa promotional program, the department may establish a choose Iowa logo to identify an Iowa product.

2. The department may register the choose Iowa logo as a mark with the secretary of state under chapter 548. If allowed under federal law, the department may also register the logo as a trademark with the United States patent and trademark office or as a copyright with the United States copyright office.

3. This section does not require the department to incorporate the name "choose Iowa" as part of a mark, trademark, or copyright, if such name is already protected by state or federal law.

4. If the department registers a mark with the secretary of state, registers a trademark with the United States patent and trademark office, or registers a copyright with the United States copyright office under this section, the state of Iowa shall be named as the owner of the mark, trademark, or copyright.

5. The use of a choose Iowa logo does not do any of the following:

a. Provide an express or implied guarantee or warranty concerning the safety, fitness, merchantability, or use of a product.

b. Supersede, revise, or replace a state or federal labeling requirement, including but not limited to a provision in the federal Fair Packaging and Labeling Act, 15 U.S.C. §1451 et seq.

c. Indicate the grade, specification, standard, or value of any agricultural commodity, component, or product.

2022 Acts, ch 1152, §5
C2023, §159.29
2024 Acts, ch 1177, §5, 14, 16
C2025, §187.302

187.303 Choose Iowa licensing agreement — fees.

1. A person may apply to the department to enroll as a member in the choose Iowa promotional program according to procedures established by rules adopted by the department. The department shall evaluate and approve or disapprove an application based on criteria established by rules adopted by the department. The department may disapprove an application if the department determines the applicant's use of the choose Iowa logo would be associated with the consumption of an adulterated or illegal food item.

2. The department may enter into a licensing agreement with a person enrolled as a member in the program. A member may use the choose Iowa logo to advertise a product originating as an agricultural commodity produced on an Iowa farm, subject to terms and conditions required by rules adopted by the department. A licensing agreement shall not be for more than one year.

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3. The department shall establish application and license fees by rules adopted by the department.

2022 Acts, ch 1152, §6
C2023, §159.30
2024 Acts, ch 1177, §14, 16
C2025, §187.303
2026 Acts, ch 1139, §6
Referred to in §187.201
Subsections 1 and 2 amended

187.304 through 187.306 Reserved.

187.307 Choose Iowa school purchasing program.

1. There is created within the department a choose Iowa school purchasing program.
2. The department shall administer the program according to all of the following:

a. A farm or business shall be eligible to participate in the program if the farm or business is enrolled as a member of the choose Iowa promotional program as provided in this part 1 of subchapter III.

b. A school or school district is eligible to participate in the program, if recognized by the department.

c. A qualified food product is limited to meat and poultry, dairy products other than milk, grains, flour, eggs, honey, and produce.

3. *a.* An eligible school or school district purchasing a qualified food product from an eligible farm or business shall be reimbursed on a matching basis with the department contributing one dollar for every one dollar expended by the eligible school or school district.

b. The department may establish by rule the method and limitations for determining the amount of funding available to each school or school district under this section.

c. Notwithstanding paragraph *"b"*, if the department determines that there are not sufficient moneys to satisfy all claims that may be submitted by schools and school districts, the department shall provide for the distribution of the available moneys in a manner determined equitable by the department, which may include a prorated distribution to participating schools and school districts.

4. The department may administer the program in cooperation with the department of education and the participating school or school district in which a participating school is located.

5. The department may use not more than five percent of the moneys appropriated to support the program in a fiscal year to pay for the costs of administering the program.

6. The department shall prepare and submit a report regarding its findings and recommendations to the governor and general assembly not later than July 31 of each year.

2026 Acts, ch 1139, §7
NEW section

187.308 Choose Iowa food bank purchasing program.

1. There is created within the department a choose Iowa food bank purchasing program.
2. The department shall administer the program according to all of the following requirements:

a. A farm or business shall be eligible to participate in the program if the farm or business is enrolled as a member in the choose Iowa promotional program as provided in this part 1 of subchapter III.

b. An eligible participant is limited to any Iowa food bank or an Iowa emergency feeding organization, recognized by the department.

c. A qualified food product is limited to meat and poultry, dairy products, grains, flour, eggs, honey, and produce.

3. *a.* An eligible Iowa food bank or an emergency feeding organization purchasing a qualified food product from an eligible farm or business shall be reimbursed on a matching basis with the department contributing one dollar for every one dollar expended by the eligible Iowa food bank or emergency feeding organization.

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b. An Iowa food bank or Iowa emergency feeding organization shall not receive more than fifty thousand dollars per fiscal year for participating in the program.

c. The department may use not more than five percent of the moneys appropriated to support the program in a fiscal year to pay for the costs of administering the program.

4. The department shall prepare and submit a report regarding its findings and recommendations to the governor and general assembly not later than July 31 of each year.

2025 Acts, ch 156, §6
C2026, §187.331
2026 Acts, ch 1040, §26; 2026 Acts, ch 1139, §8, 14
C2027, §187.308
See Code editor's note on simple harmonization at the beginning of this Code volume
Section transferred from §187.331 in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §14
Section amended

187.309 Iowa seal.

1. A seal for agricultural products shall be created under the direction of the department of agriculture and land stewardship to identify agricultural products that have been produced or processed in the state. The department shall certify that agricultural products marked with the Iowa seal are of the quality and specifications warranted by the sellers of those products.

2. The department of agriculture and land stewardship shall adopt rules under chapter 17A to provide methods of identifying, marking, and grading agricultural products, to prevent any misleading use of the Iowa seal, and as necessary or advisable to fully implement this section.

3. *a.* A violation of a rule adopted by the department of agriculture and land stewardship to implement this section is a simple misdemeanor.

b. A fraudulent use of the term "Iowa Seal" or of the identifying mark for the Iowa seal, or a deliberately misleading or unwarranted use of the term or identifying mark is a serious misdemeanor.

87 Acts, ch 107, §1
CS87, §159.31
2003 Acts, ch 48, §7
CS2003, §159.27
2017 Acts, ch 54, §30; 2022 Acts, ch 1152, §8
C2023, §159.25
2026 Acts, ch 1139, §14
C2027, §187.309
Section transferred from §159.25 in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §14

187.310 Reserved.

PART 2

INNOVATION AND REVITALIZATION

187.311 Dairy innovation and revitalization program.

1. A dairy innovation and revitalization program is created within the department. The purpose of the program is to promote the development, modernization, and expansion of this state's dairy industry.

2. In administering the program, the department shall award financial assistance to eligible businesses to support projects that do one or more of the following:

a. Expand or refurbish existing milk plants or establish a new milk plant, operating pursuant to a permit issued pursuant to section 192.111 or 194.3A.

b. Expand or refurbish existing mobile dairy processing units, or establish new mobile dairy processing units.

c. Rent buildings, refrigeration or freezer facilities, or equipment necessary to expand dairy processing capacity, including mobile dairy or refrigeration units used exclusively for dairy processing.

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d. Incorporate methods and technologies that reduce farm labor associated with milk production and storage, including but not limited to the use of robotics and processes or systems that operate using computerized equipment or machinery.

3. The department shall establish eligibility criteria for the program. The eligibility criteria must include all of the following:

a. The business must be located in this state.

b. The business must not have been subject to any regulatory enforcement action related to federal, state, or local environmental, worker safety, food processing, or food safety laws, rules, or regulations within the last five years.

c. The business must only employ individuals legally authorized to work in this state.

d. The business must not currently be in bankruptcy.

e. The business must employ less than fifty individuals.

4. An eligible business seeking financial assistance under this section shall make application to the department in the manner and on forms prescribed by the department.

5. Applications for financial assistance under this section shall be accepted during one or more annual application periods established by the department. Upon reviewing and scoring all applications that are received during an application period, and subject to the availability of moneys, the department may award financial assistance to eligible businesses. A financial assistance award shall not exceed the amount of eligible project costs included in the eligible business's application. Priority shall be given to eligible businesses whose proposed project or projects under subsection 2 are most likely to do one or more of the following:

a. Create new jobs.

b. Create or expand opportunities for local small-scale milk producers to market pasteurized milk and milk products under private labels.

c. Provide greater flexibility or convenience for local small-scale farmers to have milk processed.

d. Reduce labor associated with the on-farm production and storage of milk.

6. The department may give priority to an applicant who is a beginning farmer.

7. An eligible business that is awarded financial assistance under this section may apply for financial assistance under other programs administered by the department.

2023 Acts, ch 101, §1
C2024, §159.31A
2024 Acts, ch 1043, §63; 2024 Acts, ch 1177, §7, 14, 16
C2025, §187.311
2026 Acts, ch 1139, §15
NEW subsection 6 and former subsection 6 renumbered as 7

187.312 through 187.314 Reserved.

187.315 Butchery innovation and revitalization program.

1. A butchery innovation and revitalization program is created within the department. The purpose of the program is to promote the development, modernization, and expansion of this state's butchery industry.

2. In administering the program, the department shall award financial assistance to eligible businesses to support projects that do one or more of the following:

a. To expand or refurbish an existing, or to establish a new, state-inspected small-scale meat processing business.

b. To expand or refurbish an existing, or to establish a new, federally inspected small-scale meat processing business.

c. To expand or refurbish an existing, or to establish a new, licensed custom locker.

d. To expand or refurbish an existing, or to establish a new, mobile slaughter unit that operates in compliance with the most current mobile slaughter unit compliance guide issued by the United States department of agriculture food safety and inspection service.

e. To rent buildings, refrigeration facilities, freezer facilities, or equipment necessary to expand processing capacity, including mobile slaughter or refrigeration units used exclusively for meat or poultry processing.

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3. The department shall establish eligibility criteria for the program. The eligibility criteria must include all of the following:

a. The business must be located in this state.

b. The business must not have been subject to any regulatory enforcement action related to federal, state, or local environmental, worker safety, food processing, or food safety laws, rules, or regulations within the last five years.

c. The business must only employ individuals legally authorized to work in this state.

d. The business must not currently be in bankruptcy.

e. The business must employ less than two hundred full-time nonseasonal individuals.

4. An eligible business seeking financial assistance under this section shall make application to the department in the manner and on forms prescribed by the department.

5. Applications for financial assistance under this section shall be accepted during one or more annual application periods established by the department. Upon reviewing and scoring all applications that are received during an application period, and subject to the availability of moneys, the department may award financial assistance to eligible businesses. A financial assistance award shall not exceed the amount of eligible project costs included in the eligible business's application. Priority shall be given to eligible businesses whose proposed project or projects under subsection 2 are most likely to do one or more of the following:

a. Create new jobs.

b. Create or expand opportunities for local small-scale farmers to market processed meat under private labels.

c. Provide greater flexibility or convenience for local small-scale farmers to have animals processed.

6. An eligible business that is awarded financial assistance under this section may apply for financial assistance under other programs administered by the department.

2026 Acts, ch 1139, §16
NEW section

187.316 through 187.320 Reserved.

PART 3

VALUE-ADDED AGRICULTURE

187.321 Value-added agricultural grant program.

A value-added agricultural grant program is created within the department. The purpose of the program is to identify, evaluate, and support projects and services that add value to agricultural commodities produced on Iowa farms, including by supporting new technologies and marketing strategies.

2024 Acts, ch 1177, §11, 16

187.322 through 187.330 Reserved.

PART 4

CHOOSE IOWA FOOD PURCHASING PROGRAM

187.331 Choose Iowa food bank purchasing program. Transferred to §187.308; 2026 Acts, ch 1139, §14.

CHAPTER 188

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SUBTITLE 4

AGRICULTURE-RELATED PRODUCTS AND ACTIVITIES

Referred to in §159.6

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Referred to in §205.11, 205.13, 214.5, 215.6

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SUBCHAPTER I

DEFINITIONS AND DUTIES

189.1 Definitions.

For the purpose of this subtitle, unless the context otherwise requires:

1. *"Article"* means food, commercial feed, agricultural seed, commercial fertilizer, drug, pesticide, hemp or a hemp product, and paint, in the sense in which they are defined in the various provisions of this subtitle.

2. *"Department"* means the department of agriculture and land stewardship, and if the department is required or authorized to do an act, the act may be performed by a regular assistant or a duly authorized agent of the department.

3. *"Official laboratory"* means a biological, chemical, or physical laboratory which performs testing or analysis pursuant to scientific procedures, to the extent the laboratory is recognized by the department as a reliable indicator of scientific results.

4. *"Package"* or *"container"*, unless otherwise defined, includes wrapper, box, carton, case, basket, can, bottle, jar, tube, cask, vessel, tub, keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and the expression *"offered or exposed for sale or sold in package or wrapped form"* means the offering or exposing for sale, or selling of an article which is contained in a package or container as defined in this section.

5. *"Pasteurization"* or *"pasteurized"* means the procedure of processing milk or a milk product, in order to ensure its safety from contaminants, if the procedure of pasteurization is consistent with standards adopted by the department pursuant to section 192.102.

6. *"Person"* includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of this subtitle.

7. *"Rules"* includes regulations and orders by the department.

8. *"Secretary"* means the secretary of agriculture.

9. *"United States Pharmacopoeia"* or *"National Formulary"* means the latest revision of these publications official at the time of a transaction which is in question.

[S13, §2510-o, 3009-a; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3029;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.1]

86 Acts, ch 1245, §636; 92 Acts, ch 1163, §44; 94 Acts, ch 1023, §17; 2003 Acts, ch 69, §24, 25; 2012 Acts, ch 1095, §62, 63; 2019 Acts, ch 130, §29, 33

Referred to in §196.1

189.2 Duties.

The department shall do all of the following:

1. Execute and enforce this subtitle.

2. Adopt all necessary rules, not inconsistent with law, for enforcing the provisions of this subtitle.

3. Provide educational measures and exhibits, and conduct educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in this subtitle, in accordance with the rules adopted pursuant to this subtitle.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this subtitle. These bulletins shall be posted on the department's internet site.

1. [C97, §2515; S13, §2510-g, -t, -v4, 2528-f2, 3009-a, 4999-a31b, 5077-a22; SS15, §2515; C24, 27, 31, 35, 39, §**3030;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.2]

2. [S13, §4999-a18, 5077-a22; C24, 27, 31, 35, 39, §**3030;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.2]

3. [C97, §2515; SS15, §2515; C24, 27, 31, 35, 39, §**3030;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.2]

4. [S13, §2510-g, -t, -v4, 2528-f2, 3009-s, 4999-a26, -a37, 5077-a11; C24, 27, 31, 35, 39, §**3030;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.2]

83 Acts, ch 101, §33; 85 Acts, ch 67, §20; 89 Acts, ch 197, §25; 94 Acts, ch 1023, §18; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 69, §26; 2003 Acts, ch 145, §204; 2012 Acts, ch 1095, §64

SUBCHAPTER II

INSPECTION — SAMPLES

189.3 Procuring samples.

The department shall, for the purpose of examination or analysis, procure from time to time, or whenever the department has occasion to believe any of the provisions of this subtitle

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are being violated, samples of the articles dealt with in these provisions which have been shipped into this state, offered or exposed for sale, or sold in the state.

[C97, §2521, 2524; S13, §2528-f2, 4999-a18, 5077-a11, -a22; C24, 27, 31, 35, 39, §**3031;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.3]

94 Acts, ch 1023, §19; 2003 Acts, ch 69, §27; 2012 Acts, ch 1095, §65

189.4 Access to factories and buildings.

The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in this subtitle.

[C97, §2505; S13, §2528-a, 5077-a22; SS15, §2505, 2510-4a, 3009-n; C24, 27, 31, 35, 39, §**3032;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.4]

94 Acts, ch 1023, §20; 2003 Acts, ch 69, §28; 2012 Acts, ch 1095, §66

189.5 Dealer to furnish samples.

Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in this subtitle shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

[S13, §4999-a24, 5077-a11; C24, 27, 31, 35, 39, §**3033;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.5]

94 Acts, ch 1023, §21; 2003 Acts, ch 69, §29; 2012 Acts, ch 1095, §67

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this subtitle, in order to secure a sample for analysis or examination, and the sample and damage to container shall be paid for at the current market price by the department.

[C97, §2521, 2526; S13, §2528-b, -f2, 5077-a11, -a22; C24, 27, 31, 35, 39, §**3034;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.6]

94 Acts, ch 1023, §22; 2003 Acts, ch 69, §30; 2012 Acts, ch 1095, §68; 2015 Acts, ch 103, §3

189.7 Preservation of sample.

After the sample is taken, it shall be carefully sealed and labeled with the name or brand of the article, the name of the party from whose stock it was taken, and the date and place of taking such sample. Upon request a duplicate sample, sealed and labeled in the same manner, shall be delivered to the person from whose stock the sample was taken. The label and duplicate shall be signed by the person taking the same. The method of taking samples of particular articles may be prescribed by the rules of the department.

[C97, §2521; S13, §4999-a24, 5077-a11, -a22; C24, 27, 31, 35, 39, §**3035;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.7]

2012 Acts, ch 1095, §69

189.8 Witnesses.

In the enforcement of the provisions of this subtitle, the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. The witnesses shall be allowed the same fees as witnesses in district court. The fees shall be paid out of the contingent fund of the department.

[C97, §2515; SS15, §2515; C24, 27, 31, 35, 39, §**3036;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.8]

94 Acts, ch 1023, §23; 2003 Acts, ch 69, §31; 2012 Acts, ch 1095, §70

Witness fees, §622.69 – 622.75

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SUBCHAPTER III

LABELING — ADULTERATIONS

189.9 Labeling.

1. All articles in package or wrapped form which are required by this subtitle to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters on the principal label with the following items:

a. The true name, brand, or trademark of the article.

b. The quantity of the contents in terms of weight, measure, or numerical count. Under this requirement reasonable variations shall be permitted, and small packages shall be excepted in accordance with the rules of the department.

c. The name and place of business of the manufacturer, packer, importer, dispenser, distributor, or dealer.

2. The above items shall be printed in such a way that there shall be a distinct contrast between the color of the letters and the background upon which printed.

[C73, §4042; C97, §2517, 4989 – 4991, 5070; S13, §2510-d, -q, -r, -v1, -v2, 2515-b – d, 2528-f, 4999-a35, 5070-a, 5077-a6; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3037;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.9]

94 Acts, ch 1023, §24; 2003 Acts, ch 69, §32; 2009 Acts, ch 41, §263; 2012 Acts, ch 1095, §71

Referred to in §189.11, 191.1, 191.2, 196.10, 199.3, 210.12, 210.18

189.10 Packages excepted. Repealed by 2020 Acts, ch 1063, §389.

189.11 Labeling of mixtures — federal requirements.

1. In addition to the requirements of section 189.9, unless otherwise provided, articles which are mixtures, compounds, combinations, blends, or imitations shall be marked as such and immediately followed, without any intervening matter and in the same size and style of type, by the names of all the ingredients contained therein, beginning with the one present in the largest proportion.

2. Notwithstanding any other requirements of this chapter or of chapter 190, food or food products, or pesticides, labeled in conformance with the labeling requirements of the government of the United States shall be deemed to be labeled in conformance with the laws of the state of Iowa.

[S13, §2510-d, -r, -v2, 5077-a7; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3039;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.11]

2012 Acts, ch 1095, §72

Referred to in §189.12, 191.1, 191.2, 196.10, 199.3, 210.18

189.12 Trade formulas.

Nothing in section 189.11 shall be construed as requiring the printing of a patented or proprietary trade formula on a label.

[S13, §5077-a7; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3040;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.12]

Referred to in §191.1, 191.2, 196.10, 210.18

189.13 False labels — defacement.

A person shall not use any label required by this subtitle which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this subtitle.

[C73, §4042; C97, §2517, 4989 – 4991; S13, §2510-s, -v3, 2515-b – d, 4999-a35, 5077-a7; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3041;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.13]

94 Acts, ch 1023, §25; 2003 Acts, ch 69, §33; 2012 Acts, ch 1095, §73

Referred to in §210.18

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189.14 Mislabeled articles.

1. A person shall not knowingly introduce into this state, solicit orders for, deliver, transport, or have in possession with intent to sell, any article which is labeled in any other manner than that prescribed by this subtitle for the label of the article when offered or exposed for sale, or sold in package or wrapped form in this state.

2. No person shall package any liquid or semisolid product or label any such product as honey, imitation honey or honey blend, or use the word "honey" in any prominent location on the label of such product or sell or offer for sale any such product which is labeled as honey, imitation honey or honey blend or which contains a label with the word "honey" prominently displayed thereon, unless the entire product is honey as defined in section 190.1, subsection 4.

3. A person shall not package a liquid or semisolid product, or label the product, as sorghum, imitation sorghum, or sorghum blend, or use the word "sorghum" in a prominent location on the label of the product or sell or offer for sale a product labeled as sorghum, imitation sorghum, or sorghum blend or which contains a label with the word "sorghum" prominently displayed, unless the product label states that the product is sorghum syrup as defined in section 190.1, imitation sorghum, or a sorghum blend. As used in this subsection, "*imitation sorghum*" means a product that has the flavor of sorghum but contains no sorghum syrup as defined in section 190.1. "*Sorghum blend*" means a product that is not entirely sorghum syrup as defined in section 190.1.

[C73, §4042; C97, §2516, 2517, 2519, 4989 – 4991, 5070; S13, §2510-b, -q, -r, -v1, -v2, 2515-b – d, 2528-f, 4999-a20, 5070-a; SS15, §4999-a32; C24, 27, 31, 35, 39, §**3042;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.14]

89 Acts, ch 151, §1; 94 Acts, ch 1023, §26; 2003 Acts, ch 69, §34; 2012 Acts, ch 1095, §74
Referred to in §210.18

189.15 Adulterated articles.

A person shall not knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in possession with the intent to sell, or offer or expose for sale, any article which is adulterated according to the provisions of this subtitle.

[C73, §3901, 4042; C97, §2508, 2516, 4989 – 4991; S13, §2508, 2510-q, -r, -v1, -v2, 2515-b – d, 4999-a20; SS15, §4999-a32; C24, 27, 31, 35, 39, §**3043;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.15]

94 Acts, ch 1023, §27; 2003 Acts, ch 69, §35; 2012 Acts, ch 1095, §75
Referred to in §210.18

189.16 Possession and control of adulterated and improperly labeled articles.

1. Except as provided in subsection 2, a person in possession or having control of an article which is adulterated or which is improperly labeled according to the provisions of this subtitle shall be presumed to know that the article is adulterated or improperly labeled. A person's possession of an adulterated or improperly labeled article shall be prima facie evidence that the person intends to violate the provisions of this subtitle.

2. This section does not apply to the possession or control of any of the following:

a. Grain by a person regulated under chapter 203, 203C, or 203D.

b. Mining materials including coal by a person regulated under chapter 207 or 208.

c. A controlled substance as provided in chapter 124.

[C97, §2519, 2521; S13, §4999-a24, -a40; C24, 27, 31, 35, 39, §**3044;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §189.16]

94 Acts, ch 1023, §28; 99 Acts, ch 12, §7; 2003 Acts, ch 69, §36
Referred to in §210.18

189.17 Confiscation or condemnation.

Unless a procedure or method of seizure and confiscation or condemnation is otherwise provided, the secretary is authorized to prohibit the entrance into channels of commerce or possession of any article found to be adulterated or improperly labeled according to the provisions of this subchapter or rules adopted pursuant to this subchapter. Any articles found in channels of commerce or in possession by an inspector which are not in compliance

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with the adulteration or labeling provisions of this subchapter shall be subject to immediate seizure by the department. Seized articles shall be condemned unless the articles can be made to conform with the provisions of this subchapter by methods approved by the secretary. Condemned articles shall be effectively destroyed for the purpose for which they were intended by the owner of the article, or the owner's agent, under the supervision of an inspector in such manner as the secretary may prescribe.

[C71, 73, 75, 77, 79, 81, §189.17]

2016 Acts, ch 1011, §121; 2021 Acts, ch 80, §91

189.18 Wrongful condemnation — restitution.

A party whose article, item, commodity or product is wrongfully condemned or seized shall be entitled to maintain a cause of action against the state of Iowa, for the damage proximately caused by the wrongful condemnation or seizure. Such cause of action shall be a claim as defined in chapter 669 and shall be subject to the provisions of said chapter, notwithstanding the provisions of section 669.14.

[C71, 73, 75, 77, 79, 81, §189.18]

SUBCHAPTER IV

LICENSES

189.19 Licenses.

The following provisions apply to all licenses issued or authorized under this subtitle:

1. *Applications.* Applications for licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

2. *Refusal and revocation.* For good and sufficient grounds the department may refuse to grant a license to any applicant; and the department may revoke a license for a violation of any provision of this subtitle or for the refusal or failure of any licensee to obey the lawful directions of the department.

3. *Expiration.* Unless otherwise provided all licenses shall expire one year from the date of issue.

[C97, §2525; S13, §2515-a; SS15, §2515-f, 3009-m; C24, 27, 31, 35, 39, §**3045;** C46, 50, 54, 58, 62, 66, §189.17; C71, 73, 75, 77, 79, 81, §189.19]

94 Acts, ch 1023, §29; 2003 Acts, ch 69, §37, 38; 2012 Acts, ch 1095, §76, 77

189.20 Injunction.

Any person engaging in any business for which a license is required by this subtitle, without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

[C24, 27, 31, 35, 39, §**3046;** C46, 50, 54, 58, 62, 66, §189.18; C71, 73, 75, 77, 79, 81, §189.20]

94 Acts, ch 1023, §30; 2003 Acts, ch 69, §39; 2012 Acts, ch 1095, §78

SUBCHAPTER V

OFFENSES — PENALTIES

189.21 Penalty.

Unless otherwise provided, any person violating any provision of this subtitle or any rule adopted by the department pursuant to such a provision, is guilty of a simple misdemeanor.

[C73, §2068, 3901; C97, §2508, 2527, 2592, 2594, 3029, 5070; S13, §2508, 2510-2a, -h, -j, -u, -v5, 2515-g, 2522, 2528-c, -f3, 2596-b, 4989-b, 4999-a25, -a39, 5070-a, 5077-a23; SS15, §2505, 2506, 3009-j, -r; C24, 27, 31, 35, 39, §**3047;** C46, 50, 54, 58, 62, 66, §189.19; C71, 73, 75, 77, 79, 81, §189.21]

94 Acts, ch 1023, §31; 2003 Acts, ch 69, §40; 2012 Acts, ch 1095, §79

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189.22 May charge more than one offense.

In any criminal proceeding brought for violation of this subtitle, an information or indictment may charge as many offenses as it appears have been committed, and the defendant may be convicted of any or all of the offenses.

[C24, 27, 31, 35, 39, §**3048;** C46, 50, 54, 58, 62, 66, §189.20; C71, 73, 75, 77, 79, 81, §189.22]

94 Acts, ch 1023, §32

189.23 Common carrier.

The penalties provided in this subtitle shall not be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of this subtitle, when the same was received by the carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

[C97, §2516; S13, §4999-a20; SS15, §4999-a32; C24, 27, 31, 35, 39, §**3049;** C46, 50, 54, 58, 62, 66, §189.21; C71, 73, 75, 77, 79, 81, §189.23]

94 Acts, ch 1023, §33; 2003 Acts, ch 69, §41; 2012 Acts, ch 1095, §80

SUBCHAPTER VI

ENFORCEMENT

189.24 Report of violations.

When it appears that any of the provisions of this subtitle have been violated, the department may certify the facts to the proper county attorney. The certification shall be accompanied with a copy of the results of any analysis, examination, or inspection the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of the department.

[C97, §4998; S13, §4999-a19; C24, 27, 31, 35, 39, §**3050;** C46, 50, 54, 58, 62, 66, §189.22; C71, 73, 75, 77, 79, 81, §189.24]

94 Acts, ch 1023, §34; 2003 Acts, ch 69, §42; 2012 Acts, ch 1095, §81

189.25 County attorney.

The county attorney may at once institute the proper proceedings for the enforcement of the penalties provided in this subtitle for the violations.

[C97, §4998; S13, §2596-c, 4999-a19; C24, 27, 31, 35, 39, §**3051;** C46, 50, 54, 58, 62, 66, §189.23; C71, 73, 75, 77, 79, 81, §189.25]

94 Acts, ch 1023, §35

189.26 Refusal to act.

If the county attorney refuses to act, the governor may, in the governor's discretion, appoint an attorney to represent the state.

[S13, §4999-a19; C24, 27, 31, 35, 39, §**3052;** C46, 50, 54, 58, 62, 66, §189.24; C71, 73, 75, 77, 79, 81, §189.26]

189.27 Institution of proceedings.

In any case when it appears that any of the provisions of this subtitle have been violated, the inspector having the investigation in charge shall, when instructed by the department, file an information against the suspected party.

[C24, 27, 31, 35, 39, §**3053;** C46, 50, 54, 58, 62, 66, §189.25; C71, 73, 75, 77, 79, 81, §189.27]

94 Acts, ch 1023, §36

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SUBCHAPTER VII

MISCELLANEOUS

189.28 Goods for sale in other states.

Any person may keep articles specifically set apart in the person's stock for sale in other states which do not comply with the provisions of this subtitle as to standards, purity, or labeling.

[S13, §4999-a20, -a40; C24, 27, 31, 35, 39, §**3054;** C46, 50, 54, 58, 62, 66, §189.26; C71, 73, 75, 77, 79, 81, §189.28]

94 Acts, ch 1023, §37; 2003 Acts, ch 69, §43; 2012 Acts, ch 1095, §82

Referred to in §196.11

189.29 Reports by dealers.

Every person who deals in or manufactures any of the articles dealt with in this subtitle shall make upon blanks furnished by the department such reports and furnish such statistics as may be required by the department and certify to the correctness of the same.

[C97, §2522; S13, §2522; C24, 27, 31, 35, 39, §**3055;** C46, 50, 54, 58, 62, 66, §189.27; C71, 73, 75, 77, 79, 81, §189.29]

94 Acts, ch 1023, §38; 2003 Acts, ch 69, §44; 2012 Acts, ch 1095, §83

189.30 Contracts invalid.

No action shall be maintained in any of the courts of the state upon any contract or sale made in violation of or with the intent to violate any provision of this subtitle by one who was knowingly a party thereto.

[C97, §2520; C24, 27, 31, 35, 39, §**3056;** C46, 50, 54, 58, 62, 66, §189.28; C71, 73, 75, 77, 79, 81, §189.30]

94 Acts, ch 1023, §39

189.31 Fees paid into state treasury.

All fees collected under the provisions of this subtitle shall be paid into the state treasury.

[C97, §2507; SS15, §2507, 2515-f, 3009-m; C24, 27, 31, 35, 39, §**3057;** C46, 50, 54, 58, 62, 66, §189.29; C71, 73, 75, 77, 79, 81, §189.31]

94 Acts, ch 1023, §40

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CHAPTER 189A

MEAT AND POULTRY INSPECTION

Referred to in §137D.1, 137F.1, 163.6, 556H.1, 672.1, 716.7A

For the misbranding of food products as meat products, including poultry products, see chapters 137E and 137F
License requirements for persons engaged in the business of buying poultry or domestic fowl from a producer, see chapter 197

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189A.1 Title.

This chapter shall be known as the *"Meat and Poultry Inspection Act"*.

[C66, 71, 73, 75, 77, 79, 81, §189A.1]

189A.1A Objective.

1. It is the objective of this chapter to provide for meat and poultry products inspection programs that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the federal Meat Inspection Act and the federal Poultry Products Inspection Act with respect to operations and transactions in interstate commerce.

2. The secretary is directed to administer this chapter so as to accomplish this objective. The bureau chief of the meat and poultry inspection bureau shall be designated as the secretary's delegate to be the appropriate state official to cooperate with the secretary of agriculture of the United States in administration of this chapter.

2025 Acts, ch 134, §39
Referred to in §189A.5, 189A.7

189A.2 Definitions.

As used in this chapter except as otherwise specified:

1. *"Adulterated"* shall apply to any livestock product or poultry product under any one or more of the following circumstances:

a. If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health.

b. (1) If it bears or contains, by reason of administration of any substance to the livestock or poultry or otherwise, any added poisonous or deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive, which may, in the judgment of the secretary, make such article unfit for human food.

(2) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act.

(3) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act.

(4) If it bears or contains any color additive which is unsafe within the meaning of

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section 706 of the Federal Food, Drug, and Cosmetic Act; however, an article which is not otherwise deemed adulterated under subparagraph (2) or (3) or under this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the secretary in official establishments.

c. If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

d. If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

e. If it is, in whole or in part, the product of an animal, including poultry, which has died otherwise than by slaughter.

f. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

g. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

h. If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

i. If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

2. *"Animal food manufacturer"* means any person engaged in the business of preparing animal food, including poultry, derived wholly or in part from livestock or poultry carcasses or parts or products of such carcasses.

3. *"Broker"* means any person engaged in the business of buying or selling livestock products or poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

4. *"Capable of use as human food"* shall apply to any livestock or poultry carcass, or part or product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the secretary to deter its use as human food, or it is naturally inedible by humans.

5. *"Container"* or *"package"* means any box, can, tin, cloth, plastic or other receptacle, wrapper, or cover.

6. *"Department"* means the department of agriculture and land stewardship.

7. *"Establishment"* means all premises where animals or poultry are slaughtered or otherwise prepared, either for custom, resale, or retail, for food purposes, meat or poultry canneries, sausage factories, smoking or curing operations, restaurants, grocery stores, brokerages, cold storage plants, and similar places.

8. *"Farm deer"* means the same as defined in section 170.1.

9. *"Federal Food, Drug, and Cosmetic Act"* means the Act so entitled, approved June 25, 1938, 52 Stat. 1040, and Acts amendatory thereof or supplementary thereto.

10. *"Federal Meat Inspection Act"* means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584; *"Federal Poultry Products Inspection Act"* means the Act so entitled, approved August 28, 1957, 71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; and *"federal Acts"* means these two federal laws.

11. *"Immediate container"* means any consumer package; or any other container in which livestock products or poultry products, not consumer packaged, are packed.

12. *"Inspector"* means an employee or official of the department authorized by the secretary or any employee or official of the government of any county or other governmental subdivision of this state, authorized by the secretary to perform any inspection functions under this chapter under an agreement between the secretary and such governmental subdivision.

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13. *"Intrastate commerce"* means commerce within this state.

14. *"Label"* means a display of written, printed, or graphic matter upon any article or the immediate container, not including package liners, of any article.

15. *"Labeling"* means all labels and other written, printed, or graphic matter either upon any article or any of its containers or wrappers, or accompanying such article.

16. *"Livestock"* means a live or dead animal which is limited to cattle, sheep, swine, goats, farm deer, or which is classified as an equine including a horse or mule.

17. *"Livestock product"* means any carcass, part thereof, meat, or meat food product of any livestock.

18. *"Meat food product"* means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines or farm deer shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

19. *"Misbranded"* shall apply to any livestock product or poultry product under any one or more of the following circumstances:

a. If its labeling is false or misleading in any particular.

b. If it is offered for sale under the name of another food.

c. If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation", and immediately thereafter the name of the food imitated.

d. If its container is so made, formed, or filled as to be misleading.

e. Unless it bears a label showing both:

(1) The name and place of business of the manufacturer, packer, or distributor.

(2) An accurate statement of the quantity of the product in terms of weight, measure, or numerical count; however, under this paragraph, exemptions as to livestock products not in containers may be established by regulations prescribed by the secretary, and under this subparagraph reasonable variations may be permitted, and exemptions as to small packages may be established for livestock products or poultry products by regulations prescribed by the secretary.

f. If any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

g. If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations of the secretary under section 189A.7, unless it conforms to such definition and standard and its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food.

h. If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the secretary under section 189A.7, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

i. If it is not subject to the provisions of paragraph *"g"* of this subsection, unless its label bears both:

(1) The common or usual name of the food, if any.

(2) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the secretary, be designated as spices, flavorings, and colorings without naming each; however, to the extent that compliance with the requirements of this subparagraph is

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impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the secretary.

j. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the secretary, after consultation with the secretary of agriculture of the United States, determines to be and by regulations prescribes as necessary in order to fully inform purchasers as to its value for such uses.

k. If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; however, to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the secretary.

l. If it fails to bear, directly thereon and on its containers, as the secretary may by regulations prescribe, the official inspection legend and establishment number of the establishment where the product was prepared and, unrestricted by any of the foregoing, such other information as the secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

20. *"Official certificate"* means any certificate prescribed by regulations of the secretary for issuance by an inspector or other person performing official functions under this chapter.

21. *"Official device"* means any device prescribed or authorized by the secretary for use in applying any official mark.

22. *"Official establishment"* means any establishment as determined by the secretary at which inspection of the slaughter of livestock or poultry or the preparation of livestock products or poultry products is maintained under the authority of this chapter.

23. *"Official inspection legend"* means any symbol prescribed by regulations of the secretary showing that an article was inspected and passed in accordance with this chapter.

24. *"Official mark"* means the official inspection legend or any other symbol prescribed by regulations of the secretary to identify the status of any article or livestock or poultry under this chapter.

25. *"Person"* includes any individual, partnership, corporation, association, or other business unit, and any officer, agent, or employee thereof.

26. *"Pesticide chemical"*, *"food additive"*, *"color additive"*, and *"raw agricultural commodity"* shall have the same meanings for purposes of this chapter as under the Federal Food, Drug, and Cosmetic Act.

27. *"Poultry"* means any domesticated bird, whether live or dead.

28. *"Poultry product"* means any poultry carcass or part thereof, or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the secretary from definition as a poultry product under such conditions as the secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

29. *"Prepared"* means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

30. *"Reinspection"* includes inspection of the preparation of livestock products and poultry products, as well as re-examination of articles previously inspected.

31. *"Renderer"* means any person engaged in the business of rendering livestock or poultry carcasses, or parts or products of such carcasses, except rendering conducted under inspection or exemption under this chapter.

32. *"Secretary"* means the secretary of agriculture.

33. *"Shipping container"* means any container used or intended for use in packaging the product packed in an immediate container.

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34. *"Veterinary inspector"* means a graduate veterinarian with appropriate training to perform the inspection functions under the provisions of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §189A.2]

86 Acts, ch 1245, §637; 95 Acts, ch 134, §1 – 3; 2003 Acts, ch 149, §12, 23; 2014 Acts, ch 1026, §39; 2025 Acts, ch 30, §105; 2025 Acts, ch 134, §40; 2026 Acts, ch 1040, §27

Referred to in §163.6, 189A.5, 189A.17, 716.7A, 717A.1
Further definitions, see §189.1
Subsection 1, paragraph b, subparagraph (4) amended

189A.3 License — fee.

1. *a.* A person shall not operate an establishment without first obtaining a license from the department.

b. Paragraph *"a"* does not apply to any of the following:

(1) A food establishment as defined in section 137F.1.

(2) A home food processing establishment as defined in section 137D.1.

(3) A person who slaughters, processes, or prepares livestock or poultry of the person's own raising, exclusively for the person's household, nonpaying guests, or nonpaying employees.

2. *a.* The license fee for each establishment shall be as follows:

(1) For all meat and poultry slaughtered or otherwise prepared not exceeding twenty thousand pounds per year for sale, resale, or custom, fifty dollars.

(2) For all meat and poultry slaughtered or otherwise prepared in excess of twenty thousand pounds per year for sale, resale, or custom, one hundred dollars.

b. A license fee collected by the department shall be retained by the department as appropriated receipts for administration of this chapter.

3. *a.* A license shall expire on July 1 of each odd-numbered year.

b. An application for a license shall be in writing on a form prescribed by the department.

[C66, 71, 73, 75, 77, 79, 81, §189A.3]

98 Acts, ch 1162, §26, 30; 2009 Acts, ch 41, §263; 2022 Acts, ch 1016, §1; 2025 Acts, ch 134, §41

Referred to in §137F.1, 189A.7

189A.4 Exemptions.

1. In order to accomplish the objective of this chapter, the secretary may exempt the following types of operations from inspection:

a. Slaughtering and preparation by any person of livestock and poultry of the person's own raising exclusively for use by the person and members of the person's household, and the person's nonpaying guests and employees.

b. Any other operations which the secretary may determine would best be exempted to further the purposes of this chapter, to the extent such exemptions conform to the federal Meat Inspection Act and the federal Poultry Products Inspection Act and the regulations thereunder.

2. *a.* The secretary may allow a poultry establishment at which inspection is maintained to engage in custom operations, and exempt from inspection any poultry slaughtered or any poultry or poultry products otherwise prepared on such custom basis, provided that any carcasses, parts thereof, poultry, or poultry products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, poultry, or poultry products prepared for sale, and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked "Not for Sale" immediately after being prepared and kept so identified until delivered to the owner, and that the establishment conducting the custom operation is maintained and operated in a sanitary manner.

b. (1) Paragraph *"a"* shall be implemented, including administered and enforced by the department of agriculture and land stewardship, on and after the publication date of the issue of the Iowa administrative bulletin that includes a notice by the secretary of agriculture stating any of the following:

(a) Federal law, including a statute or regulation, allows for the implementation.

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(b) The United States department of agriculture has delivered to the department of agriculture and land stewardship an official approval of the implementation in writing.

(2) The department of agriculture and land stewardship shall send a copy of the notice to the Iowa Code editor at least two weeks prior to the publication date of the Iowa administrative bulletin as described in subparagraph (1).

(3) This paragraph is repealed on the date that paragraph "*a*" is implemented.

[C66, 71, 73, 75, 77, 79, 81, §189A.4]

2024 Acts, ch 1105, §1; 2025 Acts, ch 134, §42

Referred to in §189A.5

189A.5 Veterinarians and inspectors.

1. The secretary shall administer this chapter and may appoint a person to act as the secretary's designee in the administration of this chapter.

a. The secretary shall employ veterinarians licensed in the state of Iowa as veterinary inspectors.

b. The secretary is also authorized to employ as meat inspectors other persons who have qualified and are skilled in the inspection of meat and poultry products and any other additional employees the secretary deems necessary to carry out the provisions of this chapter. The meat inspectors shall be under the supervision of the secretary's designee or a veterinary inspector if no designee is appointed.

c. The secretary may also enter into contracts with qualified individuals to perform inspection services as the secretary may designate for a fee per head or per unit volume to be determined by the secretary provided the persons are not employed in an establishment in which the inspection takes place.

d. The secretary may utilize any employee, agent, or equipment of the department in the enforcement of this chapter, and may assign to inspectors other duties related to the acceptance of meat and poultry products.

2. In order to accomplish the objective stated in section 189A.1A, the secretary shall do any of the following:

a. By regulations require antemortem and postmortem inspections, quarantine, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this state, except those exempted by section 189A.4, at which livestock or poultry are slaughtered or livestock or poultry products are prepared for human food solely for distribution in intrastate commerce.

b. By regulations require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Iowa Inspected and Passed" if the products are found upon inspection to be not adulterated, and as "Iowa Inspected and Condemned" if they are found upon inspection to be adulterated; and the destruction for food purposes of all such condemned products under the supervision of an inspector.

c. Prohibit the entry into official establishments of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of such articles and other materials into such establishments under such conditions as the secretary deems necessary to effectuate the purposes of this chapter.

d. By regulations require that when livestock products and poultry products leave official establishments they shall bear directly thereon or on their containers, or both, all information required by section 189A.2, subsection 17; and require approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of this chapter.

e. Investigate the sanitary conditions of each establishment within paragraph "*a*" of this subsection and withdraw or otherwise refuse to provide inspection service at any such establishment where the sanitary conditions are such as to render adulterated any livestock products or poultry products prepared or handled at the establishment.

f. Prescribe regulations relating to sanitation for all establishments required to have inspection under paragraph "*a*" of this subsection.

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g. By regulations require that both of the following classes of persons shall keep such records and for such periods as are specified in the regulations to fully and correctly disclose all transactions involved in their business, and to afford the secretary and the secretary's representatives, including representatives of other governmental agencies designated by the secretary, access to such places of business, and opportunity at all reasonable times to examine the facilities, inventory, and records thereof, to copy the records, and to take reasonable samples of the inventory upon payment of the fair market value therefor:

(1) Any person that engages in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, as a broker, wholesaler, or otherwise, transporting, or storing any livestock products or poultry products for human or animal food.

(2) Any person that engages in or for intrastate commerce in business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals, including poultry, that died otherwise than by slaughter.

[C66, §170.20, 189A.5, 189A.7, 189A.8, 189A.10; C71, 73, 75, 77, 79, 81, §189A.5]
87 Acts, ch 144, §1; 2009 Acts, ch 41, §206; 2023 Acts, ch 64, §26; 2025 Acts, ch 134, §43
Referred to in §189A.7, 189A.10

189A.6 Health examination of employees.

The operator of any establishment shall require all employees of such establishment to have a health examination by a physician or physician associate and a certified health certificate for each employee shall be kept on file by the operator. The secretary may at any time require an employee of an establishment to submit to a health examination by a physician or physician associate. No person suffering from any communicable disease, including any communicable skin disease, and no person with infected wounds, and no person who is a "carrier" of a communicable disease shall be employed in any capacity in an establishment. No person shall work or be employed in or about any establishment during the time in which a communicable disease exists in the home in which such person resides unless such person has obtained a certificate from a physician or physician associate to the effect that no danger of public contagion or infection will result from the employment of such person in such establishment. Every person employed by an establishment and engaged in direct physical contact with meat or poultry products during its preparation, processing, or storage, shall be clean in person, wear clean washable outer garments and a suitable cap or other head covering used exclusively in such work. Only persons specifically designated by the operator of an establishment shall be permitted to touch meat or poultry products with their hands, and the persons so designated shall keep their hands scrupulously clean.

[C66, 71, 73, 75, 77, 79, 81, §189A.6]
2022 Acts, ch 1066, §21; 2026 Acts, ch 1008, §3
Code editor directive applied

189A.7 Powers of secretary of agriculture.

In order to accomplish the objective stated in section 189A.1A, the secretary may do any of the following:

1. Remove inspectors from any establishment that fails to destroy condemned products as required under section 189A.5, subsection 2, paragraph *"b"*.

2. Refuse to provide inspection service under this chapter with respect to any establishment for causes specified in section 401 of the federal Meat Inspection Act or section 18 of the federal Poultry Products Inspection Act.

3. Order labeling and containers to be withheld from use if the secretary determines that the labeling is false or misleading or the containers are of a misleading size or form.

4. By regulations prescribe the sizes and style of type to be used for labeling information required under this chapter, and definitions and standards of identity or composition or standards of fill of container, consistent with federal standards, when the secretary deems such action appropriate for the protection of the public and after consultation with the secretary of agriculture of the United States.

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5. By regulations prescribe conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for intrastate commerce to assure that such articles will not be adulterated or misbranded when delivered to the consumer.

6. Require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared.

7. By regulations require that every person engaged in business in or for intrastate commerce as a broker, renderer, animal food manufacturer, or wholesaler or public warehouser of livestock or poultry products, or engaged in the business of buying, selling, or transporting in intrastate commerce any dead, dying, disabled, or diseased livestock or poultry or parts of the carcasses of any such animals, including poultry, that died otherwise than by slaughter shall register with the secretary the person's name and the address of each place of business at which and all trade names under which the person conducts such business.

8. Adopt by reference or otherwise such provisions of the rules and regulations under the federal Acts, with such changes therein as the secretary deems appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other rules and regulations as the secretary deems necessary for the efficient execution of the provisions of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under section 189A.5, subsection 2, paragraph *"e"*, and subsection 1, 2, or 3 of this section and prescribing procedures for proceedings in such cases; however, this shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection pursuant to the sections cited herein pending issuance of a final order in any such proceeding.

9. Appoint and prescribe the duties of such inspectors and other personnel as the secretary deems necessary for the efficient execution of the provisions of this chapter.

10. Cooperate with the secretary of agriculture of the United States in administration of this chapter to effectuate the purposes stated in section 189A.3; accept federal assistance for that purpose and spend public funds of this state appropriated for administration of this chapter to pay the state's proportionate share of the estimated total cost of the cooperative program.

11. Recommend to the secretary of agriculture of the United States for appointment to the advisory committees provided for in the federal Acts, such officials or employees of the Iowa meat and poultry inspection service as the secretary shall designate.

12. Serve as a representative of the governor for consultation with the secretary of agriculture of the United States under paragraph "c" of section 301 of the federal Meat Inspection Act and paragraph "c" of section 5 of the federal Poultry Products Inspection Act unless the governor selects another representative.

[C71, 73, 75, 77, 79, 81, §189A.7]

2009 Acts, ch 41, §207; 2023 Acts, ch 66, §41; 2025 Acts, ch 134, §44

Referred to in §189A.2, 189A.10

189A.8 Prohibited acts.

1. No person shall sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the secretary to show the kinds of animals from which they were derived.

2. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any livestock products or poultry products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the secretary or are naturally inedible by humans.

3. No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or

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transportation, or receive for transportation in such commerce, any dead, dying, disabled, or diseased livestock or poultry or the products of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the secretary may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

[C71, 73, 75, 77, 79, 81, §189A.8]

189A.9 Hours of operation.

1. The secretary may require operations at licensed establishments to be conducted during reasonable hours. The owner or operator of each licensed establishment shall keep the secretary informed in advance of intended hours of operation.

2. A charge shall be made for overtime inspection in excess of eight hours per day or outside assigned work schedules and also on state legal holidays.

[C66, 71, 73, 75, 77, 79, 81, §189A.9]

189A.10 Fraudulent practices.

1. A person commits a fraudulent practice as defined in section 714.8 if the person does any of the following:

a. Slaughters livestock or poultry or prepares an article produced from livestock or poultry which is capable of use as human food, at any establishment preparing the article solely for intrastate commerce, except in compliance with the requirements of this chapter.

b. Sells, transports, offers for sale or transportation, or receives for transportation in intrastate commerce, any article produced from livestock or poultry which is both of the following:

(1) Capable of use as human food.

(2) Adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or required to be inspected under this chapter unless the article has passed inspection.

c. Commits any act which is intended to cause or has the effect of causing an article produced from livestock or poultry to be adulterated or misbranded, if the article is capable of use as human food and is being transported or held for sale after being transported in intrastate commerce.

2. A person commits a fraudulent practice as defined in section 714.8, if the person sells, transports, offers for sale or transportation, or receives for transportation in intrastate commerce, or receives from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the secretary.

3. No person shall violate any provision of the regulations or orders of the secretary under section 189A.5, subsection 2, paragraph "*g*", or section 189A.7.

[C71, 73, 75, 77, 79, 81, §189A.10]

88 Acts, ch 1036, §1; 2009 Acts, ch 41, §208

189A.11 Access by inspectors — acceptance by state agencies.

1. A person shall not deny access to any authorized inspectors upon the presentation of proper identification at any reasonable time to establishments and to all parts of such premises for the purposes of making inspections under this chapter.

2. When meat has been inspected and approved by the department, such inspection will be equal to federal inspection and therefore may be accepted by state agencies and political subdivisions of the state and no other inspection can be required.

a. An inspection of products placed in any container at any official establishment shall not be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

b. For purposes of any inspection of products required by this chapter, inspectors authorized by the secretary shall have access at all times by day or night to every part of every

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establishment required to have inspection under this chapter, whether the establishment is operated or not.

[C66, 71, 73, 75, 77, 79, 81, §189A.11]

2013 Acts, ch 30, §40

189A.12 Seizure, detention, and determination.

Whenever any livestock or poultry product or any product exempted from the definition of a livestock or poultry product, or any dead, dying, disabled, or diseased livestock or poultry is found by any authorized representative of the secretary upon any premises where it is held for purposes of, or during or after distribution in, intrastate commerce or is otherwise subject to this chapter, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected in violation of the provisions of this chapter, the federal Meat Inspection Act, the federal Poultry Products Inspection Act, or the Federal Food, Drug, and Cosmetic Act, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under this section or notification of any federal authorities having jurisdiction over such article or animal, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the secretary that the article or animal is eligible to retain such marks.

1. Any livestock or poultry product, or any dead, dying, disabled, or diseased livestock or poultry which is being transported in intrastate commerce, or is otherwise subject to this chapter, or is held for sale in this state after such transportation, and which is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter; or is capable of use as human food and is adulterated or misbranded; or is in any other way in violation of this chapter shall be liable to be proceeded against and seized and condemned at any time on a complaint filed in the district court of the particular county within the jurisdiction of which such article or animal is found. If such article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and any proceeds, less the court costs and fees, storage fees, and other proper expenses, shall be paid into the treasury of this state, but the article or animal shall not be sold contrary to the provisions of this chapter, the federal Meat Inspection Act, the federal Poultry Products Inspection Act, or the Federal Food, Drug, and Cosmetic Act; however, upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this chapter or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond or destroyed, court costs and fees, storage fees, and other proper expenses shall be awarded against any person intervening as claimant of the article or animal. The proceedings in such cases shall be held without a jury, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of this state.

2. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter or other applicable laws.

[C66, 71, 73, 75, 77, 79, 81, §189A.12]

2025 Acts, ch 30, §105

189A.13 Rules.

The secretary shall promulgate such rules as may be necessary for the effective administration of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §189A.13]

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189A.14 Injunctive relief.

1. Judicial review of the action of the secretary may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

2. The district court in the county where the violation occurs may enjoin a person from violating this chapter or a regulation promulgated by the secretary pursuant to this chapter. The department may apply to the district court for the injunction. In order to obtain injunctive relief the department shall not be required to post a bond or prove the absence of an adequate remedy at law, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to issuing a temporary or permanent restraining order.

[C66, 71, 73, 75, 77, 79, 81, §189A.14]

88 Acts, ch 1036, §2; 2003 Acts, ch 44, §114

189A.15 Cooperation with other agencies.

The secretary is hereby authorized to cooperate with all other agencies, federal and state, in order to carry out the effective administration of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §189A.15]

189A.16 Forgery or counterfeiting.

1. No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the secretary.

2. No person shall do any of the following:

a. Forge any official device, mark, or certificate.

b. Without authorization from the secretary, use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate.

c. Contrary to the regulations prescribed by the secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate.

d. Knowingly possess, without promptly notifying the secretary or the secretary's representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, including poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark.

e. Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the secretary.

f. Knowingly represent that any article has been inspected and passed, or exempted, under this chapter when it has not been so inspected and passed, or exempted.

[C71, 73, 75, 77, 79, 81, §189A.16]

189A.17 Penalties.

1. Any person who violates any provisions of this chapter for which no other criminal penalty is provided shall be guilty of a simple misdemeanor; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, except as defined in section 189A.2, subsection 1, paragraph *"h"* such person shall be guilty of a fraudulent practice.

2. Nothing in this chapter shall be construed as requiring the secretary to report, for the institution of legal proceedings, minor violations of this chapter whenever the secretary believes that the public interest will be adequately served by a suitable written notice of warning.

3. The secretary shall also have power:

a. To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any person engaged in intrastate commerce, and the relation thereof to other persons.

b. To require persons engaged in intrastate commerce to file with the secretary in such form as the secretary may prescribe, annual or special reports or answers in writing to specific

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questions, furnishing to the secretary such information as the secretary may require as to the organization, business, conduct, practices, management, and relation to other persons of the person filing such reports or answers. Such reports and answers shall be made under oath, or otherwise as the secretary may prescribe, and shall be filed with the secretary within such reasonable period as the secretary may prescribe, unless additional time be granted in any case by the secretary.

4. *a.* For the purpose of this chapter the secretary may, at all reasonable times, examine and copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The secretary may sign subpoenas and administer oaths and affirmations, examine witnesses, and receive evidence.

b. Such attendance of witnesses, and the production of such documentary evidence may be required at any designated place of hearing. In case of disobedience to a subpoena the secretary may invoke the aid of the district court having jurisdiction over the matter in requiring the attendance and testimony of witnesses and the production of documentary evidence.

c. The district court may, in case of failure or refusal to obey a subpoena issued under this section to any person, enter an order requiring such person to appear before the secretary or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey such order of the court may be punished by such court as contempt.

d. Upon the application of the attorney general of this state at the request of the secretary, the court shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any order of the secretary pursuant thereto.

e. The secretary may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under the person's direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the secretary as provided in this section.

f. Witnesses summoned before the secretary shall be paid the same fees and mileage that are paid witnesses in the district court, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such district court.

g. No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the secretary or in obedience to the subpoena of the secretary, whether such subpoena be signed or issued by the secretary or the secretary's delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter for the reason that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture; but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

5. *a.* Any person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in the person's power to do so, in obedience to the subpoena or lawful requirement of the secretary shall be guilty of a serious misdemeanor.

b. Any person who willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter, or who willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject

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to this chapter, or who willfully neglects or fails to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the business of such person, or who willfully leaves the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or who willfully refuses to submit to the secretary or to any of the secretary's authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this chapter in the person's possession or control, shall be deemed guilty of an aggravated misdemeanor.

c. If a person required by this chapter to file an annual or special report fails to do so within the time fixed by the secretary for filing it, and the failure continues for thirty days after notice of default, the person shall forfeit to this state the sum of one hundred dollars for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district court of the county where the person has a principal office or in the district court of any county in which the person does business. The county attorneys shall prosecute for the recovery of such forfeitures.

d. Any officer or employee of this state who makes public any information obtained by the secretary, without the secretary's authority, unless directed by a court, or uses any such information to the officer's or employee's advantage, shall be deemed guilty of a serious misdemeanor.

6. The requirements of this chapter shall apply to persons, establishments, animals, and articles regulated under the federal Meat Inspection Act or the federal Poultry Products Inspection Act to the extent provided for in said federal Acts and also to the extent provided in this chapter and in regulations the secretary may prescribe to promulgate this chapter.

[C66, 71, 73, 75, 77, 79, 81, §189A.17]
83 Acts, ch 123, §79, 209; 2009 Acts, ch 41, §209; 2023 Acts, ch 66, §42
Referred to in §331.424, 331.756(31)

189A.18 Humane slaughter practices.

Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, caprine, or ovine animals or farm deer shall slaughter all such animals in an approved humane slaughtering method. For purposes of this section, an approved humane slaughtering method shall include and be limited to slaughter by shooting, electrical shock, captive bolt, or use of carbon dioxide gas prior to the animal being shackle hoisted, thrown, cast, or cut; however, the slaughtering, handling, or other preparation of livestock in accordance with the ritual requirements of the Jewish or any other faith that prescribes and requires a method whereby slaughter becomes effected by severance of the carotid arteries with a sharp instrument is hereby designated and approved as a humane method of slaughter under the law.

[C66, 71, 73, 75, 77, 79, 81, §189A.18]
95 Acts, ch 134, §4; 2017 Acts, ch 159, §30

189A.19 Bribery.

Any person who gives, pays, or offers, directly or indirectly, to any officer or employee of this state authorized to perform any of the duties prescribed by this chapter or by the regulations of the secretary, any money or other thing of value, with intent to influence said officer or employee in the discharge of any such duty, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment in the penitentiary not less than one year nor more than three years; and any officer or employee of this state authorized to perform any of the duties prescribed by this chapter who accepts any money, gift, or other thing of value from any person, given with intent to influence the officer's or employee's official action, or who receives or accepts from any person engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten

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thousand dollars and by imprisonment in the penitentiary not less than one year nor more than three years.

[C71, 73, 75, 77, 79, 81, §189A.19]

189A.20 No inspection for products inedible as human food.

Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the secretary to deter their use for human food.

[C71, 73, 75, 77, 79, 81, §189A.20]

189A.21 Appropriation authorized.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §189A.21]

189A.22 Federal grants.

All federal grants to and the federal receipts of this department are hereby appropriated for the purpose set forth in such federal grants or receipts.

[C71, 73, 75, 77, 79, 81, §189A.22]

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CHAPTER 190

ADULTERATION OF FOODS

Referred to in §189.11, 191.2, 191.4, 192.107, 192.108, 192.146, 195.1, 195.2

190.1 Definitions and standards.
190.2 Additional standards — milk and dairy products — exceptions.
190.3 Food adulterations.
190.4 Adulterations of dairy products.
190.5 Adulterated milk or milk products.
190.6 Adulteration with fats and oils.
190.7 Coloring imitation cheese.
190.8 Coloring vinegar.
190.9 Adulteration of candies.
190.10 Sale by false name.
190.11 Artificial sweetening — labeling.
190.12 Standards for frozen desserts.
190.13 Frozen desserts — edible containers.
190.14 Administration — milk and dairy products.
190.15 Violations — injunction.

190.1 Definitions and standards.

For the purpose of this subtitle, except chapters 192, 203, 203C, 203D, 207, and 208, the following definitions and standards of food are established:

1. *Butter.* Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, with or without the addition of salt, or harmless coloring matter, and containing at least eighty percent, by weight, of milk fat.

2. *Flavoring extract.* A flavoring extract is a solution in ethyl alcohol or other suitable medium of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

a. Almond extract. Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one percent by volume of oil of bitter almonds.

b. Anise extract. Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three percent by volume of oil of anise.

c. Cassia extract. Cassia extract is the flavoring extract prepared from oil of cassia, and contains not less than two percent by volume of oil of cassia.

d. Celery seed extract. Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths percent by volume of oil of celery seed.

e. Cinnamon extract. Cinnamon extract is the flavoring extract prepared from oil of cinnamon, and contains not less than two percent by volume of oil of cinnamon.

f. Clove extract. Clove extract is the flavoring extract prepared from oil of cloves, and contains not less than two percent by volume of oil of cloves.

g. Ginger extract. Ginger extract is the flavoring extract prepared from ginger, and contains in each one hundred cubic centimeters the alcohol-soluble matters from not less than twenty grams of ginger.

h. Lemon extract. Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five percent by volume of oil of lemon.

i. Terpeneless extract of lemon. Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of lemon in such medium, and contains not less than two-tenths percent by weight of citral derived from oil of lemon.

j. Nutmeg extract. Nutmeg extract is the flavoring extract prepared from oil of nutmeg, and contains not less than two percent by volume of oil of nutmeg.

k. Orange extract. Orange extract is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five percent by volume of oil of orange.

l. Terpeneless extract of orange. Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of orange in such medium, and corresponds in flavoring strength to orange extract.

m. Peppermint extract. Peppermint extract is the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three percent by volume of oil of peppermint.

n. Rose extract. Rose extract is the flavoring extract prepared from attar of roses, with or without red rose petals, and contains not less than four-tenths percent by volume of attar of roses.

o. Savory extract. Savory extract is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths percent by volume of oil of savory.

p. Spearmint extract. Spearmint extract is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three percent by volume of oil of spearmint.

q. Star anise extract. Star anise extract is the flavoring extract prepared from oil of star anise, and contains not less than three percent by volume of oil of star anise.

r. Sweet basil extract. Sweet basil extract is the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and contains not less than one-tenth percent by volume of oil of sweet basil.

s. Sweet marjoram extract. Sweet marjoram extract is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one percent by volume of oil of marjoram.

t. Thyme extract. Thyme extract is the flavoring extract prepared from oil of thyme, or from thyme, or both, and contains not less than two-tenths percent by volume of oil of thyme.

u. Tonka extract. Tonka extract is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth percent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

v. Vanilla extract. Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred cubic centimeters the soluble matters from not less than ten grams of the vanilla bean, and contains not less than thirty percent by volume of absolute ethyl alcohol, or other suitable medium.

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w. Wintergreen extract. Wintergreen extract is the flavoring extract prepared from oil of wintergreen, and contains not less than three percent by volume of oil of wintergreen.

3. *Food.* Food shall include any article used by humans or domestic animals for food, drink, confectionery, or condiment, or which enters into the composition of the same, whether simple, blended, mixed, or compound. The term *"blended"* shall be construed to mean a mixture of like substances.

4. *Honey.* Honey is the secretion of floral nectar collected by the honeybee and stored in wax combs constructed by the honeybee, or the liquid derived therefrom.

5. *Lard.* Lard is the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearin or a hardened lard. The tissues do not include bones, detached skin, head fat, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings and the like and are reasonably free from muscle tissue and blood.

6. *Oleomargarine.* Oleo, oleomargarine or margarine includes all substances, mixtures and compounds known as oleo, oleomargarine or margarine, or all substances, mixtures and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter.

7. *Oysters.* Oysters shall not contain ice, nor more than sixteen and two-thirds percent by weight of free liquid.

8. *Rendered pork fat.* Rendered pork fat is the fat other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs, tails, bones from the head and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin or hardened lard or rendered pork fat stearin or hardened rendered pork fat or any combination.

9. *Renovated butter.* Renovated butter is butter produced by taking original packing stock butter, or other butter, or both, and melting the same so that the milk fat can be extracted, then by mixing the said milk fat with skimmed milk, milk, cream, or some milk product, and rechurning or reworking the said mixture; or butter made by any method which produces a product commonly known as boiled, processed, or renovated butter.

10. *Sorghum syrup.* Sorghum syrup is liquid food derived by the concentration and heat treatment of the juice of sorghum cane including sorgo and sorghum vulgare. Sorghum syrup must contain not less than seventy-four percent by weight of soluble solids derived solely from juices of sorghum cane.

11. *Substitute for sugar.* Where sugar is given as one of the ingredients in a food product when the definition is established by law or by regulation, the following products may be used as optional ingredients: Dextrose (corn sugar) or corn syrup.

12. *Vinegar.* Vinegar is the product made by the alcoholic and subsequent fermentation of fruits, grain, vegetables, sugar, or syrups without the addition of any other substance and containing an acidity of not less than four percent by weight of absolute acetic acid. The product may be distilled, but when not distilled it shall not carry in solution any other substance except the extractive matter derived from the substances from which it was made.

a. Cider or apple vinegar. Cider or apple vinegar is a similar product made by the same process solely from the juice of apples. Such vinegar which during the course of manufacture has developed in excess of four percent acetic acid may be reduced to said strength.

b. Corn sugar vinegar. Corn sugar vinegar is a similar product made by the same process solely from solutions of starch sugar.

c. Malt vinegar. Malt vinegar is a similar product made by the same process solely from barley malt or cereals whose starch has been converted by malt.

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d. Sugar vinegar. Sugar vinegar is a similar product made by the same process solely from sucrose.

[C73, §4042; C97, §2516, 2518, 4989 – 4991; S13, §2515-b, -d; SS15, §4999-a31, -a31c; C24, 27, 31, 35, 39, §**3058;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §190.1; 81 Acts, ch 72, §1]

88 Acts, ch 1195, §1; 89 Acts, ch 151, §2; 91 Acts, ch 74, §2, 3; 94 Acts, ch 1023, §41; 2003 Acts, ch 69, §45

Referred to in §189.14, 191.6
Further definitions, see §189.1
"Person" also defined, §191.4

190.2 Additional standards — milk and dairy products — exceptions.

1. The department may establish and publish standards for foods when such standards are not fixed by law. The standards shall conform with standards for foods adopted by federal agencies including but not limited to the United States department of agriculture.

2. The department shall adopt rules specifying standards for milk and dairy products which are consistent with the "Pasteurized Milk Ordinance", as provided in chapter 192, and applicable federal standards of identity.

3. This section does not apply to any of the following:

a. The production, processing, labeling, marketing, or distribution of raw milk by a raw milk producer in compliance with chapter 195.

b. The manufacture, labeling, marketing, or distribution of a raw milk product or raw milk dairy product by a raw milk producer in compliance with chapter 195.

[S13, §4999-a18; C24, 27, 31, 35, 39, §**3059;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §190.2]

91 Acts, ch 74, §4; 98 Acts, ch 1032, §6; 2016 Acts, ch 1011, §121; 2023 Acts, ch 64, §27; 2023 Acts, ch 75, §8

190.3 Food adulterations.

1. For the purposes of this chapter, any food shall be deemed to be adulterated:

a. If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality.

b. If any substance has been substituted to any extent.

c. If any valuable constituent has been removed to any extent.

d. If it has been mixed, colored, powdered, coated, or stained whereby damage or inferiority is concealed.

e. If it contains formaldehyde, sulphites or boron compound, or any poisonous or other ingredients injurious to health.

f. If it consists to any extent of a diseased, filthy, or decomposed animal or vegetable substance, whether manufactured or otherwise.

g. If it consists to any extent of an animal that has died otherwise than by slaughter.

h. If it is the product of or obtained from a diseased or infected animal.

i. If it has been damaged by freezing.

j. If it does not conform to the standards established by law or by the department.

2. The provisions of subsection 1, paragraphs *"a"* and *"b"*, shall not apply to the addition of vitamins approved by the United States Pharmacopoeia or the removal of milk fat from milk.

[C73, §4042; C97, §4989, 4990; S13, §2515-b, -d; SS15, §4999-a31e; C24, 27, 31, 35, 39, §**3060;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §190.3]

91 Acts, ch 74, §5; 2009 Acts, ch 41, §263

Referred to in §190.4, 190.9

190.4 Adulterations of dairy products.

In addition to the adulterations enumerated in section 190.3, milk, cream, or skimmed milk shall be deemed to be adulterated:

1. If it contains visible dirt or is kept or placed at any time in an unclean container.

2. If obtained from a cow within fifteen days before or five days after calving.

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3. If obtained from a cow stabled in an unhealthful place, or fed upon any substance in a state of putrefaction or of unhealthful nature.

4. If obtained from a cow which has consumed chemical, medicinal, or radioactive agents capable of being secreted in milk.

5. If obtained from a cow in a mastitic condition.

[C97, §4989, 4990; S13, §2515-b, -d; C24, 27, 31, 35, 39, §**3061;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §190.4]

190.5 Adulterated milk or milk products.

Any milk or milk product shall further be deemed to be adulterated:

1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.

2. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulation, or in excess of such tolerance if one has been established.

3. If it consists, in whole or in part, of any substance unfit for human consumption.

4. If it has been produced, processed, prepared, packed, or held under insanitary conditions.

5. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

6. If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

[C71, 73, 75, 77, 79, 81, §190.5]

190.6 Adulteration with fats and oils.

No milk, cream, skimmed milk, buttermilk, condensed or evaporated milk, powdered or desiccated milk, condensed skimmed milk, ice cream, or any fluid derivatives of any of them shall be made from or have added thereto any fat or oil other than milk fat, and no product so made or prepared shall be sold, offered or exposed for sale, or possessed with the intent to sell, under any trade name or other designation of any kind. Provided however, that it shall be lawful to produce and sell a condensed or evaporated milk product in which the milk fat has been replaced by an edible vegetable fat made from soybean oil. Such a product shall be given a distinctive name to distinguish it from natural, condensed, or evaporated milk, which name shall not include the words "milk" or "milk products" or any derivative thereof, and the label under which such a product is sold at retail shall clearly state the vegetable fat content of the product.

[C24, 27, 31, 35, 39, §**3062;** C46, 50, 54, 58, 62, 66, §190.5; C71, 73, 75, 77, 79, 81, §190.6]

190.7 Coloring imitation cheese.

No imitation cheese shall be colored with any substance and no such imitation cheese shall be made by mixing animal fats, vegetable oils, or other substances for the purpose or with the effect of imparting to the mixture the color of yellow cheese.

[C97, §2518; C24, 27, 31, 35, 39, §**3063;** C46, 50, 54, 58, 62, 66, §190.6; C71, 73, 75, 77, 79, 81, §190.7]

190.8 Coloring vinegar.

Vinegar shall not be colored with coloring matter and distilled vinegar shall not have a brown color in imitation of cider vinegar.

[SS15, §4999-a31; C24, 27, 31, 35, 39, §**3064;** C46, 50, 54, 58, 62, 66, §190.7; C71, 73, 75, 77, 79, 81, §190.8]

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190.9 Adulteration of candies.

In addition to the adulterations enumerated in section 190.3, candy shall be deemed to be adulterated if it contains terra alba, barytes, talc, paraffin, chrome yellow, or other mineral substance.

[SS15, §4999-a31e; C24, 27, 31, 35, 39, §**3065;** C46, 50, 54, 58, 62, 66, §190.8; C71, 73, 75, 77, 79, 81, §190.9]

190.10 Sale by false name.

No person shall offer or expose for sale, sell, or deliver any article of food which is defined in this chapter under any other name than the one herein specified or offer or expose for sale, sell, or deliver any article of food which is not defined in this chapter under any other name than its true name, trade name, or trademark name.

[C24, 27, 31, 35, 39, §**3066;** C46, 50, 54, 58, 62, 66, §190.9; C71, 73, 75, 77, 79, 81, §190.10]

190.11 Artificial sweetening — labeling.

Where any approved artificial sweetening product such as saccharin or sulfamate is used by any person in the manufacture or sale of any article of food intended for human consumption, the container in which any such food or beverage is sold or offered for sale to the public shall be clearly, legibly and noticeably labeled with the name of the sweetening product used. The portion of the store, display counter, shelving, or other place where such food or beverage is displayed or offered for sale, shall be clearly and plainly identified by an appropriate sign reading:

FOR DIETARY PURPOSES.

[C54, 58, 62, 66, §190.10; C71, 73, 75, 77, 79, 81, §190.11]
2015 Acts, ch 29, §30

190.12 Standards for frozen desserts.

1. Frozen desserts and the pasteurized dairy ingredients used in the manufacture thereof, shall comply with the following standards:

Milk, cream, and fluid dairy ingredient	Temperature	Storage at 45 degrees Fahrenheit.
	Bacterial limit	50,000 per milliliter
	Coliform limit	10 per milliliter
Frozen dessert mixes, frozen desserts (plain)	Temperature	Storage at 45 degrees Fahrenheit.
	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram
Dry dairy ingredient	Extra grade or better as defined by U. S. Standards for grades for the particular product.	
Dry powder mix	Bacterial limit	50,000 per gram
	Coliform limit	10 per gram

2. The bacteria count and coliform determination shall not exceed these standards in three out of the last five consecutive samples taken by the regulatory agency.

3. This section shall not preclude holding mix at a higher temperature for a short period

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of time immediately prior to freezing where applicable to the particular manufacturing or processing practices.

4. This section shall not apply to sterilized mix in hermetically sealed containers.

5. The coliform determination for bulky flavored frozen desserts shall not be more than twenty per gram.

[C71, 73, 75, 77, 79, 81, §190.12]

2009 Acts, ch 133, §74; 2013 Acts, ch 30, §41

190.13 Frozen desserts — edible containers.

Notwithstanding any other labeling provision of the Code, frozen dessert of any kind or flavor may be dispensed and sold at retail in edible containers or as a part of any food preparation intended for consumption without further preparation, including but not limited to the preparations commonly termed milk shakes, malted milks, sundaes, and floats.

[C71, 73, 75, 77, 79, 81, §190.13]

190.14 Administration — milk and dairy products.

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk Ordinance", as provided in section 192.102.

2. The department, as provided in section 192.108, may contract with a person qualified by the department to perform inspection of dairy farms, milk plants, receiving stations, or transfer stations to ensure compliance with this chapter.

91 Acts, ch 74, §6; 94 Acts, ch 1198, §37; 97 Acts, ch 33, §4

190.15 Violations — injunction.

The department may restrain a person violating this chapter or a rule adopted by the department under this chapter by petitioning the district court where the violation occurs for injunctive relief. Each day that a violation continues constitutes a separate violation.

91 Acts, ch 74, §7

CHAPTER 190A

FARM-TO-SCHOOL ACT

190A.1	Short title.	190A.5	Farm-to-school fund.
190A.2	Definitions.	190A.6	Farm-to-school program. Repealed by 2026 Acts, ch 1139, §13.
190A.3	Goals and strategies.		
190A.4	Agency cooperation.		

190A.1 Short title.

This chapter shall be known and may be cited as the *"Farm-to-School Act"*.

2007 Acts, ch 215, §93; 2021 Acts, ch 149, §4

190A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of agriculture and land stewardship.

2. *"Food animal"* means an animal belonging to the bovine, caprine, ovine, or porcine species; a turkey, chicken, or other type of poultry; a farm deer as defined in section 170.1; a fish or other aquatic organism confined in private waters for human consumption; or a bee as defined in section 160.1A.

3. *"Food commodity"* means any of the following:

a. A food animal that is to be slaughtered or harvested and that is to be processed into a food product.

b. An item regularly generated by a food animal, including milk, eggs, or honey, that has been collected, and that is to be processed into a food product.

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c. Sap, whole nuts, or whole produce, including vegetables or fruit, that has been harvested and that is to be processed into a food product.

4. *"Food product"* means a perishable or nonperishable product derived from processing a food commodity to be fit for human consumption, including but not limited to cuts of meat, poultry, or fish; shelled aquatic items; pasteurized milk or dairy products; washed shelled eggs; honey; maple syrup; cleaned unshelled or shelled nuts; washed whole produce; and washed and cut produce.

5. *"Process"* means to prepare a food commodity in a manner that allows it to be sold to consumers as a food product, including by altering the form or identity of the food commodity; trimming, cutting, cleaning, drying, freezing, filtering, sorting, or shelling the food commodity; or packaging the food commodity.

6. *"Program"* means the farm-to-school program created in section 190A.3.

7. *"School"* means a public school or nonpublic school, as those terms are defined in section 280.2, or that portion of a public school or nonpublic school that provides facilities for teaching any grade from kindergarten through grade twelve.

2021 Acts, ch 149, §5; 2026 Acts, ch 1139, §9, 10
Section amended and editorially internally renumbered

190A.3 Goals and strategies.

1. A farm-to-school program is created within the department. The program shall seek to link schools in this state with Iowa farms to provide schools with fresh and minimally processed food products for inclusion in school meals and snacks, encourage children to develop healthy eating habits, and provide Iowa farmers access to consumer markets.

2. The farm-to-school program may include activities that provide students with hands-on learning opportunities, such as farm visits, cooking demonstrations, and school gardening and composting programs.

3. The department of agriculture and land stewardship and the department of education shall seek to establish partnerships with public agencies and nonprofit organizations to implement a structure to facilitate communication between farmers and schools.

4. The department of agriculture and land stewardship and the department of education shall actively seek financial or in-kind contributions from organizations or persons to support the program.

2007 Acts, ch 215, §95; 2009 Acts, ch 41, §76; 2013 Acts, ch 129, §62, 63; 2026 Acts, ch 1139, §11
Referred to in §190A.2
Subsection 1 amended

190A.4 Agency cooperation.

The department of agriculture and land stewardship and the department of education shall provide information regarding the Iowa farm-to-school program in an electronic format on the department's internet site.

2007 Acts, ch 215, §96; 2013 Acts, ch 90, §257

190A.5 Farm-to-school fund.

1. A farm-to-school fund is created in the state treasury under the management and control of the department.

2. The fund shall include moneys appropriated to the fund by the general assembly. The fund shall include any other moneys available to and obtained or accepted by the department, including moneys from public or private sources, to support the program.

3. Moneys in the fund are appropriated to support the farm-to-school program in a manner determined by the department, including for reasonable administrative costs incurred by the department. However, the department shall not expend more than four percent of moneys existing at any one time in the fund during each fiscal year for purpose of paying costs associated with the administration of the program and fund incurred by the department during that fiscal year. Moneys expended from the fund shall not require further special authorization by the general assembly.

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4. *a.* Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated.

2021 Acts, ch 149, §6; 2026 Acts, ch 1139, §12
Subsection 3 amended

190A.6 Farm-to-school program. Repealed by 2026 Acts, ch 1139, §13.

CHAPTER 190B

FARM TO FOOD DONATION TAX CREDIT AND EMERGENCY FOOD PURCHASES

Referred to in §422.11R, 422.33

SUBCHAPTER I

FARM TO FOOD DONATION TAX CREDIT

190B.101 Definitions.

190B.102 Department of revenue — cooperation with other departments.

190B.103 From farm to food donation tax credit.

190B.104 From farm to food donation tax credit — eligibility.

190B.105 From farm to food donation tax credit — claims filed by individuals who belong to business entities.

190B.106 From farm to food donation tax credit — limits on claims.

190B.107 through 190B.200 Reserved.

SUBCHAPTER II

IOWA EMERGENCY FOOD PURCHASE PROGRAM

190B.201 Iowa emergency food purchase program — fund.

SUBCHAPTER I

FARM TO FOOD DONATION TAX CREDIT

190B.101 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Department"* means the department of revenue.

2. *"Tax credit"* means the from farm to food donation tax credit as established in this subchapter.

2013 Acts, ch 140, §139, 147; 2021 Acts, ch 80, §92

190B.102 Department of revenue — cooperation with other departments.

1. This subchapter shall be administered by the department of revenue.

2. The department shall adopt all rules necessary to administer this subchapter.

3. The department of agriculture and land stewardship, the department of health and human services, and the department of inspections, appeals, and licensing shall cooperate with the department of revenue to administer this subchapter.

2013 Acts, ch 140, §140, 147; 2021 Acts, ch 80, §93; 2023 Acts, ch 19, §280, 1919

190B.103 From farm to food donation tax credit.

A from farm to food donation tax credit is allowed against the taxes imposed in chapter 422, subchapters II and III, as provided in this subchapter.

2013 Acts, ch 140, §141, 147; 2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §94

190B.104 From farm to food donation tax credit — eligibility.

In order to qualify for a from farm to food donation tax credit, all of the following must apply:

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1. The taxpayer must produce the donated food commodity.
2. The taxpayer must transfer title to the donated food commodity to an Iowa food bank, or an Iowa emergency feeding organization, recognized by the department. The taxpayer shall not receive remuneration for the transfer.
3. The donated food commodity cannot be damaged or out-of-condition and declared to be unfit for human consumption by a federal, state, or local health official. A food commodity that meets the requirements for donated foods pursuant to the federal emergency food assistance program satisfies this requirement.
4. A taxpayer claiming the tax credit shall provide documentation supporting the tax credit claim in a form and manner prescribed by the department by rule.

2013 Acts, ch 140, §142, 147

190B.105 From farm to food donation tax credit — claims filed by individuals who belong to business entities.

An individual may claim a from farm to food donation tax credit of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2013 Acts, ch 140, §143, 147

190B.106 From farm to food donation tax credit — limits on claims.

A from farm to food donation tax credit is subject to all of the following limitations:

1. The tax credit shall not exceed a qualifying amount for the tax year that the tax credit is claimed. The qualifying amount is the lesser of the following:

a. Fifteen percent of the value of the commodities donated during the tax year for which the credit is claimed. The value of the commodities shall be determined in the same manner as a charitable contribution of food for federal tax purposes under section 170(e)(3)(C) of the Internal Revenue Code.

b. Five thousand dollars.

2. A tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.
3. If a tax credit is allowed, the amount of the contribution for which the tax credit is claimed shall not be deductible in determining taxable income for state tax purposes.
4. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

2013 Acts, ch 140, §144, 147

190B.107 through 190B.200 Reserved.

SUBCHAPTER II

IOWA EMERGENCY FOOD PURCHASE PROGRAM

190B.201 Iowa emergency food purchase program — fund.

1. An Iowa emergency food purchase program fund is established in the state treasury and shall be administered by the department of agriculture and land stewardship. The fund shall consist of moneys appropriated to the fund pursuant to section 602.8108, subsection 11, and any other moneys appropriated to the fund.
2. The purpose of the fund is to relieve situations of emergency experienced by families or individuals who reside in this state, including low-income families and individuals and unemployed families and individuals, by distributing food to those persons, and the department of agriculture and land stewardship may contract with an Iowa food bank association to manage the program.

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3. The Iowa food bank association managing the program shall distribute food under the program to emergency feeding organizations in this state. The Iowa food bank association shall report to the department of agriculture and land stewardship as required by the department.

4. *"Iowa food bank association"* means a private nonprofit entity that meets all of the following requirements:

a. The association is organized under chapter 504.

b. The association qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from federal income tax under section 501(a) of the Internal Revenue Code.

c. The association's members include food banks, or affiliations of food banks, that together serve all counties in this state.

d. The association's principal office is located in this state.

5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until two years following the last day of the fiscal year in which the funds were originally appropriated.

2020 Acts, ch 1074, §58, 93; 2021 Acts, ch 76, §41
Referred to in §602.8108

CHAPTER 190C

ORGANIC AGRICULTURAL PRODUCTS

Referred to in §184.1

SUBCHAPTER I

DEFINITIONS

190C.1 Definitions.
190C.1A Other definitions.
190C.1B General authority.

SUBCHAPTER II

ADMINISTRATION

190C.2 Organic products — advisory council. Repealed by 2024 Acts, ch 1170, §368.
190C.2A Duties of the council. Repealed by 2024 Acts, ch 1170, §368.
190C.2B Establishment and implementation of chapter.
190C.3 Duties and powers of department.
190C.4 Administrative authority. Repealed by 2003 Acts, ch 104, §20, 21.
190C.5 State fees — deposit into general fund of the state.
190C.6 Regional organic associations.
190C.7 through 190C.11 Reserved.
190C.12 through 190C.15 Repealed by 2003 Acts, ch 104, §20, 21.
190C.16 through 190C.20 Reserved.

SUBCHAPTER III

ENFORCEMENT

190C.21 General enforcement.
190C.22 Investigations, complaints, inspections, and examinations.
190C.23 Disciplinary action.
190C.24 Stop sale order.
190C.25 Injunctions.
190C.26 Selling, labeling, or representing agricultural products as organic — penalties.

SUBCHAPTER I

DEFINITIONS

190C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agricultural product"* means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, that is marketed in this state for human or livestock consumption.

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2. *"Crop"* means a plant or part of a plant intended to be marketed as an agricultural product or fed to livestock.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Handler"* means a person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products.

5. *"Label"* means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

6. *"Livestock"* means any cattle, sheep, goats, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other nonplant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products.

7. *"National organic program"* means the program administered by the United States department of agriculture pursuant to 7 C.F.R. pt. 205, which implements the federal Organic Food Production Act of 1990, 7 U.S.C. §6501 et seq.

8. *"Organic"* means a labeling term that refers to an agricultural product produced in accordance with this chapter.

9. *"Organic agricultural product"* means an agricultural product that is certified or otherwise qualifies as organic in accordance with the provisions of this chapter as they existed on and after May 20, 1998.

10. *"Processing"* means cooling, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing in a food container.

11. *"Processor"* means a person engaged in the business of processing.

12. *"Producer"* means a person who engages in the business of growing or producing food, fiber, feed, or other agricultural-based consumer products.

13. *"Regional organic association"* means a corporation authorized pursuant to section 190C.6.

14. *"Retailer"* means a person who sells agricultural products on a retail basis. *"Retailer"* includes a food establishment as defined in section 137F.1. *"Retailer"* also includes a restaurant, delicatessen, bakery, grocery store, or any retail outlet with an in-store restaurant, delicatessen, bakery, salad bar, or other eat-in or carry-out service of processed or prepared raw and ready-to-eat food.

15. *"Secretary"* means the secretary of agriculture who is the director of the department of agriculture and land stewardship.

98 Acts, ch 1205, §1, 20; 99 Acts, ch 96, §19; 2003 Acts, ch 104, §1, 21; 2003 Acts, ch 108, §43; 2003 Acts, ch 149, §13, 23; 2024 Acts, ch 1170, §244

Referred to in §190C.1A

190C.1A Other definitions.

For purposes of this chapter, words and phrases that are not defined in section 190C.1 shall have the same meanings as provided in 7 C.F.R. pt. 205.

2003 Acts, ch 104, §2, 21

190C.1B General authority.

Any provision in this chapter referring generally to compliance with the requirements of this chapter also includes compliance with requirements in rules adopted by the department pursuant to this chapter, orders issued by the department as authorized under this chapter, and the terms and conditions applicable to any certification made pursuant to this chapter.

2003 Acts, ch 104, §3, 21

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SUBCHAPTER II

ADMINISTRATION

190C.2 Organic products — advisory council. Repealed by 2024 Acts, ch 1170, §368.

190C.2A Duties of the council. Repealed by 2024 Acts, ch 1170, §368.

190C.2B Establishment and implementation of chapter.

1. The department shall implement and administer the provisions of this chapter for agricultural products that have been produced and handled within this state using organic methods as provided in this chapter. The department may certify agricultural products that have been produced and handled outside this state using an organic method as provided in this chapter.

2. The department may establish a state organic program as provided in 7 U.S.C. §6501 et seq. and 7 C.F.R. pt. 205. The secretary may apply for any approval or accreditation or execute any agreement required under the national organic program in order to implement, administer, and enforce this chapter.

3. Unless prohibited by the national organic program, the attorney general may be joined as a party authorized to enforce the provisions of this chapter.

4. All provisions of this chapter shall be deemed in compliance with the national organic program, unless expressly provided otherwise by the United States department of agriculture.

2003 Acts, ch 104, §8, 21; 2024 Acts, ch 1170, §245

190C.3 Duties and powers of department.

In implementing the provisions of this chapter consistent with the national organic program, the department shall provide for the administration and enforcement of this chapter, including by adopting rules and issuing orders pursuant to chapter 17A. The department may adopt any part of the national organic program by reference.

1. The department shall be a state certifying agent and the department shall be the certifying agent's operation as provided in the national organic program.

2. The department may request assistance from one or more regional organic associations as provided in section 190C.6.

3. *a.* The secretary may serve as the state organic program's governing state official. However, no other person shall serve in that position without approval by the secretary.

b. The secretary may designate a person within the department to act on the secretary's behalf in carrying out the duties of the state organic program's governing state official.

4. The department may assume enforcement obligations under the national organic program in this state for the requirements of this chapter. The department shall provide for on-site inspections. The department and the attorney general may coordinate the enforcement activities as provided in section 190C.21.

98 Acts, ch 1205, §3, 20; 2003 Acts, ch 104, §9, 21; 2024 Acts, ch 1170, §246

Referred to in §190C.6

190C.4 Administrative authority. Repealed by 2003 Acts, ch 104, §20, 21. See §190C.3.

190C.5 State fees — deposit into general fund of the state.

1. The department acting as a state certifying agent shall establish a schedule of fees by rule.

a. The department shall establish the rate of fees based on an estimate of the amount of revenues from the fees required by the department to administer and enforce this chapter.

b. The department shall annually review the estimate and may change the rate of fees. The fees must be adjusted in order to comply with this subsection.

c. The fees shall be charged to persons who are certified under this chapter, including production operations and handling operations, in a manner that is consistent with the national organic program.

2. *a.* The department acting as a state certifying agent may charge additional fees for

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carrying out the duties of that position to the extent that the fees are consistent with the national organic program.

b. The secretary acting as the state organic program's governing state official may charge fees for carrying out the duties of that position to the extent consistent with the national organic program.

3. The department shall collect state fees under this chapter which shall be deposited into the general fund of the state.

98 Acts, ch 1205, §5, 20; 2003 Acts, ch 104, §10, 21; 2009 Acts, ch 41, §77

190C.6 Regional organic associations.

1. Regional organic associations may be established as provided in this section. A regional organic association must be organized as a corporation under chapter 504 which has certified members, elects its own officers and directors, and is independent from the department.

2. The department may authorize a regional organic association to assist the department in acting as a state certifying agent pursuant to section 190C.3. The regional organic association must be registered with the department. Upon request by the department, a registered regional organic association may do all of the following:

a. Review applications and provide applicants with technical assistance in completing applications. The department may authorize a regional organic association to process applications, including collecting and forwarding applications to the department.

b. Prepare a summary of an application, including materials accompanying the application, for review by the department. A regional organic association may include a recommendation for approval, modification, or disapproval of an application.

98 Acts, ch 1205, §6, 20; 2003 Acts, ch 104, §11, 21; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §394

Referred to in §190C.1, 190C.3

190C.7 through 190C.11 Reserved.

190C.12 through 190C.15 Repealed by 2003 Acts, ch 104, §20, 21.

190C.16 through 190C.20 Reserved.

SUBCHAPTER III

ENFORCEMENT

190C.21 General enforcement.

1. The department acting as a state certifying agent and on behalf of the secretary who elects to act as the state organic program's governing state official shall enforce this chapter.

2. To the extent authorized by the national organic program, the attorney general shall assist the department in enforcing this chapter. The department or the attorney general may commence legal proceedings in district court to enforce a provision of this chapter. If the attorney general assists the department under this section, the attorney general may commence the legal proceedings at the request of the department or upon the attorney general's own initiative.

3. This chapter does not require the department or attorney general to institute a proceeding for a minor violation if the department or attorney general concludes that the public interest will be best served by a suitable notice of warning in writing.

98 Acts, ch 1205, §11, 20; 2003 Acts, ch 104, §12, 21

Referred to in §190C.3, 190C.26

190C.22 Investigations, complaints, inspections, and examinations.

In enforcing the provisions of this chapter consistent with the national organic program, the department may conduct an investigation to determine if a person is complying with the

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requirements of this chapter. To the extent consistent with the national organic program, all of the following shall apply:

1. The department may receive a complaint from any person regarding a violation of this chapter. The department shall adopt procedures for persons filing complaints. The department shall establish procedures for processing complaints including requiring minimum information to determine the verifiability of a complaint.

2. The department may conduct inspections at times and places and to an extent that the department determines necessary in order to conclude whether there is a violation of this chapter. The department may enter upon any public or private premises during regular business hours in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States for purposes of carrying out an inspection.

3. The department may conduct examinations of agricultural products in order to determine if the agricultural products are in compliance with this chapter. Unless the national organic program otherwise requires, all of the following shall apply:

a. The methods for examination shall be the official methods adopted by the association of official agricultural chemists in all cases where methods have been adopted by the association.

b. A sworn statement by the bureau chief of the Iowa laboratory bureau or the bureau chief's deputy stating the results of an analysis of a sample taken from a lot of agricultural products shall constitute prima facie evidence of the correctness of the analysis of that lot in a contested case proceeding or court proceeding.

98 Acts, ch 1205, §12, 20; 2003 Acts, ch 104, §13, 21; 2025 Acts, ch 134, §2

190C.23 Disciplinary action.

1. The department may take disciplinary action against a person who is certified pursuant to this chapter for noncompliance with a provision of this chapter or a willful violation of this chapter. The procedures of the disciplinary action shall be consistent with the national organic program. The disciplinary action shall proceed as provided in chapter 17A unless contrary to the national organic program. The department may do any of the following:

a. Issue a letter of warning or reprimand.

b. Suspend or revoke the person's certification.

2. Any other disciplinary action provided in the national organic program shall be implemented by the secretary acting as the state organic program's governing state official.

98 Acts, ch 1205, §13, 20; 2003 Acts, ch 104, §14, 21

190C.24 Stop sale order.

Unless prohibited by the national organic program, the department may issue a stop order to a person who sells, labels, or represents an agricultural product as organic in violation of this chapter.

1. The department may issue a written order to stop the sale of the agricultural product by a person in control of the agricultural product. The person named in the order shall not sell, label, or represent the agricultural product as organic until the department determines that the agricultural product is in compliance with this chapter.

2. The department may require that the product be held at a designated place until released by the department.

3. The department or the attorney general may enforce the order by petitioning the district court in the county where the agricultural product is being sold.

4. The department shall release the agricultural product when the department issues a release order upon satisfaction that legal requirements compelling the issuance of the stop sale order are satisfied. If the person is found to have violated this chapter, the person shall pay all expenses incurred by the department in connection with the agricultural product's removal.

98 Acts, ch 1205, §14, 20; 2003 Acts, ch 104, §15, 16, 21

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190C.25 Injunctions.

Unless prohibited by the national organic program, the department, the attorney general, an individual, a private organization or association, a county, or a city may bring an action in district court to restrain a producer, handler, or retailer from selling an agricultural product by false or misleading advertising claiming that the agricultural product is organic. A petitioner shall not be required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, or that irreparable damage or loss will result if the action is brought at law or that unique or special circumstances exist.

98 Acts, ch 1205, §15, 20; 2003 Acts, ch 104, §17, 21

190C.26 Selling, labeling, or representing agricultural products as organic — penalties.

A person shall not knowingly sell, label, or represent an agricultural product as organic, except in accordance with this chapter. A person who violates this section shall be subject to a civil penalty of not more than ten thousand dollars. Civil penalties shall be assessed by the district court in an action initiated by the department or attorney general as provided in section 190C.21. Unless prohibited by the national organic program, each day that the violation continues constitutes a separate violation. Civil penalties collected under this section shall be deposited in the general fund of the state.

98 Acts, ch 1205, §16, 20; 2003 Acts, ch 104, §18, 21

CHAPTER 191

LABELING FOODS

Referred to in §192.107, 192.108, 192.146, 195.2, 210.12

For the misbranding of food products as egg products, see chapter 137A; for the misbranding of food products as meat products, see chapter 137E; and for the labeling of milk, milk products, or dairy products, see chapters 192 and 195

191.1	Label requirements.	191.6	Standards for oleomargarine.
191.2	Dairy products and imitations.	191.7	Enforcement of oleomargarine law.
191.3	Sale of imitation products — notice to public — penalties.	191.8	Baking powder and vinegar.
191.4	Definitions.	191.9	Administration — milk and dairy products.
191.5	Advertising oleomargarine — restrictions.	191.10	Violations — injunction.

191.1 Label requirements.

All food offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections 189.9 through 189.12, unless otherwise provided in this chapter.

[C97, §2517, 2519, 4989; S13, §2515-b, -c; SS15, §4999-a31c; C24, 27, 31, 35, 39, §**3067;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.1]

2021 Acts, ch 76, §42

191.2 Dairy products and imitations.

The products enumerated below shall be labeled on the side or top of the container or package in which placed, kept, offered or exposed for sale, or sold as prescribed in sections 189.9 through 189.12, except that the label shall be printed in letters not less than three-quarters inch in height and one-half inch in width and subject to the following regulations:

1. *Renovated butter.* Renovated butter shall be labeled with the words "Renovated Butter", and if offered or exposed for sale or sold in prints or rolls the wrapper of each and the container as required above shall be so labeled. If such butter is offered or exposed for sale uncovered and not in a container or package, a placard containing the required label shall be attached to the mass so as to be easily seen by the purchaser.

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2. *Oleomargarine.*

a. No person shall sell or offer for sale, colored oleo, oleomargarine, or margarine unless — such oleo, oleomargarine, or margarine is packaged; the net weight of the contents of any package sold in a retail establishment is one pound or less; there appears on the label of the package the word "oleo", "oleomargarine", or "margarine" in type or lettering at least as large as any other type or lettering on such label, and a full and accurate statement of all the ingredients contained in such oleo, oleomargarine, or margarine; and each part of the contents of the package is contained in a wrapper which bears the word "oleo", "oleomargarine", or "margarine" in type or lettering not smaller than twenty point type.

b. Whenever coloring of any kind has been added it shall be clearly stated on both the inside wrapper and the outside package. The ingredients of oleo, oleomargarine, or margarine shall be listed on both the inside wrapper and outside package in the order of the amounts of ingredients in the package.

c. Such oleo, oleomargarine, or margarine shall contain vitamin "A" in such quantity that the finished oleo, oleomargarine, or margarine contains not less than fifteen thousand United States Pharmacopoeia units of vitamin "A" per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for the total biological vitamin "A" activity.

3. *Imitation cheese.* Imitation cheese shall be labeled with the words "Imitation Cheese" on the cheese and on the package.

4. *Nonfat dry milk.* For the purposes of this chapter the product resulting from the removal of fat and water from milk and containing the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which it was made may be labeled and sold as "nonfat dry milk". It shall contain not over five percent by weight of moisture and the fat content shall not be over one and one-half percent by weight unless otherwise indicated.

5. *Bottles, containers, and packages.* Except as provided in subsection 6, a container or package enclosing milk or a milk product shall be conspicuously labeled or marked with all of the following:

a. The name of the contents as given in the definitions of this chapter and chapters 190 and 192.

b. The word "reconstituted" or "recombined" if the product is made by reconstitution or recombination.

c. The grade of the contents.

d. The word "pasteurized" if the contents are pasteurized and the identity of the plant where pasteurized.

e. The word "raw" if the contents are raw and the name or other identity of the producer.

f. The designation vitamin "D" and the number of U.S.P. units per quart in the case of vitamin "D" milk or milk products.

g. The volume or proportion of water to be added for recombining in the case of concentrated milk or milk products.

h. The words "nonfat milk solids added" and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk and milk products.

i. The words "artificially sweetened" in the name if nonnutritive or artificial sweeteners or both are used.

j. The common name of stabilizers, distillates, and ingredients, provided that:

(1) Only the identity of the milk producer shall be required on cans delivered to a milk plant as provided in chapter 192 which receives only grade "A" raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the milk producer.

(2) The identity of both milk producer and the grade shall be required on cans delivered to a milk plant as provided in chapter 192 which receives both grade "A" raw milk for pasteurization and ungraded raw milk and which immediately dumps, washes, and returns the cans to the milk producer.

(3) In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term "concentrated milk products", e.g., "homogenized

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concentrated milk", "concentrated skim milk", "concentrated chocolate milk", "concentrated chocolate flavored low fat milk".

(4) In the case of flavored milk or flavored reconstituted milk, the name of the principal flavor shall be substituted for the word "flavored".

(5) In the case of cultured milk and milk products, the special type culture used may be substituted for the word "cultured", e.g., "acidophilus buttermilk", "Bulgarian buttermilk", and "yogurt".

6. *Raw milk and associated products.* A container holding raw milk, or a manufactured raw milk product or a raw milk dairy product, distributed by a raw milk producer shall be labeled as required in section 195.9.

7. All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

8. *a.* Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the supervision of the secretary or authorized municipal corporation are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in addition, for each such shipment, a shipping statement shall be prepared containing at least the following information:

(1) Shipper's name, address, and permit number.
(2) Permit number of hauler, if not employee of shipper.
(3) Point of origin of shipment.
(4) Tanker identity number.
(5) Name of product.
(6) Weight of product.
(7) Grade of product.
(8) Temperature of product.
(9) Date of shipment.
(10) Name of supervising health authority at the point of origin.
(11) Whether the contents are raw, pasteurized, or otherwise heat treated.

b. Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of six months for the information of the secretary.

9. The labeling information which is required on all bottles, containers, or packages of milk or milk products shall be in letters of an acceptable size, kind, and color satisfactory to the secretary and shall contain no marks or words which are misleading.

10. Milk and milk products are misbranded:

a. When their container bears or accompanies any false or misleading written, printed, or graphic matter.

b. When such milk and milk products do not conform to their definitions as contained in this chapter and chapters 190 and 192.

c. When such products are not labeled in accordance with this section.

[C97, §2517, 4989; S13, §2515-b, -c; C24, 27, 31, 35, 39, §**3068;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.2]

91 Acts, ch 74, §8; 92 Acts, ch 1163, §45; 2006 Acts, ch 1010, §60; 2009 Acts, ch 133, §208; 2021 Acts, ch 76, §43; 2023 Acts, ch 75, §9, 10

191.3 Sale of imitation products — notice to public — penalties.

1. Every person owning or in charge of any place where food or drink is sold who uses or serves therein imitation cheese shall display at all times opposite each table or place of service a placard for such imitation, with the words "Imitation ..... served here", without other matter, printed in black roman letters not less than three inches in height and two inches in width, on a white card twelve by twenty-two inches in dimensions.

2. No person shall serve colored oleo, oleomargarine, or margarine at a public eating place unless a notice that oleo, oleomargarine, or margarine is served is displayed prominently and conspicuously in such place and in a manner as to render it likely to be read and understood by the ordinary individual being served in the eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items or unless each separate serving bears

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or is accompanied by labeling identifying it as oleo, oleomargarine, or margarine, or each separate serving thereof is triangular in shape.

3. Any person violating any provision of this section shall be guilty of a simple misdemeanor, and the person shall have all licenses issued by the state for the public eating place in which a violation occurred suspended for one year.

[C97, §2517; C24, 27, 31, 35, 39, §**3069;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.3]
97 Acts, ch 23, §16; 2017 Acts, ch 54, §76

191.4 Definitions.

1. *"Oleo"*, *"oleomargarine"*, or *"margarine"*, for purposes of this chapter, includes all substances, mixtures, and compounds known as oleo, oleomargarine, or margarine, and all substances, mixtures, and compounds which have a consistence similar to that of butter and which contain any edible oils or fats other than milk fat if made in imitation or semblance of butter. For the purposes of this chapter, colored oleo, oleomargarine, or margarine is oleo, oleomargarine, or margarine to which any color has been added.

2. *"Person"* as used in this chapter and chapters 190 and 192 means any individual, plant operator, partnership, corporation, company, firm, trustee, or association.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.4]
2009 Acts, ch 133, §209
Further definitions, see §189.1

191.5 Advertising oleomargarine — restrictions.

No person, in person or by an agent, shall, by any means whatever, directly or indirectly, advertise or represent by statement, printing, writing, circular, poster, design, device, grade designation, advertisement, symbol, sound, or any combination thereof, that oleo, oleomargarine or margarine, or any brand of oleo, oleomargarine or margarine, is a dairy product for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase for consumption of oleo, oleomargarine or margarine, or any brand thereof. Whoever shall violate this provision shall be deemed guilty of a simple misdemeanor.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.5]

191.6 Standards for oleomargarine.

The department may prescribe and establish standards for oleo, oleomargarine, or margarine manufactured or sold in this state and may adopt the standards set up by regulations of the food and drug administration of the United States department of health and human services, 21 C.F.R. §166.110, or any amendments thereto. Any standards so established shall not be contrary to or inconsistent with the provisions of section 190.1, subsection 6, entitled "Oleomargarine".

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.6]
2007 Acts, ch 22, §46; 2009 Acts, ch 133, §75

191.7 Enforcement of oleomargarine law.

It shall be the duty of the secretary of agriculture and the secretary's agents to enforce this chapter and of the county attorneys and of the attorney general of the state to cooperate with the secretary in the enforcement of this chapter.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.7]
Referred to in §331.756(32)

191.8 Baking powder and vinegar.

Baking powder and distilled vinegar shall show on the label the name of each ingredient from which made. Distilled vinegar shall be marked as such; and cider vinegar which, having been in excess of the standard of acidity, has been reduced to the standard, shall have that fact indicated on the label.

[SS15, §4999-a31, -a31c; C24, 27, 31, 35, 39, §**3070;** C46, 50, §191.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §191.8]

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191.9 Administration — milk and dairy products.

1. The department shall administer this chapter consistent with the provisions of the "Grade 'A' Pasteurized Milk Ordinance", as provided in section 192.102.

2. The department, as provided in section 192.108, may contract with a person qualified by the department to perform inspection of dairy farms, milk plants, receiving stations, or transfer stations to ensure compliance with this chapter.

91 Acts, ch 74, §9; 94 Acts, ch 1198, §38; 97 Acts, ch 33, §5

191.10 Violations — injunction.

The department may restrain a person violating this chapter or a rule adopted by the department under this chapter by petitioning the district court where the violation occurs for injunctive relief. Each day that a violation continues constitutes a separate violation.

91 Acts, ch 74, §10

CHAPTER 191A

RESERVED

CHAPTER 192

GRADE "A" MILK INSPECTION

Referred to in §137D.1, 137F.1, 190.1, 190.2, 191.2, 191.4, 195.1, 195.2

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SUBCHAPTER I

GENERAL PROVISIONS

192.101 Short title.

This chapter shall be known and may be cited as the *"Iowa Grade 'A' Milk Inspection Law"*.

91 Acts, ch 74, §11

192.101A Definitions.

As used in this chapter, all terms shall have the same meaning as defined in the "Grade 'A' Pasteurized Milk Ordinance" as provided in section 192.102. However, notwithstanding the ordinance, the following definitions shall apply:

1. *"Bulk milk tanker"* means a mobile bulk container used to transport milk or fluid milk products from a dairy farm to a milk plant or from a milk plant to another milk plant, including an over-the-road semitanker or a tanker that is permanently mounted on a motor vehicle.
2. *"Department"* means the department of agriculture and land stewardship.
3. *"Federal publication"* means a publication produced by the United States department of health and human services including the United States public health service and United States food and drug administration.
4. *"Milk grader"* means a person, including dairy industry milk intake personnel, other than a milk hauler, who collects a milk sample from a bulk tank or a bulk milk tanker.
5. *"Milk hauler"* means a person who takes farm samples or transports raw milk or raw milk products to or from a milk plant, receiving station, or transfer station, including a dairy industry milk field person. However, a milk hauler does not include a person who drives a bulk milk tanker, if the person does not take a milk sample or handle raw milk or raw milk products.
6. *"Secretary"* means the secretary of agriculture.

97 Acts, ch 94, §1; 2001 Acts, ch 129, §3; 2003 Acts, ch 44, §44; 2004 Acts, ch 1082, §12; 2015 Acts, ch 103, §4; 2024 Acts, ch 1177, §21

Referred to in §194.3
Further definitions, see §189.1, 191.4(2)

192.102 Grade "A" pasteurized milk ordinance.

The department shall adopt rules incorporating or incorporating by reference the federal publication entitled "Grade 'A' Pasteurized Milk Ordinance". If the ordinance specifies that compliance with a provision of the ordinance's appendices is mandatory, the department shall also adopt that provision. The department shall not amend the ordinance, unless the department explains each amendment and reasons for the amendment in the Iowa administrative bulletin when the rules are required to be published pursuant to chapter 17A. The department shall administer this chapter consistent with the provisions of the ordinance.

91 Acts, ch 74, §12; 94 Acts, ch 1198, §39; 97 Acts, ch 33, §6; 2001 Acts, ch 129, §4; 2003 Acts, ch 44, §45; 2004 Acts, ch 1082, §13; 2006 Acts, ch 1030, §19; 2015 Acts, ch 103, §5

Referred to in §189.1, 190.14, 191.9, 192.101A, 192.110, 194.3

192.103 Sale of grade "A" milk to final consumer — impoundment of adulterated or misbranded milk.

1. Only grade "A" pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments except as follows:

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a. In an emergency, the sale of pasteurized milk and milk products that have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled "ungraded".

b. A raw milk producer may distribute raw milk, or a manufactured raw milk product or raw milk dairy product, in compliance with chapter 195.

2. A person shall not within the state produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated or misbranded. However, in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case such products shall be labeled "ungraded".

3. Any adulterated or misbranded milk or milk product may be impounded by the secretary or authorized municipal corporation and disposed of in accordance with applicable laws or regulations.

[C24, 27, 31, 35, 39, §**3077;** C46, 50, 54, 58, 62, 66, §192.10; C71, 73, 75, 77, 79, 81, §192.11]
88 Acts, ch 1152, §2; 91 Acts, ch 74, §14
CS91, §192.103
2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §52; 2023 Acts, ch 75, §11

192.104 Coloring rejected milk.

A milk hauler or a milk grader may mix a harmless coloring matter in rejected milk to prevent the rejected milk from being offered for sale.

[C54, 58, 62, 66, §192.41; C71, 73, 75, 77, 79, 81, §192.64]
CS91, §192.104
97 Acts, ch 94, §2

192.105 and 192.106 Reserved.

SUBCHAPTER II

PERMITS — INSPECTIONS

192.107 Milk or milk products permit.

1. A person who does not possess a permit issued by the department shall not bring, send, or receive into the state for sale, or sell, offer for sale, or store any milk or milk product as provided in this chapter and in chapters 190 and 191. However, the department may exempt from this requirement grocery stores, restaurants, soda fountains, or similar establishments where milk or a milk product is served or sold at retail, but not processed.

2. Only a person who complies with the requirements of this chapter and chapters 190 and 191 shall be entitled to receive and retain a permit from the department. Permits shall not be transferable with respect to persons or locations.

3. The department shall suspend a permit whenever there is reason to believe that a public health hazard exists, whenever the permit holder has violated any of the requirements of this chapter, chapter 190, or chapter 191, or whenever the permit holder has interfered with the department in the performance of its duties. However, where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health, or in any case of a willful refusal to permit authorized inspection, the department shall serve upon the holder a written notice of intent to suspend the permit. The notice shall specify with particularity the violations in question and afford the holder such reasonable opportunity to correct such violations as may be agreed to by the parties, or in the absence of agreement, established by the secretary before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the department. As used in this section, the terms *"public health hazard"* and *"imminent hazard"* shall be defined by rules adopted by the department. The rules shall include examples of public health hazards and imminent hazards.

4. Upon written application of any person whose permit has been suspended, or upon

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application within forty-eight hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the department shall within seventy-two hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

5. Upon repeated violation, the department may revoke a permit following reasonable notice to the permit holder and an opportunity for a hearing. This section is not intended to preclude the institution of a court action provided in this chapter, chapter 190, or chapter 191.

6. The provisions of this section are intended for the regulation of the production, processing, labeling, and distribution of grade "A" milk and grade "A" milk products under sanitary requirements which are uniform throughout the state.

[C71, 73, 75, 77, 79, 81, §192.5]
91 Acts, ch 74, §13
CS91, §192.107
2016 Acts, ch 1011, §121
Referred to in §192.108, 192.109, 192.110

192.108 Administration of the chapter — inspections required.

The department shall administer this chapter and rules adopted pursuant to this chapter. The department is responsible for the inspection of a dairy farm, milk plant, transfer station, or receiving station to ensure compliance with this chapter and chapters 190 and 191. The department may enter into an inspection contract with a person qualified to perform inspection services if the agreement for the services is cost-effective and the quality of inspection ensures compliance with state and federal law. A person entering into an inspection contract with the department for the purpose of inspecting premises, taking samples, or testing samples, shall be deemed to be an agent of the department, and shall have the same authority under this chapter provided to the department, unless the contract specifies otherwise. The department shall review inspection services performed by a person under an inspection contract to ensure quality cost-effective inspections. If a person is acting in a manner which is inconsistent with the provisions of the applicable chapter or contract, the department may revoke the inspection contract after notice and hearing, in the manner described for permit revocation in section 192.107 and perform such acts as are necessary to enforce this chapter. Except as provided in this chapter or chapter 194, a person shall not charge a milk plant, receiving station, or transfer station a fee for inspection relating to milk or milk products.

88 Acts, ch 1152, §6
C89, §192.48
91 Acts, ch 74, §19
CS91, §192.108
97 Acts, ch 94, §3
Referred to in §190.14, 191.9, 192.110

192.109 Certification of grade "A" label.

The department shall biennially conduct a survey and based on that survey certify all milk labeled grade "A" pasteurized and grade "A" raw milk for pasteurization. In the event that a survey shows the requirements for production, processing, and distribution for such grade are not being complied with, that fact shall be certified by the department to the secretary who shall proceed with the provisions of section 192.107 for suspending the permit of the violator or who, if the secretary did not issue such permit, shall withdraw the grade "A" declared on the label.

[C71, 73, 75, 77, 79, 81, §192.31]
CS91, §192.109
2011 Acts, ch 89, §1; 2024 Acts, ch 1177, §22

192.110 Rating required to receive or retain a permit.

A person shall not receive or retain a permit under section 192.107, unless both of the following conditions are satisfied:

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1. The person has a pasteurized milk and milk products sanitation compliance rating of ninety percent or more as calculated according to the rating system as contained in rules adopted by the department incorporating or incorporating by reference the federal publications entitled "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments" and "Methods of Making Sanitation Ratings of Milk Shippers". A copy of each publication shall be on file with the department or in the office of the person subject to an inspection contract as provided in section 192.108.

2. The facilities and equipment used to produce, store, or transport milk or milk products comply with requirements of the "Grade 'A' Pasteurized Milk Ordinance" as provided in section 192.102.

[C71, 73, 75, 77, 79, 81, §192.33; 81 Acts, ch 72, §6]
90 Acts, ch 1168, §33; 91 Acts, ch 74, §18
CS91, §192.110
93 Acts, ch 132, §1; 94 Acts, ch 1198, §40; 97 Acts, ch 33, §7; 97 Acts, ch 94, §4; 2001 Acts, ch 129, §5; 2003 Acts, ch 44, §46; 2004 Acts, ch 1082, §14; 2015 Acts, ch 103, §6; 2016 Acts, ch 1073, §62

192.111 Permit and inspection fees — deposit in general fund — appropriation.

1. The department shall issue and renew permits under this subsection as provided by rules adopted by the department. A permit, unless earlier revoked, is valid until the second July 1 following the issuance or renewal. The department shall establish and assess the fees for the issuance and renewal of permits annually as provided in this subsection. A permit fee for the renewal period shall be due on the date that the permit expires. Except as otherwise provided in this section, all of the following shall apply:

a. The following persons must receive a permit from and pay an accompanying permit fee to the department:

(1) A milk plant other than a receiving station which must obtain a milk plant permit and pay a permit fee not greater than two thousand dollars.

(2) A transfer station which must obtain a transfer station permit and pay a permit fee not greater than four hundred dollars.

(3) A receiving station other than a milk plant which must obtain a receiving station permit and pay a permit fee of not greater than four hundred dollars.

(4) A milk hauler which must obtain a milk hauler permit and pay a permit fee not greater than twenty dollars.

(5) A milk grader which must obtain a milk grader permit and pay a permit fee not greater than twenty dollars.

b. A bulk milk tanker must operate pursuant to a bulk milk tanker permit obtained from the department. The person obtaining the permit must pay a permit fee not greater than fifty dollars.

c. The following fees, which shall be in addition to any fee required to accompany a permit as required in this section, shall be assessed:

(1) A reinspection fee that shall be paid by a person holding a permit under this subsection for which reinspection is required as a condition of retaining the permit. The amount of the reinspection fee shall not be more than forty dollars for each such reinspection.

(2) A resealing fee that shall be paid by a person holding a milk plant permit, for resealing a milk plant's pasteurizer. The amount of the resealing fee shall not be more than one hundred dollars for each such resealing.

d. A person who renews a permit and submits any accompanying renewal fee under this subsection more than thirty days after the date that the renewal period expires shall pay a late fee. The amount of the late fee shall be equal to ten percent of the permit renewal fee. However, in no instance shall the late fee be less than twenty-five dollars.

2. A purchaser of milk from a grade "A" milk producer shall pay an inspection fee not greater than one point five cents per hundredweight. The fee shall be payable monthly to the department in a manner prescribed by the secretary.

3. Fees collected under this section and section 194.20 shall be deposited in the general

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fund of the state. All moneys deposited under this section are appropriated to the department for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapter 194.

88 Acts, ch 1152, §5
C89, §192.47
91 Acts, ch 260, §1214
CS91, §192.111
92 Acts, ch 1163, §46; 93 Acts, ch 131, §5; 94 Acts, ch 1107, §38; 97 Acts, ch 94, §5; 2002 Acts, ch 1148, §1, 2, 11; 2015 Acts, ch 103, §7; 2024 Acts, ch 1177, §23; 2024 Acts, ch 1185, §146
Referred to in §187.311, 192.113, 194.3A, 194.18, 194.20

192.112 Regulation — milk haulers, milk graders, and bulk milk tankers.

The department shall adopt rules pursuant to chapter 17A which provide standards for milk haulers, milk graders, and bulk milk tankers. The standards shall include, but need not be limited to, all of the following:

1. The construction of bulk milk tankers.
2. The cleaning, maintenance, and sanitization of bulk milk tankers.
3. Recordkeeping relating to the use and cleaning of bulk milk tankers.
4. Supplies needed to perform the duties of milk hauling and milk grading.
5. Proper milk hauling and milk grading procedures, including but not limited to sanitation, the examination and measurement of milk, the handling of milk, and the taking and handling of milk samples.
6. Recordkeeping required for milk haulers and milk graders.
7. Ongoing training requirements, if any, for milk haulers and milk graders.

97 Acts, ch 94, §6; 2002 Acts, ch 1148, §3, 11

192.113 Penalties.

1. *a.* A person shall not act as a milk hauler unless the person holds a milk hauler permit required pursuant to section 192.111. A person shall not solicit another person to act as a milk hauler or procure the services of a person to act as a milk hauler unless the person solicited or from whom the services are procured holds a milk hauler permit.

b. A person shall not act as a milk grader unless the person holds a milk grader permit required pursuant to section 192.111. A person shall not solicit another person to act as a milk grader or procure the services of a person to act as a milk grader unless the person solicited or from whom the services are procured holds a milk grader permit.

c. A person shall not operate a bulk milk tanker unless the bulk milk tanker operates pursuant to a bulk milk tanker permit required pursuant to section 192.111. A person shall not solicit another person to operate a bulk milk tanker or procure the services of a person to operate a bulk milk tanker unless the bulk milk tanker operates pursuant to a bulk milk tanker permit.

2. A person who violates this section is subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars for each violation. Each day that a violation continues shall constitute a new violation. However, a person shall not be subject to a civil penalty of more than ten thousand dollars for a continuing violation. Civil penalties shall be deposited in the general fund of the state.

97 Acts, ch 94, §7; 2002 Acts, ch 1148, §4, 11
Referred to in §194.25

192.114 Reserved.

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SUBCHAPTER III

SANITATION — LABORATORIES

192.115 Sanitary regulations.

Every person who deals in or manufactures dairy products or imitations thereof shall maintain the person's premises, utensils, wagons, and equipment in a clean and hygienic condition.

[C97, §2522; S13, §2522; C24, 27, 31, 35, 39, §**3078;** C46, 50, 54, 58, 62, 66, §192.11; C71, 73, 75, 77, 79, 81, §192.34]

CS91, §192.115

192.116 Bacteriologists.

The department may employ dairy specialists or bacteriologists who shall devote their full time to the improvement of sanitation in the production, processing, and marketing of dairy products. The dairy specialists and bacteriologists shall have qualifications as to education and experience and such other requirements as the secretary may require.

[C46, 50, 54, 58, 62, 66, §192.12; C71, 73, 75, 77, 79, 81, §192.35]

CS91, §192.116

2024 Acts, ch 1177, §24

192.117 Duties.

Said dairy specialists and bacteriologists employed by the department shall cooperate with the dairy and food inspectors of the department and with the health departments of cities for sanitary control of the production, processing, and marketing of dairy products. The department shall provide adequate laboratory facilities for the efficient performance of their duties.

[C46, 50, 54, 58, 62, 66, §192.13; C71, 73, 75, 77, 79, 81, §192.36]

CS91, §192.117

192.118 Certified laboratories.

1. To ensure uniformity in the tests and reporting, an employee certified by the United States public health service of the bacteriological laboratory of the department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the federal publication entitled "Evaluation of Milk Laboratories", all laboratories doing work in the sanitary quality of milk and dairy products for public report. The approval by the department shall be based on the evaluation of these laboratories as to personnel training, laboratory methods used, and reporting. The results on tests made by approved laboratories shall be reported to the department on request, on forms prescribed by the secretary, and such reports may be used by the department.

2. The department shall annually certify, in accordance with rules adopted by the department incorporating or incorporating by reference the federal publication entitled "Evaluation of Milk Laboratories", every laboratory in the state doing work in the sanitary quality of milk and dairy products for public report. The certifying officer may enter any such place at any reasonable hour to make the survey. The management of the laboratory shall afford free access to every part of the premises and render all aid and assistance necessary to enable the certifying officer to make a thorough and complete examination.

[C54, 58, 62, 66, §192.40; C71, 73, 75, 77, 79, 81, §192.63]

CS91, §192.118

91 Acts, ch 74, §21; 97 Acts, ch 94, §8; 2015 Acts, ch 103, §8; 2016 Acts, ch 1073, §63; 2024 Acts, ch 1177, §25

192.119 and 192.120 Reserved.

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SUBCHAPTER IV

CONTAINERS

192.121 Container defined.

As used in this chapter, *"container"* means a rigid or nonrigid receptacle, including but not limited to a can, bottle, case, paper carton, cask, keg, or barrel.

[C24, 27, 31, 35, 39, §**3094;** C46, 50, 54, 58, 62, 66, §192.33; C71, 73, 75, 77, 79, 81, §192.56]
CS91, §192.121
91 Acts, ch 74, §20

192.122 Milk bottles to be marked.

Bottles or jars used for the sale of milk shall have clearly blown or permanently marked in the side of the bottle, the capacity of the bottle, and on the bottom of the bottle the name, initials, or certification mark of the manufacturer. The designating number shall be furnished by the department on request.

[S13, §3009-k; C24, 27, 31, 35, 39, §**3095;** C46, 50, 54, 58, 62, 66, §192.34; C71, 73, 75, 77, 79, 81, §192.57]
CS91, §192.122

192.123 Adoption of brand.

With the approval of the department any person who deals in or transports milk, cream, skimmed milk, buttermilk, or ice cream may adopt a distinctive mark or brand to be placed upon any container owned or used by the person, and the same may be registered with the department.

[C24, 27, 31, 35, 39, §**3096;** C46, 50, 54, 58, 62, 66, §192.35; C71, 73, 75, 77, 79, 81, §192.58]
CS91, §192.123

192.124 Retention of marked container.

A person shall not, without the consent of the owner, retain for a longer period than three days a container bearing a registered mark, and any person receiving such a container shall immediately return it to the owner by a common carrier. A receipt from a common carrier is prima facie evidence that the container was returned.

[C24, 27, 31, 35, 39, §**3097;** C46, 50, 54, 58, 62, 66, §192.36; C71, 73, 75, 77, 79, 81, §192.59]
CS91, §192.124
92 Acts, ch 1076, §1; 95 Acts, ch 67, §14

192.125 Return of bottles.

Milk and cream bottles bearing registered marks shall be returned by delivering them to the owner or the owner's agent in person or by leaving them where they may be picked up by the owner.

[C24, 27, 31, 35, 39, §**3098;** C46, 50, 54, 58, 62, 66, §192.37; C71, 73, 75, 77, 79, 81, §192.60]
CS91, §192.125

192.126 Stray containers.

When any person comes into possession of a container bearing a registered mark which belongs to another whose name and address the person does not know, the person shall immediately notify the department in writing, giving the size, shape, and mark of the container. Upon receipt of shipping directions from the department the person shall at once forward the container by a common carrier, collect, to the address furnished. Milk or cream bottles need not be returned when the cost of return is greater than the market value of the bottles.

[C24, 27, 31, 35, 39, §**3099;** C46, 50, 54, 58, 62, 66, §192.38; C71, 73, 75, 77, 79, 81, §192.61]
CS91, §192.126

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192.127 Registered mark.
No person shall for any purpose use any registered mark or any container bearing such mark, or remove or alter any such mark placed upon a container without the consent of the owner.
[C24, 27, 31, 35, 39, §**3100;** C46, 50, 54, 58, 62, 66, §192.39; C71, 73, 75, 77, 79, 81, §192.62]
CS91, §192.127

192.128 through 192.130 Reserved.

SUBCHAPTER V

TESTING FOR MILK FAT

192.131 Testing milk or cream — license. Repealed by 2002 Acts, ch 1148, §9, 11.

192.132 Examination. Repealed by 2002 Acts, ch 1119, §110; 2002 Acts, ch 1148, §9, 11.

192.133 through 192.137 Repealed by 2002 Acts, ch 1148, §9, 11.

192.138 through 192.140 Reserved.

SUBCHAPTER VI

COTTAGE CHEESE — BUTTER

192.141 Grade standards for cottage cheese.
The department may establish grade "A" standards for cottage cheese dry curd, cottage cheese, and low fat cottage cheese as a part of the ordinance required by this chapter. However, a governmental body, including the department, a county as provided in chapter 331, or a city as provided in chapter 364 shall not require a grade "A" rating for these products as a condition precedent to their sale.
[C71, 73, 75, 77, 79, 81, §192.30; 81 Acts, ch 72, §5]
88 Acts, ch 1152, §3; 90 Acts, ch 1168, §32; 91 Acts, ch 74, §15, 16, 25
CS91, §192.141

192.142 Butter score required. Repealed by 2002 Acts, ch 1148, §9, 11.

192.143 Imitation butter.
Imitation butter shall be sold only under the name of oleomargarine, and no person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any such product, the word "butter", "creamery", or "dairy", or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.
[C97, §2517; C24, 27, 31, 35, 39, §**3093;** C46, 50, 54, 58, 62, 66, §192.31; C71, 73, 75, 77, 79, 81, §192.54]
CS91, §192.143

192.144 and 192.145 Reserved.

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SUBCHAPTER VII

INJUNCTIONS

192.146 Injunction for violations.

A person who violates any provision of this chapter, chapter 190, or chapter 191, or a rule adopted under any of those chapters may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

[C71, 73, 75, 77, 79, 81, §192.32]
91 Acts, ch 74, §17
CS91, §192.146

CHAPTER 192A

MARKETING OF DAIRY PRODUCTS

Repealed by 2000 Acts, ch 1091, §1

CHAPTER 193

RESERVED

CHAPTER 194

GRADES OF MILK

Referred to in §137D.1, 137F.1, 192.108, 192.111, 195.1, 195.2

194.1	Citation of chapter.	194.12	through 194.16 Repealed by 2002 Acts, ch 1148, §9, 11.
194.2	Enforcement — rules.		
194.3	Definitions.	194.17	Records.
194.3A	Permit requirements.	194.18	Coloring unlawful milk.
194.4	Physical characteristics.	194.19	Licenses for collection vehicles — fees. Repealed by 2002 Acts, ch 1148, §9, 11.
194.5	Frequency of tests.		
194.6	Bacterial test.		
194.7	Acceptable milk.	194.20	Inspection fees — grade "B" milk.
194.8	Unacceptable milk.	194.21	Bulk tanks on farms for milk.
194.9	Unlawful milk.	194.22	Raw milk dairies — exception.
194.10	Milk purchased on basis of grade.	194.23	and 194.24 Reserved.
194.11	Price differential.	194.25	Violations and penalties.

194.1 Citation of chapter.

This chapter may be cited as the *"Iowa Grading Law for Milk Used for Manufacturing Purposes"*.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.1]

194.2 Enforcement — rules.

1. The secretary of agriculture shall enforce the provisions of this chapter, and to this end may adopt such rules and regulations pursuant to chapter 17A as may appear necessary, but not inconsistent with this chapter.

2. The secretary may adopt by rule requirements recommended by the United States Department of Agriculture for the production and processing of milk for manufacturing

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purposes, including but not limited to requirements for the inspection and certification of grade "B" dairy farms and grade "B" dairy plants.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.2]

88 Acts, ch 1152, §7; 2018 Acts, ch 1026, §63

194.3 Definitions.

For the purpose of this chapter:

1. *"Bulk milk tanker"* means all of the following:

a. A bulk milk tanker as defined in section 192.101A.

b. A vehicle that transports milk stored in milk cans.

2. *"Milk grader"* means the same as defined in section 192.101A.

3. *"Milk hauler"* means the same as defined in section 192.101A.

4. *"Milk processing plant"* means an establishment receiving milk from diverse producers, if the milk is manufactured into butter, cheese, dry milk, or other dairy products for commercial purposes.

5. *"Milk used for manufacturing purposes"* means milk or milk products manufactured into butter, cheese, ungraded dry milk, or other dairy products except milk and milk products as defined in the "Grade 'A' Pasteurized Milk Ordinance" provided in section 192.102.

6. *"Organoleptic examination or grading of milk"* means examination by the senses of sight, smell, and taste.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.3]

86 Acts, ch 1245, §639; 92 Acts, ch 1081, §1; 2002 Acts, ch 1148, §5, 11

Further definitions, see §189.1

194.3A Permit requirements.

1. The department shall issue and renew permits under this chapter as provided by rules adopted by the department. The following persons must receive a permit from and pay a permit fee to the department:

a. A milk hauler which must obtain a milk hauler permit.

b. A milk grader which must obtain a milk grader permit.

c. A bulk milk tanker which must operate pursuant to a bulk milk tanker permit.

2. The department shall provide for the issuance and renewal of permits under this section as provided by rules adopted by the department, in the same manner as provided in section 192.111. The amount of the permit fee shall be the same as provided in section 192.111. A person shall not be required to obtain a milk hauler permit, milk grader permit, or bulk milk tanker permit under this section if the person has obtained the same permit under section 192.111.

3. The department may suspend or revoke a permit issued or renewed under this section in the same manner that the department may suspend or revoke a permit issued or renewed under section 192.111.

4. A person who does any of the following is in violation of this section:

a. (1) Acts as a milk hauler or milk grader, unless the person holds a milk hauler permit or milk grader permit as required in this section.

(2) Solicits another person to act as a milk hauler or milk grader or procures the services of a person to act as a milk hauler or milk grader, unless the person solicited or from whom the services are procured holds a milk hauler permit or milk grader permit as required in this section.

b. (1) Operates a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in this section.

(2) Solicits another person to operate a bulk milk tanker or procures the services of a person to operate a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in this section.

2002 Acts, ch 1148, §6, 11

Referred to in §187.311, 194.25

194.4 Physical characteristics.

1. All milk received at a creamery, cheese factory, or milk-processing plant shall be

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examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the raw milk shall be wholesome and characteristic of normal milk. The flavor and odor of the raw milk shall be fresh and sweet; however, slight feed flavors may be present.

2. Any raw milk which shows an abnormal condition including but not limited to curdled, ropy, clotted, and bloody; which contains extraneous matter; which shows significant bacterial deterioration; which contains matter evidencing production from a mastitic cow; or which contains chemicals, medicines, or radioactive agents deleterious to health is unlawful milk and shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products for human consumption.

3. At least once within each thirty days a test shall be made of a producer's milk to determine the existence of evidence of production from mastitic cows. The secretary shall determine and adopt the standards and methods of testing the milk for this purpose. The secretary shall be guided by recommendations or regulations established by federal agencies regulating this field.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.4]

92 Acts, ch 1081, §2; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §64

194.5 Frequency of tests.

A test shall be made on the first purchase of milk from a new producer and at least once within each thirty-day interval thereafter. One lot of milk from each producer shall be selected at random and tested for extraneous matter by an appropriate method. The secretary shall determine and promulgate the standards and methods of testing the milk for extraneous matter. The method and standards shall be no less strict than those recommended by the agricultural marketing service, U.S. department of agriculture.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.5]

194.6 Bacterial test.

1. At least once every thirty days an estimate of the bacterial quality shall be made of each producer's milk by use of a standard plate count or an equivalent plate counting procedure in an officially designated laboratory.

2. For the purpose of quality improvement and payment, the following classifications of milk for bacterial estimate are applicable:

Bacterial Estimate Classification	Standard Plate Count or Equivalent
Class 1	Not over 100,000 per Milliliter
Class 2	Not over 300,000 per Milliliter
Undergrade	Over 300,000 per Milliliter

[C62, 66, 71, 73, 75, 77, 79, 81, §194.6]

84 Acts, ch 1120, §1; 92 Acts, ch 1081, §3

194.7 Acceptable milk.

Milk acceptable from the standpoint of organoleptic examination, containing no excessive extraneous matter and complying with class 1 or 2 for bacterial estimate shall be acceptable for use in the processing and manufacturing of dairy products for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.7]

194.8 Unacceptable milk.

1. Milk acceptable from the standpoint of organoleptic examination, containing no excessive extraneous matter and classified in excess of three hundred thousand for bacterial estimate, may be used in the processing and manufacturing of dairy products for human consumption for a period of seven consecutive days.

2. After a week another quality test must be performed on the producer's milk. If two of the last four consecutive bacterial counts exceed the class 2 standard, the department shall

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deliver, or require the purchaser to deliver, a written notice to the producer. An additional sample shall be taken at least three days after taking the previous sample, but within twenty-one days following delivery of the notice. The department shall immediately suspend the permit of the producer or immediately institute legal proceedings to restrain production if the class 2 standard is violated according to three of the last five bacterial counts.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.8]

84 Acts, ch 1120, §2; 92 Acts, ch 1081, §4

194.9 Unlawful milk.

Milk, which from the standpoint of organoleptic examination is not acceptable, or which contains excessive extraneous matter or which by three out of five bacterial estimate tests is classified in excess of three hundred thousand, or which contains material evidencing production from a mastitic cow, or which contains chemicals, medicines, or radioactive agents deleterious to health, is unlawful for the manufacture of dairy products for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.9]

84 Acts, ch 1120, §3; 92 Acts, ch 1081, §5

Referred to in §194.18

194.10 Milk purchased on basis of grade.

All purchases and deliveries of milk and cream for the manufacture of dairy products shall be made on the basis of grades and definitions set forth in this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.10]

194.11 Price differential.

All purchasers and receivers of milk for the manufacture of dairy products for human consumption shall maintain a reasonable price differential between the grades of milk as defined by the bacterial estimate tests. This price differential shall not be less than five percent of the price for grade one milk.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.11]

194.12 through 194.16 Repealed by 2002 Acts, ch 1148, §9, 11.

194.17 Records.

Each creamery, cheese factory or milk processing plant shall maintain records of all purchases and receipts of milk from individual producers. These records must show:

1. Name of producer.
2. Date of delivery.
3. Quantity delivered.
4. Grade assigned.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.17]

194.18 Coloring unlawful milk.

A person who holds a milk hauler permit or a milk grader permit pursuant to section 192.111 may mix a harmless coloring matter in unlawful milk as provided in section 194.9 to prevent the unlawful milk from being processed and used in any form for human consumption.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.18]

97 Acts, ch 94, §9; 2002 Acts, ch 1148, §7, 11

194.19 Licenses for collection vehicles — fees. Repealed by 2002 Acts, ch 1148, §9, 11.

194.20 Inspection fees — grade "B" milk.

A purchaser of milk from a grade "B" milk producer shall pay an inspection fee not greater than one-half cent per hundredweight. The fee is payable monthly to the department at a

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time prescribed by the department. Fees collected under this section shall be deposited and used as required in section 192.111.

88 Acts, ch 1152, §10; 91 Acts, ch 74, §22; 92 Acts, ch 1081, §8; 92 Acts, ch 1163, §47; 94 Acts, ch 1107, §43

Referred to in §192.111

194.21 Bulk tanks on farms for milk.

Any producer using a bulk tank for cooling and storage of milk to be used for manufacturing purposes shall have an enclosed milk room which shall conform to the standards provided by this section. The floor shall be constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage. The walls and ceilings of the room shall be sealed and constructed of smooth easily cleaned material. All windows shall be screened and doors shall be self-closing. It shall be well ventilated and must meet the following requirements:

1. The bulk tank shall not be located over a drain or under a ventilator.
2. The hose port shall be located in an exterior wall and fitted with a tight self-closing door.
3. A two hundred twenty volt lock type electrical connection with ground and weatherproof type receptacle and switchbox shall be provided near the hose port.
4. Each milk room shall have an adequate supply of water readily accessible with facilities for heating the water, to insure the cleaning and sanitizing of the bulk tank, utensils and equipment and the keeping of the milk room clean.
5. No lights shall be placed directly over the bulk tank.
6. The bulk tank shall be properly located in the milk room for easy access to all areas for cleaning and servicing.
7. The enforcement of this section shall be administered by the department of agriculture and land stewardship.
8. Any person violating any provisions of this section shall be guilty of a simple misdemeanor.

[C66, §192.43; C71, 73, 75, 77, 79, 81, §192.66]

CS91, §194.21

194.22 Raw milk dairies — exception.

This chapter does not apply to any of the following:

1. The production, processing, marketing, and distribution of raw milk, if the raw milk is produced by a raw milk producer at a raw milk dairy as provided in chapter 195.
2. The manufacture, marketing, and distribution of a raw milk product or raw milk dairy product, if the raw milk product or raw milk dairy product is manufactured by a raw milk producer at a raw milk dairy as provided in chapter 195.

2023 Acts, ch 75, §12

194.23 and 194.24 Reserved.

194.25 Violations and penalties.

1. Except as provided in subsection 2, a person who, in person or by an agent or employee, willfully violates any requirement of this chapter shall be guilty of a simple misdemeanor.
2. A person in violation of section 194.3A is subject to the same civil penalty as applied to that person as provided in section 192.113.

[C62, 66, 71, 73, 75, 77, 79, 81, §194.20]

C89, §194.25

2002 Acts, ch 1148, §8, 11

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CHAPTER 195

RAW MILK

Referred to in §137D.2A, 137F.1, 159.6, 190.2, 192.103, 194.22

195.1 Definitions.
195.2 Construing this chapter with other applicable chapters.
195.3 Exclusions.
195.4 Rulemaking prohibited.
195.5 General — election by raw milk producer.
195.6 Production of raw milk.
195.7 Processing and manufacturing of raw milk.
195.8 Distribution of raw milk or associated products.
195.9 Labeling containers holding raw milk or associated products.
195.10 Enforcement actions.

195.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Dairy animal"* means a cow, goat, or sheep that is actively producing milk.
2. *"Department"* means the department of agriculture and land stewardship.
3. *"Distribute"* means to transfer an item or offer to transfer an item to another person, either free of charge or by sale or exchange.
4. *"Milk"* means the lacteal secretion of a dairy animal.
5. *"Raw milk"* means milk that is not pasteurized or graded as otherwise required in chapters 190, 192, and 194.
6. *"Raw milk dairy"* means an operation, owned or operated by a raw milk producer, where not more than ten dairy animals are maintained to actively produce milk at any one time.
7. *"Raw milk dairy product"* means a product, other than a milk product, manufactured using milk or a milk product as the primary ingredient, and that includes any quantity of raw milk.
8. *"Raw milk producer"* means a milk producer who owns or operates a raw milk dairy, if the milk producer makes the election provided in section 195.5.
9. *"Raw milk product"* means a product manufactured using milk as its exclusive ingredient as described in 21 C.F.R. §1240.3 and that includes any quantity of raw milk.
10. *"Recognized bacteria count limit"* means the results of a test measuring the presence of bacteria in raw milk at a level that does not exceed the following:

a. For a bacteria coliform count, ten colony forming units per milliliter (10 cfu/mL).

b. For a standard plate count, twenty-five thousand colony forming units per milliliter (25,000 cfu/mL).

2023 Acts, ch 75, §13

195.2 Construing this chapter with other applicable chapters.

1. This chapter shall be construed to supplement applicable provisions in chapters 190, 191, 192, and 194. If there is a conflict between a provision in this chapter and one of those other chapters, the provision in this chapter shall prevail but only to the extent of interpreting the provision in this chapter.
2. This chapter does not apply to the powers and duties of the department to control an infectious or contagious disease that may affect dairy animals within the state as provided in another chapter, including a rule adopted pursuant to that other chapter. The control of an infectious or contagious disease includes the prevention, suppression, or eradication of an infectious or contagious disease among a population of dairy animals as provided in that other chapter. However, the department shall not administer or enforce a provision of the other chapter if it results in treating a raw milk producer differently than producers of milk pasteurized or graded as otherwise required in chapter 190, 192, or 194.

2023 Acts, ch 75, §14

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195.3 Exclusions.

This chapter does not apply to a bulk milk tanker, milk grader, milk hauler, milk plant, milk processing plant, dairy plant, transfer station, or receiving station.

2023 Acts, ch 75, §15

195.4 Rulemaking prohibited.

The department shall not adopt rules to administer or enforce this chapter.

2023 Acts, ch 75, §16

195.5 General — election by raw milk producer.

A raw milk producer may elect to produce, process, market, or distribute raw milk at the raw milk producer's raw milk dairy in compliance with this chapter. A raw milk producer may also elect to use the raw milk to manufacture, market, or distribute a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy in compliance with this chapter.

2023 Acts, ch 75, §17

Referred to in §195.1, 195.6

195.6 Production of raw milk.

If a raw milk producer makes an election described in section 195.5 to produce raw milk, all of the following apply:

1. The raw milk must be produced exclusively from dairy animals maintained at the raw milk dairy.

2. The raw milk must be produced at the raw milk dairy in a manner that ensures the health and safety of persons consuming the raw milk.

3. Each twelve-month period, a licensed veterinarian must examine each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's health status. The examination must at least include a blood test for common diseases afflicting the type of dairy animal being examined.

4. *a.* The raw milk producer shall, every month, test each dairy animal maintained at the raw milk producer's raw milk dairy to determine the dairy animal's coliform count and standard plate count.

b. The raw milk producer shall not do any of the following:

(1) Process, market, or distribute raw milk, if the raw milk exceeds the recognized bacteria count limit.

(2) Manufacture, market, or distribute a raw milk product or raw milk dairy product, if raw milk used as an ingredient exceeds the recognized bacteria count limit.

c. The raw milk producer shall retain a record of each test conducted at the raw milk dairy for at least three years.

5. *a.* If a dairy animal maintained at a raw milk dairy is administered with an antibiotic drug, the raw milk producer shall comply with the following health protocols:

(1) The antibiotic drug must be all of the following:

(a) Approved by the United States food and drug administration for its intended use.

(b) Stored in a closed, labeled container as provided by the manufacturer of the antibiotic drug before being administered.

(c) Stored and administered as directed by the manufacturer of the antibiotic drug.

(2) For a dairy animal subject to a health protocol as provided in subparagraph (1), any raw milk produced from the dairy animal before the expiration of the production waiting period as directed by the manufacturer shall not be used to do any of the following:

(a) Process, market, or distribute the raw milk.

(b) Manufacture, market, or distribute a raw milk product or raw milk dairy product that uses the raw milk as an ingredient.

b. The manufacturer of an antibiotic drug administered to a dairy animal under this subsection may provide directions on the label of the container storing the antibiotic drug or other source of information regarding the use of the antibiotic controlled by the manufacturer.

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c. The raw milk producer shall retain records identifying the type and dosage of each antibiotic drug administered to a dairy animal maintained at the raw milk dairy, each dairy animal administered the antibiotic drug, and date and place where the antibiotic drug was administered. The raw milk producer shall retain the records for at least three years.

2023 Acts, ch 75, §18
Referred to in §135.16B, 137.104, 195.8, 195.10

195.7 Processing and manufacturing of raw milk.

1. Raw milk produced at a raw milk dairy must be processed and manufactured at the raw milk dairy in a manner that ensures the health and safety of persons consuming the processed raw milk, raw milk product, or raw milk dairy product.

2. The raw milk must not be pasteurized or graded.

3. The raw milk must be distributed not later than seven calendar days after it was produced by a dairy animal.

4. The raw milk, raw milk product, or raw milk dairy product, or any other item using raw milk as an ingredient, shall be kept for storage prior to distribution at not more than 45 degrees Fahrenheit.

2023 Acts, ch 75, §19

195.8 Distribution of raw milk or associated products.

1. A raw milk producer shall only take an order for the distribution of raw milk at the raw milk producer's raw milk dairy where the raw milk is produced. The raw milk producer shall only distribute the raw milk to an individual placing the order.

a. (1) The raw milk producer shall post the summary of the test to determine the coliform count and standard plate count of the dairy animals retained at the raw milk dairy as provided in section 195.6. The summary shall be posted at the raw milk dairy's distribution point for the raw milk.

(2) (a) The individual being distributed the raw milk may examine records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:

(i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(b) The individual being distributed the raw milk may examine the records for the three-year period that the records are required to be retained by the raw milk producer under section 195.6.

b. If the raw milk producer distributes raw milk in a container, the container shall be labeled as provided in section 195.9.

c. The raw milk producer shall distribute the raw milk directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk to a place of business where food or food items are distributed on a retail basis, including but not limited to a home food processing establishment regulated under chapter 137D or a food establishment or farmers market regulated under chapter 137F. The raw milk shall only be used for consumption by the individual, members of the individual's household, and the individual's nonpaying guests or nonpaying employees.

d. A person shall not resell raw milk.

2. A raw milk producer shall only take an order for the distribution of a raw milk product or raw milk dairy product at the raw milk producer's raw milk dairy where the raw milk product or raw milk dairy product is manufactured. The raw milk producer shall only distribute the raw milk product or raw milk dairy product to an individual placing the order. The raw milk producer may distribute the raw milk product or raw milk dairy product to the individual without charge or on a retail basis.

a. (1) The raw milk producer shall post the summary of the most recent test to determine the coliform count and standard plate count of dairy animals as retained at the raw milk dairy as provided in section 195.6. The summary shall be posted at the raw milk dairy's distribution point for the raw milk products or raw milk dairy products.

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(2) (a) The individual being distributed the raw milk product or raw milk dairy product may examine records required to be retained by the raw milk producer as provided in section 195.6, including any of the following:

(i) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(ii) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer.

(b) The individual being distributed the raw milk product or raw milk dairy product may examine the records for the three-year period that the records are required to be retained by the raw milk producer under section 195.6.

b. If the raw milk producer distributes a raw milk product or raw milk dairy product in a container, the container shall be labeled as provided in section 195.9.

c. The raw milk producer shall distribute the raw milk product or raw milk dairy product directly to the individual at the raw milk dairy or to a location specified by the individual. However, a person shall not deliver the raw milk product or raw milk dairy product to a place of business where food or a food item is distributed on a retail basis, including but not limited to a home food processing establishment regulated under chapter 137D or a food establishment or farmers market regulated under chapter 137F. The raw milk product or raw milk dairy product shall only be used for consumption by the individual, members of the individual's household, or the individual's nonpaying guests or nonpaying employees.

d. A person shall not resell the raw milk product or raw milk dairy product.

2023 Acts, ch 75, §20

195.9 Labeling containers holding raw milk or associated products.

1. A raw milk producer who distributes raw milk, or a manufactured raw milk product or raw milk dairy product, shall label the container holding the raw milk, or the manufactured raw milk product or raw milk dairy product. The label shall be permanently affixed to the container. The words on the label shall be printed using upper case letters in at least twelve point boldface type. If the container includes a main informational or advertising panel, the label shall be part of the panel.

2. *a.* For a container holding raw milk, the label shall state the following:

Notice to Consumers
This container holds raw milk that is not subject to state inspection or other public health regulations that require pasteurization and grading.

b. For a container holding a raw milk product or raw milk dairy product, the label shall state the following:

Notice to Consumers
This container holds a raw milk product or raw milk dairy product that is not subject to state inspection or other public health regulations that require pasteurization and grading.

2023 Acts, ch 75, §21
Referred to in §191.2, 195.8

195.10 Enforcement actions.

1. The department of health and human services acting under chapter 135, or a local board of health acting under chapter 137, may demand that a raw milk producer provide it with all records required to be kept by the raw milk producer as provided in section 195.6, including any of the following:

a. The coliform count and standard plate count of dairy animals maintained by the raw dairy producer at a raw milk dairy.

b. The administration of antibiotic drugs to dairy animals maintained by the dairy producer at a raw milk dairy.

2. A demand described in subsection 1 shall be based on an affidavit signed by a licensed physician certifying that in the physician's opinion an individual contracted an illness as a

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direct result of consuming raw milk produced at a raw milk dairy, or consuming a raw milk product or a raw milk dairy product manufactured at a raw milk dairy.

2023 Acts, ch 75, §22

CHAPTER 196

EGG HANDLERS

196.1 Definitions.
196.2 Enforcement.
196.3 Egg handler's license — fee and expiration.
196.4 Producers and hatcheries exempt.
196.5 Candling and grading capability.
196.6 Candling and grading room.
196.7 Candling and grading prior to sale.
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196.9 Eggs unfit for human food.
196.10 Labeling.
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196.12 Transportation.
196.13 Records.
196.14 Penalty.

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196.1 Definitions.

Unless the context otherwise requires:

1. *"Candling"* means the careful examination of each shell egg and the elimination of those eggs determined unfit for human consumption.
2. *"Consumer"* means a person who buys eggs for personal consumption.
3. *"Department"* means the department of agriculture and land stewardship.
4. *"Egg handler"* or *"handler"* means a person who buys or sells eggs, or uses eggs in the preparation of human food. *"Egg handler"* or *"handler"* does not include a retailer, a consumer, an establishment, or a producer who sells eggs as provided in section 196.4.
5. *"Establishment"* means any place in which eggs are offered or sold as human food for consumption by its employees, students, patrons, customers, residents, inmates or patients or as an ingredient in food offered or sold in a form ready for immediate consumption.
6. *"Grading"* means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, 1985, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq.
7. *"Nest run eggs"* means eggs which have not been denatured, candled, graded, processed or labeled.
8. *"Package"* means the same as defined in section 189.1.
9. *"Producer"* means a person who owns layer type chickens.
10. *"Retailer"* means a person who sells eggs directly to consumers except a producer who sells eggs under the provisions of section 196.4.

[C24, 27, 31, 35, 39, §**3107;** C46, 50, 54, §196.7; C58, 62, 66, 71, 73, 75, §196.3, 196.11; C77, 79, 81, §196.1]

85 Acts, ch 195, §20; 95 Acts, ch 7, §1, 2; 2011 Acts, ch 16, §2, 5

Further definitions, see §189.1

196.2 Enforcement.

The department shall enforce this chapter, and may adopt rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, 1985, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. §1044 et seq.

[C24, 27, 31, 35, 39, §**3111;** C46, 50, 54, §196.11; C58, 62, 66, 71, 73, 75, 77, 79, 81, §196.2]

85 Acts, ch 195, §21; 95 Acts, ch 7, §3

196.3 Egg handler's license — fee and expiration.

1. Every egg handler shall obtain a license issued by the department. The license fee shall be determined on the basis of the total number of eggs purchased or handled during the preceding month of April as follows:

a. Less than one hundred twenty-five cases $40.40
b. One hundred twenty-five cases or more but less than two hundred fifty cases $94.50
c. Two hundred fifty cases or more but less than one thousand cases $135.00
d. One thousand cases or more but less than five thousand cases $270.00
e. Five thousand cases or more but less than ten thousand cases $472.50
f. Ten thousand cases or more $675.00

2. The license shall expire two years after the license's date of issue.

3. For the purpose of determining the license fee, a case shall be thirty dozen eggs.

4. All license fees collected under this section shall be remitted to the treasurer of state for deposit in the general fund of the state.

5. If an egg handler is not operating during the month of April preceding the date that the license is to be issued, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the license fee based on three months of operation.

[C24, 27, 31, 35, 39, §**3101, 3103;** C46, 50, 54, §196.1, 196.3; C58, 62, 66, 71, 73, 75, §196.4, 196.6; C77, 79, 81, §196.3]

2007 Acts, ch 215, §218; 2017 Acts, ch 159, §31

Referred to in §196.4

196.4 Producers and hatcheries exempt.

1. Producers who sell eggs produced exclusively by their own flocks directly to handlers, or to consumers, shall not be required to demonstrate to the department or the United States department of agriculture inspector their capability to perform candling and grading.

2. A hatchery shall obtain an egg handler's license pursuant to section 196.3 if it purchases eggs which are not used for hatching purposes.

[C24, 27, 31, 35, 39, §**3102;** C46, 50, 54, §196.2; C58, 62, 66, 71, 73, 75, §196.5; C77, 79, 81, §196.4]

Referred to in §196.1

196.5 Candling and grading capability.

Each person who candles and grades eggs shall demonstrate to the satisfaction of the department or the United States department of agriculture inspector, the capability to perform candling and grading.

[C24, 27, 31, 35, 39, §**3109;** C46, 50, 54, §196.9; C58, 62, 66, 71, 73, 75, §196.7, 196.8; C77, 79, 81, §196.5]

196.6 Candling and grading room.

An egg handler's license shall be obtained from the department for each location at which eggs will be candled and graded. Before a license is issued for each location candling eggs, the department shall make a careful survey of the premises and determine that the premises contain proper facilities for candling and grading.

[C24, 27, 31, 35, 39, §**3109;** C46, 50, 54, §196.6, 196.9; C58, 62, 66, 71, 73, 75, §196.13; C77, 79, 81, §196.6]

196.7 Candling and grading prior to sale.

All eggs offered for sale by an egg handler to a retailer, an establishment or a consumer, shall be candled and graded.

[C24, §3108; C27, 31, 35, §3108, 3112-b1; C39, §**3112.1;** C46, 50, 54, §196.8, 196.13; C58, 62, 66, 71, 73, 75, §196.12, 196.14; C77, 79, 81, §196.7]

196.8 Quality — storage.

1. All eggs offered for sale to an establishment must be no lower than United States

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department of agriculture consumer grade "B". From the time of candling and grading until they reach the consumer, all eggs designated for human consumption shall be held at a temperature not to exceed 45 degrees Fahrenheit or 7 degrees Celsius ambient temperature. The 45 degrees Fahrenheit or 7 degrees Celsius ambient temperature requirement applies to any place or room in which eggs are stored, except inside a vehicle during transportation where the ambient temperature may exceed 45 degrees Fahrenheit or 7 degrees Celsius, provided the transport vehicle is equipped with refrigeration units capable of delivering air at a temperature not greater than 45 degrees Fahrenheit or 7 degrees Celsius and capable of cooling the vehicle to a temperature not greater than 45 degrees Fahrenheit or 7 degrees Celsius. All shell eggs shall be kept from freezing.

2. Notwithstanding subsection 1, eggs gathered for sale at a poultry show from fowl exhibited at the show, which show has received financial assistance from the state in prior fiscal years, shall be exempt from the storage temperature and consumer grade quality requirements contained in subsection 1.

[C27, 31, 35, §3112-b1; C39, §**3112.1;** C46, 50, 54, §196.13; C58, 62, 66, 71, 73, 75, §196.14; C77, 79, 81, §196.8]

97 Acts, ch 192, §1; 2001 Acts, ch 176, §15; 2014 Acts, ch 1026, §40

196.9 Eggs unfit for human food.

Eggs determined to be unfit for human food under 21 U.S.C. §1034 as amended to July 1, 1985, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food.

[C24, 27, 31, 35, 39, §**3104, 3105, 3108;** C46, 50, 54, §196.4, 196.5, 196.8; C58, 62, 66, 71, 73, 75, §196.10; C77, 79, 81, §196.9]

85 Acts, ch 195, §22; 2010 Acts, ch 1061, §40

196.10 Labeling.

Sections 189.9 through 189.12 shall apply to the labeling of packaged eggs which have been candled and graded if not inconsistent with the provisions of this chapter. All cases of loose packed eggs sold in this state shall identify the egg handler's name or license number or United States department of agriculture plant number, and the grade of the eggs contained in the case. Each carton containing eggs for retail sale in Iowa which have been candled and graded shall be marked with the grade and size of the eggs contained, the date they were packed, and the name and address of the distributor or packer.

[C24, 27, 31, 35, 39, §**3110;** C46, 50, 54, §196.10; C58, 62, 66, 71, 73, 75, §196.16; C77, 79, 81, §196.10]

2021 Acts, ch 80, §95

196.11 Storage.

The provisions of section 189.28 shall not apply to eggs.

[C58, 62, 66, 71, 73, 75, §196.19; C77, 79, 81, §196.11]

196.12 Transportation.

Vehicles used to transport eggs from the point of production to an egg handler or between handlers shall be kept in sanitary condition and shall be enclosed. However, this section shall not apply to producers transporting their own eggs to a handler.

[C58, 62, 66, 71, 73, 75, §196.20; C77, 79, 81, §196.12]

196.13 Records.

Handlers shall keep a record for three years of each of their purchases and sales of eggs, including the date of the transaction, the names of the parties, the grade, or nest run, and the quantity of eggs being purchased or sold.

[C77, 79, 81, §196.13]

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196.14 Penalty.

Any person who violates a provision of this chapter shall be guilty of a simple misdemeanor. In addition, if the offender is a handler or a retailer, the court for the third offense shall suspend the offender's license for thirty days; for the fourth and any subsequent offense, such license shall be revoked for a period of one year.

[C58, 62, 66, 71, 73, 75, §196.18; C77, 79, 81, §196.14]

CHAPTER 196A

RESERVED

CHAPTER 197

POULTRY AND DOMESTIC FOWLS

Meat and poultry inspection, chapter 189A

197.1	Definitions.	197.4	Inspection of.
197.1A	License.	197.5	Enforcement.
197.2	License — fee and expiration.	197.6	Violations.
197.3	Record.		

197.1 Definitions.

1. *"Department"* means the department of agriculture and land stewardship.

2. *"Producer"* means a person, not a licensed dealer under section 197.1A, who acquires poultry or domestic fowl other than through a licensed dealer.

2017 Acts, ch 159, §33

Further definitions, see §189.1

Former §197.1 transferred to §197.1A

197.1A License.

Every person engaged in the business of buying poultry or domestic fowl for the market from a producer shall obtain a poultry dealer's license from the department for each establishment at which business is conducted.

[C27, 31, 35, §3112-b2; C39, §**3112.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.1]

2015 Acts, ch 30, §65; 2017 Acts, ch 159, §32

C2018, §197.1A

Referred to in §197.1

197.2 License — fee and expiration.

The license fee shall be six dollars. A license shall expire on the first day of the second March following the date of issue.

[C27, 31, 35, §3112-b3; C39, §**3112.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.2]

2017 Acts, ch 159, §34

197.3 Record.

Each licensee shall keep such records as the department shall require, as to date of purchase, name and residence of seller and number and description of such poultry or domestic fowls purchased from the producer.

[C27, 31, 35, §3112-b4; C39, §**3112.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.3]

197.4 Inspection of.

Such records as are required by the department to be kept by such licensee shall be open to inspection by any peace officer at any reasonable time.

[C27, 31, 35, §3112-b5; C39, §**3112.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.4]

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197.5 Enforcement.
The department shall be charged with the duty of the enforcement of this chapter.
[C27, 31, 35, §3112-b6; C39, §**3112.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.5]

197.6 Violations.
Any person who shall violate the provisions of this chapter shall, for each offense, be deemed guilty of a simple misdemeanor.
[C27, 31, 35, §3112-b7; C39, §**3112.7;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §197.6]

CHAPTER 198

COMMERCIAL FEED

Referred to in §126.20, 203.1, 203C.1

198.1 Short title.
198.2 Enforcing official.
198.3 Definitions.
198.4 Licenses.
198.5 Labeling.
198.6 Misbranding.
198.7 Adulteration.
198.8 Prohibited acts.
198.9 Inspection fees and reports.
198.10 Rules.
198.11 Inspection, sampling, and analysis.
198.12 Detained commercial feeds.
198.13 Penalties.
198.14 Cooperation with other entities.
198.15 Publication.

198.1 Short title.
This chapter shall be known as the "*Iowa Commercial Feed Law*".
[C66, 71, 73, 75, 77, 79, 81, §198.1]
90 Acts, ch 1165, §1

198.2 Enforcing official.
This chapter shall be administered by the secretary.
[C66, 71, 73, 75, 77, 79, 81, §198.2]
2017 Acts, ch 159, §35

198.3 Definitions.
For the purposes of this chapter:
1. "*Advertise*" means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.
2. "*Brand name*" means any word, name, symbol, or device or any combination thereof, identifying the commercial feed of a distributor and distinguishing it from that of others.
3. "*Broker*" means a person, other than a licensed manufacturer, who distributes commercial feed or commercial feed ingredients to a manufacturer.
4. "*Commercial feed*" means all materials or a combination of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. Except as otherwise provided in this chapter, unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of section 198.7, subsection 1, are exempt. The secretary by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of section 198.7, subsection 1.
5. "*Contract feeder*" means a person who as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits or amount or quality of product.

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6. *"Customer-formula feed"* means commercial feed which consists of a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the specific instructions of the final purchaser.

7. *"Department"* means the department of agriculture and land stewardship.

8. *"Distribute"* means either of the following:

a. To offer for sale, sell, exchange, or barter commercial feed.

b. To supply, furnish, or otherwise provide commercial feed to a contract feeder.

9. *"Distributor"* means any person who distributes.

10. *"Drug"* means any article intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.

11. *"Feed ingredient"* means each of the constituent materials making up a commercial feed.

12. *"Label"* means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

13. *"Labeling"* means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrappers or, accompanying such commercial feed.

14. *"Manufacture"* means to grind, mix or blend or further process a commercial feed for distribution.

15. *"Mineral feed"* means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

16. *"Official sample"* means a sample of feed taken by the secretary or the secretary's agent in accordance with the provisions of section 198.11, subsection 3, 5, or 6.

17. *"Percent"* or *"percentages"* means percentages by weight.

18. *"Pet"* means any domesticated animal normally maintained in or near the household of the owner thereof.

19. *"Pet food"* means any commercial feed prepared and distributed for consumption by dogs or cats.

20. *"Product name"* means the name of the commercial feed which identifies it as to kind, class, or specific use.

21. *"Secretary"* means the secretary of agriculture.

22. *"Specialty pet"* means any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

23. *"Specialty pet food"* means any commercial feed prepared and distributed for consumption by specialty pets.

24. *"Ton"* means a net weight of two thousand pounds avoirdupois.

[S13, §5077-a8; C24, 27, 31, 35, 39, §**3113;** C46, 50, 54, 58, 62, §198.1; C66, 71, 73, 75, 77, 79, 81, §198.3]

86 Acts, ch 1245, §642; 90 Acts, ch 1165, §2 – 4; 91 Acts, ch 97, §24; 98 Acts, ch 1046, §1; 2004 Acts, ch 1082, §8, 9; 2017 Acts, ch 159, §36

Referred to in §169.3, 169.4, 198.6, 198.10, 198.11, 205.8, 570A.1
Further definitions, see §189.1

198.4 Licenses.

1. This section shall apply to any person:

a. Who manufactures a commercial feed within the state.

b. Who distributes a commercial feed in or into the state.

c. Whose name appears on the label of a commercial feed as guarantor.

2. A person shall obtain a license issued by the secretary, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed

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full responsibility for the tonnage inspection fee due under section 198.9 is not required to obtain a license.

3. A broker shall not distribute a commercial feed in this state without first obtaining a license from the secretary issued on forms provided by the secretary. The forms must identify the broker's name and place of business.

4. A person obtaining a license under this section shall pay to the secretary a license fee of twenty dollars. The license shall expire on July 1 of the odd-numbered year following the date the license is issued. A license may be renewed for a two-year period as provided by the department.

[S13, §5077-a9; C24, 27, 31, 35, 39, §**3117;** C46, 50, 54, 58, 62, §198.7; C66, 71, 73, §198.4, 198.5; C75, 77, 79, 81, §198.4]

90 Acts, ch 1165, §5; 98 Acts, ch 1046, §2; 2009 Acts, ch 41, §78; 2017 Acts, ch 159, §37, 56; 2019 Acts, ch 128, §2

Referred to in §198.8

198.5 Labeling.

A commercial feed shall be labeled as follows:

1. In case of a commercial feed, except a customer-formula feed, it shall be accompanied by a label bearing the following information:

a. The net weight.

b. The product name and the brand name, if any, under which the commercial feed is distributed.

c. The guaranteed analysis stated in such terms as the secretary by rule determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the association of official analytical chemists.

d. An ingredient statement containing the common or usual name of each ingredient used in the manufacture of the commercial feed. However, the secretary by rule may permit the use of a collective term for a group of ingredients which perform a similar function, or the secretary may exempt such commercial feeds, or any group of them, from this requirement if the secretary finds that a statement is not required in the interest of consumers.

e. The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

f. Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the secretary may require by rule as necessary for their safe and effective use.

g. Such precautionary statements as the secretary by rule determines are necessary for the safe and effective use of the commercial feed.

2. In the case of a customer-formula feed, it shall be accompanied by a label, invoice, delivery slip or other shipping document, bearing the following information:

a. Name and address of the manufacturer.

b. Name and address of the purchaser.

c. Date of delivery.

d. The product name and brand name, if any, and the net weight of each commercial feed used in the mixture, and the net weight of each other ingredient used.

e. Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the secretary may require by rule as necessary for their safe and effective use.

f. Such precautionary statements as the secretary by rule determines are necessary for the safe and effective use of the customer-formula feed.

g. If a drug-containing product is used, information relating to the purpose of the medication in the form of a claim statement, plus the established name of each active drug ingredient and the level of each drug used in the final mixture.

[S13, §5077-a6, -a7; SS15, §5077-a6, -a7; C24, 27, 31, 35, 39, §**3114 – 3116;** C46, 50, 54, 58, 62, §198.2, 198.5, 198.6; C66, 71, 73, §198.6; C75, 77, 79, 81, §198.5]

90 Acts, ch 1165, §6, 7; 91 Acts, ch 97, §25

Referred to in §198.6

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198.6 Misbranding.

A commercial feed shall be deemed to be misbranded:

1. If its labeling is false or misleading in any particular.
2. If it is distributed under the name of another commercial feed.
3. If it is not labeled as required in section 198.5.
4. If it is not a commercial feed as defined in section 198.3.
5. If any word, statement, or other information required by this chapter to appear on the label is not prominently and conspicuously placed thereon and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

[C66, 71, 73, §198.9; C75, 77, 79, 81, §198.6]
90 Acts, ch 1165, §8

198.7 Adulteration.

A commercial feed shall be deemed to be adulterated:

1. *a.* If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health.

b. If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346, other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive.

c. If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §348.

d. If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408, subparagraph "a" of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a, provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agriculture commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408, subparagraph "a" of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §346a.

e. If it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act, codified at 21 U.S.C. §379e.

f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §360b.

2. If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.
3. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.
4. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules promulgated by the secretary to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such rules, the secretary shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the secretary determines that they are not appropriate to the conditions which exist in this state.

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5. If it contains viable weed seeds in amounts exceeding the limits which the secretary shall establish by rule.

[S13, §5077-a13; C24, 27, 31, 35, §3114-d2, 3126; C39, §**3114.2;** C46, 50, 54, 58, 62, §198.4, 198.13; C66, 71, 73, §198.8; C75, 77, 79, 81, §198.7]

90 Acts, ch 1165, §9; 2014 Acts, ch 1092, §169; 2015 Acts, ch 30, §66; 2017 Acts, ch 29, §51; 2025 Acts, ch 30, §105

Referred to in §198.3, 198.8, 198.11

198.8 Prohibited acts.

It shall be unlawful for any person to:

1. Manufacture or distribute any commercial feed that is adulterated or misbranded.
2. Adulterate or misbrand any commercial feed.
3. Distribute agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks and hulls, which are adulterated within the meaning of section 198.7, subsection 1.
4. Remove or dispose of a commercial feed in violation of an order under section 198.12.
5. Fail or refuse to obtain a license in accordance with section 198.4.
6. Violate section 198.13, subsection 6.
7. Fail to pay inspection fees and file reports as required by section 198.9.

[C75, 77, 79, 81, §198.8]

90 Acts, ch 1165, §10

198.9 Inspection fees and reports.

1. *a.* An inspection fee to be fixed annually by the secretary at a rate of not more than sixteen cents per ton, shall be paid on commercial feed distributed in this state by the person who first distributes the commercial feed, subject to the following:

(1) The inspection fee is not required on the first distribution, if made to a qualified buyer who, with approval from the secretary, shall become responsible for the fee.

(2) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

(3) A fee shall not be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as components of the customer-formula feeds.

(4) A minimum semiannual fee shall be twenty dollars.

(5) A licensed manufacturer shall pay the inspection fee on commercial feed that is fed to livestock owned by the licensee.

b. In the case of a pet food or specialty pet food, which is distributed in this state in packages of ten pounds or less, each product shall be registered and an annual registration fee of fifty dollars for each product shall be paid by January 1 of each year in lieu of the per ton rate as provided in this subsection. The inspection fee shall apply to those same products distributed in packages of more than ten pounds.

2. *a.* Each person who is liable for the payment of such fee shall:

(1) File, not later than the last day of January and July of each year, a semiannual statement, setting forth the number of net tons of commercial feeds distributed in this state during the preceding six months and upon filing the statement shall pay the inspection fee at the rate stated in subsection 1. Inspection fees which are due and owing and have not been remitted to the secretary within fifteen days following the due date shall have a delinquency fee of ten percent of the amount due or fifty dollars, whichever is greater, added to the amount due when payment is finally made. The assessment of this delinquency fee does not prevent the department from taking other actions as provided in this chapter.

(2) Keep such records as may be necessary or required by the secretary to indicate accurately the tonnage of commercial feed distributed in this state, and the secretary shall have the right to examine such records to verify statements of tonnage.

b. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided in this section is sufficient cause for cancellation of the license of the distributor.

3. Fees collected shall be deposited in the general fund of the state. Moneys deposited under this section shall be used for the payment of the costs of inspection, sampling, analysis, supportive research, and other expenses necessary for the administration of this chapter.

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4. If there is an unencumbered balance of funds from the fees deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance of the fees deposited less costs paid for from those fees for June 30 of the next fiscal year of one hundred thousand dollars.

[S13, §5077-a10; C24, 27, 31, 35, 39, §**3118 – 3121;** C46, 50, 54, 58, 62, §198.8 – 198.12; C66, 71, 73, §198.7; C75, 77, 79, 81, §198.9]

83 Acts, ch 122, §1; 90 Acts, ch 1165, §11 – 14; 91 Acts, ch 97, §26; 91 Acts, ch 260, §1216; 93 Acts, ch 131, §7; 94 Acts, ch 1107, §45; 95 Acts, ch 42, §1; 98 Acts, ch 1032, §7; 2009 Acts, ch 41, §210; 2024 Acts, ch 1185, §147

Referred to in §198.4, 198.8

198.10 Rules.

1. The secretary may adopt rules for commercial feeds and pet foods as specifically authorized in this chapter and other reasonable rules necessary in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter.

2. The secretary may adopt rules to do all of the following:

a. Regulate the movement of cottonseed into this state or within this state, even if the cottonseed would otherwise be exempt as whole seed under section 198.3. The secretary may adopt rules prescribing standards for cottonseed consistent with regulations prescribing the quality and uses of cottonseed as promulgated by the United States food and drug administration.

b. Regulating the advertisement of commercial feed, including but not limited to labeling commercial feed as specifically provided in this chapter.

3. In the interest of uniformity the secretary shall adopt any rule based on regulations promulgated under the authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq., provided the secretary has the authority under this chapter to adopt the rule. However, the secretary is not required to adopt such a rule if the secretary determines that the rule would be inconsistent with this chapter or not appropriate to conditions which exist in this state.

4. Before the issuance, amendment, or repeal of a rule authorized by this chapter, the secretary shall publish the proposed rule, amendment, or notice to repeal an existing rule in a manner reasonably calculated to give interested parties, including all current licensees, adequate notice, and shall afford all interested persons an opportunity to be heard, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the secretary shall take appropriate action to issue the proposed rule or to amend or repeal an existing rule. However, if the secretary adopts rules based on regulations promulgated under the authority of the Federal Food, Drug, and Cosmetic Act, any amendment or modification adopted by the United States secretary of health and human services shall be adopted automatically under this chapter without regard to publication of the notice required by this subsection, unless the secretary by order specifically determines that an amendment or modification shall not be adopted.

[C66, 71, 73, §198.11; C75, 77, 79, 81, §198.10]

90 Acts, ch 1165, §15; 91 Acts, ch 97, §27; 95 Acts, ch 42, §2; 2004 Acts, ch 1082, §10; 2025 Acts, ch 30, §105

198.11 Inspection, sampling, and analysis.

1. For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the secretary, upon presenting appropriate credentials, and a written notice to the owner, operator or agent in charge, are authorized:

a. To enter, during normal business hours, any factory, warehouse or establishment within the state in which commercial feeds are manufactured, processed, packed or held for distribution, or to enter any vehicle being used to transport or hold such feed.

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b. To inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under section 198.7, subsection 4.

2. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

3. If the officer or employee making such inspection of a factory, warehouse or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises the officer or employee shall give to the owner, operator or agent in charge a receipt describing the samples obtained.

4. If the owner of any factory, warehouse, or establishment described in subsection 1, or the owner's agent, refuses to admit the secretary or the secretary's agent to inspect in accordance with subsections 1 and 2, the secretary may obtain from any state court a warrant directing such owner or the owner's agent to submit the premises described in such warrant to inspection.

5. For the purpose of the enforcement of this chapter, the secretary or the secretary's duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

6. Sampling and analysis shall be conducted in accordance with methods published by the association of official analytical chemists, or in accordance with other generally recognized methods.

7. The results of all analyses of official samples shall be forwarded by the secretary to the person named on the label. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty days following receipt of the analysis the secretary shall furnish to the licensee a portion of the sample concerned.

8. The secretary, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in section 198.3, and obtained and analyzed as provided for in subsections 3, 5, and 6.

[C66, 71, 73, §198.10; C75, 77, 79, 81, §198.11]
90 Acts, ch 1165, §16
Referred to in §198.3

198.12 Detained commercial feeds.

1. When the secretary or the secretary's authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this chapter or of any of the rules adopted under this chapter, the secretary or agent may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the secretary or the court. The secretary shall release the lot of commercial feed so withdrawn when the provisions and rules have been complied with. If compliance is not obtained within thirty days, the secretary may begin, or upon request of the distributor shall begin, proceedings for condemnation.

2. Any lot of commercial feed not in compliance with said provisions and rules shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and order the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state, provided, that in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court

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for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

[C66, 71, 73, 75, 77, 79, 81, §198.12]

91 Acts, ch 97, §28

Referred to in §198.8

198.13 Penalties.

1. Any person convicted of violating any of the provisions of this chapter or who shall impede, hinder or otherwise prevent, or attempt to prevent, said secretary or the secretary's authorized agent in performance of that person's duty in connection with the provisions of this chapter, shall be guilty of a simple misdemeanor.

2. Nothing in this chapter shall be construed as requiring the secretary or the secretary's representative to:

a. Report for prosecution.

b. Institute seizure proceedings.

c. Issue a withdrawal from distribution order, as a result of minor violations of the chapter, or when the secretary or representative believes the public interest will best be served by suitable notice of warning in writing.

3. It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the secretary reports a violation for such prosecution, an opportunity shall be given the distributor to present the distributor's view to the secretary.

4. The secretary may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule promulgated under the chapter notwithstanding the existence of other remedies at law. If granted, the injunction shall be issued without bond.

5. Any person adversely affected by an act, order, or ruling made pursuant to the provisions of this chapter may within forty-five days thereafter bring action in the district court for judicial review of such actions. The form of the proceeding shall be any which may be provided by statutes of this state to review decisions of administrative agencies, or in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs or prohibitory or mandatory injunctions.

6. Any person who uses to the person's own advantage, or reveals to other than the secretary, or officers of the department or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this chapter, concerning any method, records, formulations or processes which as a trade secret is entitled to protection, is guilty of a serious misdemeanor. This prohibition shall not be deemed as prohibiting the secretary, or the secretary's duly authorized agent, from exchanging information of a regulatory nature with appointed officials of the United States government, or of other states, who are similarly prohibited by law from revealing this information.

[C66, 71, 73, 75, 77, 79, 81, §198.13]

Referred to in §198.8, 331.756(33)

198.14 Cooperation with other entities.

The secretary may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this chapter.

[C75, 77, 79, 81, §198.14]

198.15 Publication.

The secretary shall publish at least annually, in forms the secretary deems proper, information concerning the sales of commercial feeds, together with data on their production and use as the secretary considers advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses

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guaranteed on the label. However, the information concerning production and use of commercial feed shall not disclose the operations of any person.

[C66, 71, 73, §198.14; C75, 77, 79, 81, §198.15]

91 Acts, ch 97, §29

CHAPTER 199

AGRICULTURAL SEEDS

Referred to in §203.1

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199.1 Definitions.

For the purpose of this chapter or as used in labeling of seed:

1. *"Advertisement"* means all representations, other than those on the label, relating to seed within the scope of this chapter.

2. *"Agricultural seed"* means grass, forage, cereal, oil, fiber, and any other kind of crop seed commonly recognized within this state as agricultural seed, lawn seed, vegetable seed, or seed mixtures. Agricultural seed may include any additional seed the secretary designates by rules.

3. *"Certifying agency"* means an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States secretary of agriculture to assure genetic purity and identity of the seed certified, or an agency of a foreign country determined by the United States secretary of agriculture to adhere to the procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies in the United States.

4. *"Coated seed"* means seed that has been encapsulated or covered with a substance other than those defined as *"inoculated seed"* or *"treated seed"*. Pelleted seed is a subclass of *"coated seed"*.

5. *"Conditioning"* means cleaning to remove chaff, sterile florets, immature seed, weed seed, inert matter, and other crop seed; scarifying; blending to obtain uniform quality; or any other operation which may change the purity or germination of the seed and require retesting to determine the quality of the seed.

6. *"Cultivar"* or *"variety"* means a cultivated subdivision of a kind of plant that may be characterized by growth habits, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

7. *"Hybrid"* means the first generation seed produced by controlled pollination of two inbred lines to produce a single cross; an inbred line and a single cross of two unrelated inbred lines to produce a three-way cross; an inbred line and a single cross of two related lines to produce a modified single cross; two single crosses to produce a double cross; an inbred line or a single cross with an open-pollinated or synthetic cultivar to produce a modified cultivar cross; or a cross of two open-pollinated or synthetic cultivars to produce a cultivar cross. The second or subsequent generation from such crosses are not hybrids. Hybrid designations shall be treated as cultivar names.

8. *"Inoculant for leguminous plants"* means a bacterial culture, or material containing

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bacteria, that is represented as causing the formation of nodules and aiding the growth of leguminous plants by the fixation of nitrogen.

9. *"Inoculated seed"* means seed to which has been added a substance containing the cells, spores or mycelia of microorganisms for which a claim is made.

10. *"Kind"* means one or more related species or subspecies which singly or collectively are known by one common name.

11. *"Labeling"* means all labels and other written, printed, or graphic representations, in any form, accompanying and pertaining to seed, whether in bulk or in containers, and includes invoices.

12. *a. "Local governmental entity"* means any political subdivision, or any state authority which is not any of the following:

(1) The general assembly.

(2) A principal central department as enumerated in section 7E.5, or a unit of a principal central department.

b. "Local governmental entity" includes but is not limited to a county, special district, township, or city as provided in Title IX of this Code.

13. *"Local legislation"* means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

14. *"Mixture"* or *"blend"* means a combination of seed of more than one kind or variety if present in excess of five percent of the whole.

15. *"Multiline cultivar"* means a planned combination of two or more near-isogenic lines of a normally self-fertilizing kind of crop.

16. *"Noxious weed seed"* shall be divided into two classes, *"primary noxious weed seed"* and *"secondary noxious weed seed"* which are defined in paragraphs *"a"* and *"b"* of this subsection. The secretary, upon the recommendation of the dean of agriculture, Iowa state university of science and technology, shall adopt as a rule, after public hearing, pursuant to chapter 17A, the list of seed classified as *"primary noxious weed seed"* and *"secondary noxious weed seed"*.

a. "Primary noxious weed seed" are the seed of perennial weeds that reproduce by seed and by underground roots or stems and which, when established, are highly destructive and difficult to control in this state by good cultural practices. For the purpose of this chapter and the sale of seed, primary noxious weeds in this state are the seeds of:

(1) Quack grass — Agropyron repens (L.) Beauv.
(2) Canada thistle — Cirsium arvense (L.) Scop.
(3) Perennial sow thistle — Sonchus arvensis L.
(4) Perennial pepper grass (hoary cress) — Cardaria draba (L.) Desv.
(5) European morning-glory (field bindweed) — Convolvulus arvensis L.
(6) Horse nettle — Solanum carolinense L.
(7) Leafy spurge — Euphorbia esula L.
(8) Russian knapweed — Centaurea repens L.
(9) Palmer amaranth — Amaranthus palmeri.

b. "Secondary noxious weed seed" are the seed of weeds that are very objectionable in fields, lawns, or gardens in this state, but can be controlled by good cultural practices. For the purpose of this chapter and the sale of seed, the secondary noxious weed seeds in this state are the seeds of:

(1) Wild carrot — Daucus carota L.
(2) Sour dock (curly dock) — Rumex crispus L.
(3) Smooth dock — Rumex altissimus Wood.
(4) Sheep sorrel (red sorrel) — Rumex acetosella L.
(5) Butterprint (velvet leaf) — Abutilon theophrasti Medic.
(6) Mustards — Brassica juncea (L.) Coss., Sinapis arvensis L. and B. nigra (L.) Koch.
(7) Cocklebur — Xanthium strumarium L.
(8) Buckhorn — Plantago lanceolata L.
(9) Dodders — Cuscuta species.
(10) Giant foxtail — Setaria faberii Herrm.
(11) Poison hemlock — Conium maculatum.

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(12) Wild sunflower — Wild strain of Helianthus annus (L.).

(13) Puncture vine — Tribulus terrestris.

17. *"Permit holder"* is a person who has obtained a permit from the department as required under sections 199.15 and 199.16.

18. *"Person"* means an individual, partnership, corporation, company, society, or association.

19. *"Purity"* means the pure seed percentage by weight, exclusive of inert matter and of other agricultural or weed seed which are distinguishable by their appearance from the crop seed in question.

20. *"Record"* means all information relating to a shipment of agricultural seed and includes a file sample of each lot of seed.

21. *"Registered seed technologist"* is a person who has attained registered membership in the society of commercial seed technologists through qualifying tests and experience as required by this society.

22. *"Tolerance"* means the allowable deviation from any figure used on a label to designate the percentage of any component or the number of seeds given for the lot in question and is based on the law of normal variation from a mean. The secretary shall prepare tables of tolerances allowable in the enforcement of this chapter and may be guided in the preparation by the regulations under the Federal Seed Act, 7 C.F.R. §201.59 et seq.

23. *"Treated seed"* means agricultural seed that has been given an application of a substance, or subjected to a procedure, for which a claim is made or which is designed to reduce, control or repel disease organisms, insects, or other pests which attack seed or seedlings.

24. *"Vegetable seed"* means the crops which are grown in gardens or truck farms and are generally sold under the name of vegetable or herb seed in this state.

25. *"Weed seed"* means the seed of all plants listed as weeds in this chapter or listed as weeds in the rules of the department or commonly recognized as weeds in this state.

26. The Iowa secretary of agriculture shall, by rule, define the terms *"breeder"*, *"foundation"*, *"registered"*, *"certified"*, and *"inbred"*, as used in this chapter.

[S13, §5077-a14 – a17; C24, 27, 31, §3127, 3128; C35, §3137-e1; C39, §**3127, 3128, 3137.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.1, 199.5; 82 Acts, ch 1191, §1]

2005 Acts, ch 21, §2; 2009 Acts, ch 41, §211; 2017 Acts, ch 101, §1; 2017 Acts, ch 159, §38

Referred to in §199.5, 570A.1, 717A.1

For plants declared noxious weeds, see §317.1A

Further definitions, see §189.1

199.2 Dean of agriculture as advisor.

The dean of agriculture of Iowa state university of science and technology or the dean's designee shall be the technical advisor to the secretary in the administration of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.2; 82 Acts, ch 1191, §2]

199.3 Labeling of seed.

Each container of agricultural or vegetable seed which is sold, offered for sale, exposed for sale, or transported within this state shall be labeled according to the following schedule:

1. Seed for sowing purposes shall be labeled as follows:

a. Agricultural or vegetable seed that is treated, inoculated, or coated shall contain a word or statement indicating that the treatment, inoculation, or coating has been done. A separate label may be used.

b. If treated, the label shall indicate the commonly accepted chemical or abbreviated chemical name of the applied substance or substances or a description of the type and purpose of procedure used. If the substance in the amount present with the seed is harmful to human or vertebrate animals, the label shall bear a caution statement such as "Do not use for food, feed, or oil purposes". In addition, for highly toxic substances, a poison statement or symbol shall be shown on the label.

c. If the seed is inoculated, the label shall indicate the month and year beyond which the inoculant is not claimed to be effective.

d. If the seed is coated, the label shall show the percentage by weight in the container of

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pure seed, inert matter, coating material, other crop seed, and weed seed. The percentage of germination shall be labeled on the basis of a determination made on at least four hundred pellets or capsules, whether or not they contain seed.

e. All seed in package or wrapped form which are required to be labeled, unless otherwise provided, shall conform to the requirements of sections 189.9 and 189.11.

2. Except for seed mixtures for lawn or turf purposes, agricultural seed shall bear a label indicating:

a. The name of the kind or kind and variety for each agricultural seed present in excess of five percent of the whole and the percentage by weight of each. If the variety of those kinds generally labeled as to variety is not stated, the label shall show the name of the kind and the words, "variety not stated". Hybrids shall be labeled as hybrids. Seed shall not be labeled or advertised under a trademark or brand name in a manner that may create the impression that the trademark or brand name is a variety name.

b. Lot number or other lot identification.

c. State or foreign country of origin, if known, of alfalfa and red clover. If the origin is unknown, the fact shall be stated.

d. Percentage by weight of all weed seed.

e. The name and rate of occurrence per unit of weight of each kind of secondary noxious weed seed present.

f. Percentage by weight of agricultural seed which may be designated as "other crop seed" other than those required to be named on the label.

g. Percentage by weight of inert matter.

h. (1) For each named agricultural seed:

(a) Percentage of germination, exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The calendar month and year the test was completed to determine the percentages.

(2) Following (a) and (b), the "total germination and hard seed" may be stated as such, if desired.

i. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

3. For seed mixtures for lawn or turf purposes, the label shall indicate:

a. The word "mixed" or "mixture" along with the name of the mixture.

b. The heading "pure seed" and "germination" or "germ" where appropriate.

c. Commonly accepted name of kind or kind and variety of each turf seed component in excess of five percent of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.

d. Name and percentage by weight of other agricultural seed than those required to be named on the label which shall be designated as "other crop seed". If the mixture contains no "other crop seed" that fact may be indicated by the words "contains no other crop seed".

e. Percentage by weight of inert matter.

f. Percentage by weight of all weed seed. Maximum weed seed content not to exceed one percent by weight.

g. The name and rate of occurrence per unit of weight of each kind of secondary noxious weed seed present.

h. For each turf seed named under paragraph "c":

(1) Percentage of germination, exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) Calendar month and year the test was completed to determine such percentages. The oldest current test date applicable to any single kind in the mixture shall appear on the label.

i. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within the state.

4. The labeling requirements for vegetable seed sold from containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser. Packets of vegetable seed prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices, shall bear labels with the following information:

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a. Name of kind and variety of seed.

b. Lot identification.

c. The year for which the seed was packed for sale or the percentage of germination and the calendar month and year the test to determine such percentage was completed.

d. Name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within the state.

e. For seed which germinate less than the standard last established by the secretary in rules adopted under chapter 17A:

(1) Percentage of germination, exclusive of hard seed.

(2) Percentage of hard seed, if present.

(3) The words "below standard" in not less than eight point type.

f. For seed placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.

g. The last date on which the variety of seed will normally germinate according to standards established by rules adopted by the department.

5. All other vegetable seed containers shall be labeled, indicating:

a. The name of each kind and variety present in excess of five percent and the percentage by weight of each in order of its predominance.

b. Lot number or other lot identification.

c. (1) For each named vegetable seed:

(a) Percentage germination exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The calendar month and year the test was completed to determine such percentages.

(2) Following (a) and (b), the "total germination and hard seed" may be stated as such, if desired.

d. Name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within the state.

6. Seed sold on or from the farm, which is exempt from the permit requirements by section 199.15, shall be labeled on the basis of tests performed by the Iowa state university seed testing laboratory or a commercial seed laboratory personally supervised by a registered seed technologist. Tests for labeling shall be as provided in section 199.10.

[S13, §5077-a6, -a18, -a19, -a21; C24, 27, 31, 35, 39, §**3129, 3130, 3131, 3132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.3; 82 Acts, ch 1191, §3]

92 Acts, ch 1239, §34; 2009 Acts, ch 41, §212, 213; 2015 Acts, ch 103, §9

Referred to in §199.4, 199.9

199.4 Sales from bulk.

In case agricultural or vegetable seed is offered or exposed for sale in bulk or sold from bulk, the information required under section 199.3 may be supplied by a placard conspicuously displayed with the several required items thereon or a printed or written statement to be furnished to any purchaser of the seed.

[S13, §5077-a6; C24, 27, 31, 35, 39, §**3133;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.4; 82 Acts, ch 1191, §4]

199.5 Hybrid corn.

It is unlawful for any person to sell, offer or expose for sale, or falsely mark or tag, within the state any seed corn as hybrid unless it falls within the definition of hybrid in section 199.1.

[C35, §3137-e1; C39, §**3137.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.5; 82 Acts, ch 1191, §5]

199.6 Inoculant for legumes.

The container of any inoculant for leguminous plants which is sold, offered for sale, or exposed for sale within the state shall bear a label giving in the English language in legible letters the following information:

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1. The kind or kinds of leguminous plants for which the contents are to be used.
2. The quantity of seed to which the contents are to be applied.
3. An expiry date after which the inoculant might be ineffective.
4. The name and place of business of the manufacturer or laboratory of origin, or alternately of the vendor only, if the vendor accepts responsibility for the accuracy of the declarations made in subsections 1, 2, and 3 of this section.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.6]

199.7 Certified seed.

1. The classes of certified seed are breeder, foundation, registered, and certified and shall be recognized by the certifying agency.
2. It shall be unlawful for any person to sell, offer for sale, or expose for sale in the state:

a. Any agricultural seed, including seed potatoes, as a recognized class of certified seed unless:

(1) Such seed has been certified by a duly constituted state authority or state association recognized by the Iowa secretary of agriculture.

(2) Each container bears an official label approved by the certifying agency stating that the seed has met the certification requirements established by the certifying agency.

(3) Each container of the certified class of certified seed bears a label blue in color with the word "certified" thereon.

(4) Each container of the foundation and registered classes of certified seed bears a label with a color or colors approved by the certifying agency.

b. Any agricultural seed, including seed potatoes, with a blue label unless such seed is a class of certified seed.

[C35, §3137-g1, -g2; C39, §**3137.3, 3137.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.7; 82 Acts, ch 1191, §6]
2009 Acts, ch 41, §263

199.8 Prohibited acts.

1. It is unlawful for a person to sell, transport, offer for sale, expose for sale, or advertise an agricultural or vegetable seed:

a. Unless the test to determine the percentage of germination as required by this chapter has been completed within nine months, excluding the month of the test, immediately prior to selling, transporting, offering, exposing, or advertising for sale. A retest is not required for seed in hermetically sealed containers or packages provided they have not reached the thirty-six month expiration date.

b. Not labeled in accordance with the provisions of this chapter, or having a false or misleading label.

c. For which there has been false or misleading advertising.

d. Consisting of or containing primary noxious weed seed, subject to recognized tolerances.

e. Consisting of or containing secondary noxious weed seed per weight unit in excess of the number prescribed by rules adopted under this chapter, or in excess of the number declared on the label attached to the container of the seed or associated with the seed.

f. Containing more than one and one-half percent by weight of all weed seed.

g. If any labeling, advertising, or other representation subject to this chapter represents the seed to be certified seed or any class thereof, unless:

(1) It has been determined by a seed certifying agency that the seed conforms to standards of varietal purity and identity as to kind in compliance with the rules and regulations of the agency.

(2) The seed bears an official label issued for the seed by a seed certifying agency stating that the seed is of a specified class and a specified kind or variety.

h. Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection under the Plant Variety Protection Act, 7 U.S.C. §2321 et seq., specifies sale only as a class of certified seed.

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Seed from a certified lot may be labeled as to variety name and used in a blend, by or with the approval of the owner of the variety.

2. It is unlawful for a person to:

a. Detach, alter, deface, or destroy a label provided for in this chapter or the rules adopted under this chapter, or to alter or substitute seed in a manner that may defeat the purpose of this chapter.

b. Disseminate false or misleading advertisements concerning seed subject to this chapter.

c. Hinder or obstruct in any way an authorized person in the performance of duties under this chapter.

d. Fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for the purpose specified thereby.

e. Use the word "trace" as a substitute for any statement which is required.

f. Use the word "type" in labeling in connection with the name of an agricultural seed variety.

3. It is unlawful for a person to sell, transport, offer for sale, expose for sale, or advertise screenings of any agricultural seed subject to this chapter, unless it is stated on the label if in containers or on the invoice if in bulk, that they are not intended for seeding purposes. For the purpose of this subsection, *"screenings"* includes chaff, empty florets, immature seed, weed seed, inert matter, and other materials removed by cleaning from any agricultural seed subject to this chapter.

[S13, §5077-a15; C24, 27, 31, 35, 39, §**3137;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.8; 82 Acts, ch 1191, §7]

Referred to in §199.9, 199.12

199.9 Exemptions.

1. Sections 199.3 and 199.8 do not apply to:

a. Seed or grain not intended for sowing purposes.

b. Seed in storage in, or consigned to, or for sale to, a seed cleaning or conditioning establishment for cleaning or conditioning; provided that any labeling or other representation which is made with respect to the unclean or unconditioned seed is subject to this chapter.

c. A carrier in respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier provided that the carrier is not engaged in producing, conditioning, or marketing seed, and subject to this chapter.

2. A person is not subject to the penalties of this chapter for having sold, offered or exposed for sale in this state any agricultural seeds which were incorrectly labeled or represented as to kind, species, variety, or origin when those seeds cannot be identified by examination, unless the person has failed to obtain an invoice or genuine grower's declaration or other labeling information and to take other precautions as reasonable to ensure the identity. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed such as invoices and labels.

[S13, §5077-a20; C24, 27, 31, 35, 39, §**3136;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.9; 82 Acts, ch 1191, §8]

199.10 Testing methods — cooperation of facilities.

1. *Testing methods when seed is for sale.* Seed lots of all kinds of agricultural seed intended for sale in this state shall be tested in accordance with the association of official seed analysts' rules for testing seed or the regulations under the Federal Seed Act. The tests required shall be:

a. Purity analysis.

b. Noxious weed examination.

c. Germination.

2. *Charges for testing.* Charges for seed testing by the Iowa state university seed testing laboratory shall be determined by the laboratory. Separate fee schedules shall be published for:

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a. Tests for seed dealers, permit holders, and farmers who plan to sell seed.

b. Tests for out-of-state persons.

3. *Cooperation between the Iowa state university and the department of agriculture and land stewardship.* To furnish farmers and seed dealers with information as to seed quality and guide them in the proper labeling of seed for sale, these organizations shall:

a. Integrate seed testing so as to avoid unnecessary duplication of personnel and equipment. The Iowa state university seed testing laboratory shall promote seed education and research and shall conduct service testing for farmers and seed dealers.

b. Exchange information which will be mutually beneficial to both agencies in matters pertaining to agricultural seed.

c. Guide seed testing by all individuals or organizations so as to promote uniformity of seed testing in Iowa.

[S13, §5077-a12; C24, 27, 31, 35, 39, §**3135;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.10; 82 Acts, ch 1191, §9 – 11]

85 Acts, ch 67, §21, 22; 2015 Acts, ch 103, §10, 11

Referred to in §199.3

199.11 Authority of the department.

1. For the purpose of carrying out the provisions of this chapter, the department shall do all of the following:

a. Sample, inspect, analyze, and test agricultural seed, if the agricultural seed is transported, sold, offered, or exposed for sale within this state for sowing. The department shall perform these duties at a time and place and to an extent necessary to determine whether the agricultural seed is in compliance with this chapter. The department shall promptly notify the person who transported, sold, offered, or exposed the seed for sale, of a violation.

b. Adopt rules governing methods of sampling, inspecting, analyzing, testing, and examining agricultural seed. The rules shall include tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce under the Federal Seed Act and other rules or regulations necessary for the efficient enforcement of this chapter.

2. For the purpose of carrying out the provisions of this chapter, the department may:

a. Enter upon public or private premises during regular business hours in order to have access to commercial seed, subject to this chapter and departmental rules.

b. Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural seed which the department believes is in violation of this chapter or departmental rules. The order shall prohibit further sale of the seed until the department has evidence of compliance. However, the owner or custodian of the seed shall be permitted to remove the seed from a salesroom open to the public. Judicial review of the order may be sought in accordance with chapter 17A. However, notwithstanding chapter 17A, petitions for judicial review may be filed in the district court. This subsection does not limit the right of the department to proceed as authorized by other sections of this chapter.

c. Establish and maintain or make provision for seed testing facilities essential to the enforcement of this chapter. The department may employ qualified persons, and incur expenses necessary to comply with these provisions.

d. Cooperate with the United States department of agriculture in seed law enforcement.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.11]

92 Acts, ch 1239, §35; 93 Acts, ch 40, §1, 2

199.12 Seizure of unlawful seed.

Upon the recommendation of the secretary or the secretary's duly authorized agents, the court of competent jurisdiction in the area in which the seed is located shall cause the seizure and subsequent denaturing, conditioning, or destruction to prevent the use for sowing purposes of any lot of agricultural seed found to be prohibited from sale as set forth in section 199.8, provided that in no instance shall the denaturing, conditioning, or

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destruction be ordered without first having given the claimant of the seed an opportunity to apply to the court for the release of the seed.

[C35, §3137-g3; C39, §**3137.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.12; 82 Acts, ch 1191, §12]

199.13 Penalty.

A violation of this chapter is a simple misdemeanor. The department may institute criminal or civil proceedings in a court of competent jurisdiction to enforce this chapter. When in the performance of the secretary's duties in enforcing this chapter the secretary applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate any of the provisions of this chapter or rules adopted under this chapter, the injunction is to be issued without bond and the person restrained by the injunction shall pay the costs made necessary by the procedure.

[C35, §3137-e2; C39, §**3137.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.13; 82 Acts, ch 1191, §13]

199.13A Local legislation — prohibition.

1. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification, or registration of an agricultural seed. A local governmental entity shall not adopt or continue in effect such local legislation regardless of whether a statute or a rule adopted by the department specifically preempts the local legislation. Local legislation in violation of this section is void and unenforceable.

2. This section does not apply to any of the following:

a. Local legislation of general applicability to commercial activity.

b. A motion or resolution that provides for any activity relating to agricultural seed which is owned by the local governmental entity and which is kept or used on land held by the local governmental entity.

2005 Acts, ch 21, §3

199.14 Enforcement.

It shall be the duty of the secretary of agriculture, and the secretary's agents, to enforce this chapter and of the county attorneys and of the attorney general of the state to cooperate with the secretary in the enforcement of this chapter.

[C35, §3137-g4; C39, §**3137.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.14]

2012 Acts, ch 1023, §157

Referred to in §331.756(34)

199.15 Permit — fee — fraud.

1. A person shall not sell, distribute, advertise, solicit orders for, offer or expose for sale, agricultural or vegetable seed without first obtaining from the department a permit to engage in the business. A permit is not required of persons selling seeds which have been packed and distributed by a person holding and having in force a permit. A permit is not required of persons selling or advertising seed of their own production, provided that the seed is stored or delivered to a purchaser only on or from the farm or premises where grown.

2. *a.* The fee for a new permit is ten dollars and the fee for a renewed permit is based on the gross annual sales of seeds in Iowa during the previous twelve-month period under the permit holder's label and all permits expire on the first day of July following date of issue.

b. Permits shall be issued subject to the following fee schedule:

Gross sales of seeds		Fee
Not more than	$ 25,000	$30
Over $25,000 but not exceeding	50,000	60
Over $50,000 but not exceeding	100,000	90
Over $100,000 but not exceeding	200,000	120

c. For each additional increment of one hundred thousand dollars of sales in Iowa the fee

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shall increase by thirty dollars. The fee shall not exceed one thousand five hundred dollars for a permit holder.

3. After due notice given at least ten days prior to a date of hearing fixed by the secretary, the department may revoke or refuse to renew a permit issued under this section if a violation of this chapter or if intent to defraud is established. The failure to fulfill a contract to repurchase the seed crop produced from any agricultural seed, if the crop meets the requirements set forth in the contract and the standards specified in this chapter, is prima facie evidence of intent to defraud the purchaser at the time of entering into the contract. However, this does not apply when seed stock is furnished by the contractor to the grower at no cost.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §199.15; 82 Acts, ch 1191, §14]
88 Acts, ch 1272, §20; 2009 Acts, ch 41, §214
Referred to in §199.1, 199.3

199.16 Permit holder's bond.

It is unlawful for the permit holder to enter into a contract with a grower who purchases agricultural seed in which the permit holder agrees to repurchase the seed crop produced from the purchased seed at a price in excess of the current market price, unless the permit holder has on file with the department a bond, in a penal sum of twenty-five thousand dollars running to the state of Iowa, with sureties approved by the secretary, for the use and benefit of a person holding a repurchase contract who might have a cause of action of any nature arising from the purchase or contract. However, the aggregate liability of the surety to all purchasers of seed holding repurchase contracts shall not exceed the sum of the bond.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §199.16; 82 Acts, ch 1191, §15]
85 Acts, ch 84, §1
Referred to in §199.1

199.17 Records and seed samples.

A person whose name appears on the label as handling agricultural or vegetable seed subject to this chapter shall keep for a period of two years complete records of each lot of agricultural or vegetable seed handled and shall keep for one year a file sample of each lot of seed after final disposition of the lot. The records and samples pertaining to the shipments involved shall be accessible for inspection by the department during the customary business hours.

[82 Acts, ch 1191, §16]

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CHAPTER 200

FERTILIZERS AND BENEFICIAL SUBSTANCES

Referred to in §200A.2, 455B.390

200.1 Title.
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200.17A Ammonium nitrate security.
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200.19 Exchanges between manufacturers.
200.20 Phosphoric acid, nitrogen, and potash requirements.
200.21 Compliance — a defense to certain nuisance actions.
200.22 Local legislation — prohibition.

200.1 Title.

This chapter shall be known and may be cited by the short title of *"Iowa Fertilizer Law"*.
[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §200.1]

200.2 Enforcing official.

This chapter shall be administered by the secretary of agriculture.
[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §200.2]
2021 Acts, ch 76, §44

200.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Ammonium nitrate"* means a compound that is chiefly composed of ammonium salt of nitric acid which contains not less than thirty-three percent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

2. *"Anhydrous ammonia"* means the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume.

3. *"Anhydrous ammonia plant"* means a facility used for the manufacture or distribution of the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts hydrogen by volume.

4. *a. "Beneficial substance"* means any substance or compound, other than primary, secondary, and microplant nutrients, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soils, or media, including any of the following:

(1) A plant amendment.
(2) A plant biostimulant.
(3) A plant inoculant.
(4) A soil-amending ingredient.
(5) A soil-amending ingredient form.
(6) A soil amendment.
(7) A soil inoculant.
(8) Compost.

b. "Beneficial substance" does not include a pesticide.

5. *"Brand"* means a term, design, trademark, product name, or other specific designation under which an individual beneficial substance or commercial fertilizer is offered for sale.

6. *"Bulk"* means in a nonpackaged form to which a label cannot be attached.

7. *"Commercial fertilizer"* includes fertilizer and fertilizer materials and fertilizer-pesticide mixtures.

8. *"Compost"* means a product manufactured through the controlled aerobic, biological

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decomposition of a biodegradable material if the product has undergone mesophilic and thermophilic temperatures that significantly reduce the viability of pathogens and weed seeds and stabilize carbon to the extent that the product is beneficial to plant growth.

9. *"Department"* means the department of agriculture and land stewardship.

10. *"Distribute"* means to import, consign, manufacture, produce, compound, mix, blend, or offer for sale, sell, barter, or otherwise supply a commercial fertilizer or beneficial substance in this state.

11. *"Distributor"* means any person who imports, consigns, manufactures, produces, compounds, mixes, blends, or who offers for sale, sells, barters, or otherwise distributes, a commercial fertilizer or beneficial substance in this state.

12. *a. "Established date of operation"* means the date on which an anhydrous ammonia plant commenced operating.

b. If the physical facilities of the plant are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent "established date of operation" established as of the date of commencement of the expanded operations.

c. The commencement of expanded operations does not divest the plant of a previously established date of operation.

13. *"Established date of ownership"* means the date of the recording of an appropriate instrument of title establishing the ownership of real estate.

14. *"Fertilizer"* means any substance containing one or more recognized plant nutrients used for plant nutrient content and designed for use and claimed to have value in promoting plant growth except unmanipulated animal and vegetable manures or calcium and magnesium carbonate materials used primarily for correcting soil acidity.

15. *"Fertilizer material"* means any substance used as a fertilizer or for compounding a fertilizer containing one or more of the recognized plant nutrients which are used for promoting plant growth or altering plant composition.

16. *"Grade"* means the percentages of total nitrogen, available phosphorus or P_2O_5 or both, and soluble potassium or K_2O or both stated in whole numbers in same terms, order, and percentages as in the guaranteed analysis.

17. *a.* (1) *"Guaranteed analysis"* means the minimum percentage of plant nutrients claimed and reported as Total Nitrogen (N), Available Phosphorus (P) or P_2O_5 or both, Soluble Potassium (K) or K_2O or both and in the following form:

Total Nitrogen (N)	..... percent
Available Phosphorus (P) or P_2O_5 or both	..... percent
Soluble Potassium (K) or K_2O or both	..... percent

(2) Registration and guarantee of water soluble phosphorus (P) or (P_2O_5) shall be permitted.

b. "Guaranteed analysis", in the form specified in paragraph *"a"*, includes all of the following:

(1) (a) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphorus or P_2O_5 or both and the degree of fineness.

(b) For bone tankage and other organic phosphatic materials, total phosphorus or P_2O_5 or both.

(2) When any additional plant nutrient elements contained in a beneficial substance are claimed in writing, they shall be identified in the guarantee, expressed as the element, and shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the association of official agricultural chemists.

18. *"Label"* means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying a commercial fertilizer or beneficial substance.

19. *"Labeling"* means the advertising or promotion of any commercial fertilizer or beneficial substance including but not limited to any written, printed, graphic, or electronic communication used in promoting the sale of a commercial fertilizer or beneficial substance.

20. *"Licensee"* means a person licensed under section 200.4.

21. *"Nuisance"* means public or private nuisance as defined by statute or by the common law.

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22. *"Nuisance action or proceeding"* means an action, claim, or proceeding brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

23. *"Official sample"* means any sample of commercial fertilizer taken by the secretary or the secretary's agent.

24. *"Owner"* means the person holding record title to real estate, and includes both legal and equitable interest under recorded real estate contracts.

25. *"Percent"* or *"percentage"* means the percentage by weight.

26. *"Person"* includes an individual, or a type of partnership, limited liability company, corporation, or association, formed or organized to do business in this state or authorized to do or transact business in this state.

27. *"Pesticide"* includes insecticides, miticides, nemacides, fungicides, herbicides, and any other substance used in pest control.

28. *"Plant amendment"* means any substance applied to a plant seed which is intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of a plant except a fertilizer, soil amendment, agricultural liming material, animal manure, vegetable manure, pesticide, plant regulator, or other material which may be exempted by regulation.

29. *"Plant biostimulant"* means a substance, microorganism, or mixture thereof, that, when applied to a seed, plant, the rhizosphere, soil, or other growth media, acts to support a plant's natural nutrition processes independently of the biostimulant's nutrient content and improves nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality, or yield.

30. *"Plant inoculant"* means a product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.

31. *"Secretary"* means the secretary of agriculture.

32. *"Sell"* or *"sale"* includes exchange.

33. *"Soil amendment"* means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological, or other characteristic of the soil, except a fertilizer, agricultural liming material, unmanipulated animal manure, unmanipulated vegetable manure, pesticide, or any other material exempted by regulation.

34. *"Soil inoculant"* means a microbial product that is applied to colonize the soil to benefit the soil chemistry, biology, or structure.

35. *"Soil-amending ingredient"* means any substance which when applied to soil will improve the physical, chemical, biochemical, biological, or other characteristics of the soil.

36. *"Soil-amending ingredient form"* means the chemical compound, such as salt, chelate, oxide, or acid, of an ingredient or the physical form of an ingredient.

37. *"Specialty fertilizer"* means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries, and may include commercial fertilizers used for research or experimental purposes.

38. *"Ton"* means a net weight of two thousand pounds avoirdupois.

39. *a. "Unmanipulated manures"* means any substances composed primarily of excreta, plant remains, or mixtures of such substances which have not been processed in any manner other than dewatering.

b. "Unmanipulated manures" includes unmanipulated animal manure or unmanipulated vegetable manure.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §200.3]

84 Acts, ch 1269, §1; 2000 Acts, ch 1082, §1; 2005 Acts, ch 73, §1; 2009 Acts, ch 41, §263; 2017 Acts, ch 159, §39; 2021 Acts, ch 149, §8; 2024 Acts, ch 1177, §26, 27; 2025 Acts, ch 134, §3; 2026 Acts, ch 1040, §28, 29

Referred to in §200.5, 200.10, 202.1, 570A.1, 579B.1, 716.11
Further definitions, see §189.1
Subsection 5 amended
Subsection 22 amended

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200.4 License — fee and expiration — mixture requirement.

1. Any person who manufactures, mixes, blends, mixes to customer's order, offers for sale, sells, or distributes any fertilizer or beneficial substance in this state must first obtain a license issued by the secretary and pay a twenty dollar license fee for each place of manufacture or distribution from which fertilizer or beneficial substance products are sold or distributed in this state. The license shall expire on July 1 of the even-numbered year following the date the license is issued. A license may be renewed for a two-year period as provided by the department.

2. The licensee shall at all times produce an intimate and uniform mixture of fertilizers or beneficial substances. When two or more fertilizer materials are delivered in the same load, they shall be thoroughly and uniformly mixed unless they are in separate compartments.

[C46, 50, 54, §200.2, 200.4, 200.6; C58, 62, §200.6; C66, 71, 73, 75, 77, 79, 81, §200.4]

87 Acts, ch 225, §205; 2017 Acts, ch 159, §40, 57; 2019 Acts, ch 128, §3; 2025 Acts, ch 134, §4

Referred to in §200.3, 200.7, 200.9, 200.18

200.5 Registration.

1. Each brand and grade of commercial fertilizer and each beneficial substance shall be registered before being offered for sale, sold, or otherwise distributed in this state; except that a commercial fertilizer formulated according to special specifications furnished by a consumer to fill the consumer's order shall not be required to be registered, but shall be labeled as provided in section 200.6, subsection 1, paragraph *"c"*. The application for registration shall be submitted to the secretary on forms furnished by the secretary and shall be accompanied by a label setting forth the guaranteed analysis which shall be the same as that appearing on the registered product.

2. A registration shall be permanent, provided, however, that the secretary may request a listing of products to be currently manufactured. The application shall include the following information in the following order:

a. Net weight, if sold in packaged form.
b. Name and address of the registrant.
c. Name of product.
d. Brand.
e. Grade, if the product contains a recognized plant food.
f. Guaranteed analysis.

3. In addition to the information required in subsection 2, an application for the registration of a beneficial substance must include the name or chemical designation and percentage of content of each of the active ingredients. Each microbial organism ingredient must be identified with species and genus in colony-forming units per gram for a dry product or per milliliter for a liquid product. Another unit of quantity may be acceptable if an accurate and verifiable guarantee is presented.

4. The secretary is authorized to adopt rules under chapter 17A regulating the labeling and registration of commercial fertilizers and beneficial substances, when necessary in the secretary's opinion. The secretary may require any reasonable information in addition to section 200.3, subsection 17, which is necessary and useful to the purchasers of commercial fertilizers and beneficial substances of this state and to promote uniformity among states.

5. The secretary is authorized to adopt rules under chapter 17A establishing minimum acceptable levels of components recognized as effective to aid crops produced in this state and to require such warning statements as may be deemed necessary to prevent injury to crops or for user safety.

6. The secretary, whenever the secretary deems it necessary in the administration of this chapter, may require the submission of additional data about any article, including a fertilizer, beneficial substance, or other product regulated under this chapter to support the claims made for it. If it appears to the secretary that the composition of the article is such as to warrant the claims made for it, and if the article, its labeling and other material required to be submitted, comply with the requirements of this chapter, the secretary shall register the product.

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7. If it does not appear to the secretary that the article is such as to warrant the proposed claims for it, or if the article and its labeling and other material required to be submitted do not comply with a provision of this chapter, the secretary shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fails to comply with this chapter so as to afford the registrant an opportunity to make the necessary corrections before resubmitting the label.

8. It shall be the responsibility of the registrant to submit satisfactory evidence of favorable effects and safety of the product.

9. The secretary shall establish minimum requirements for the registration of fertilizers and beneficial substances by efficacy testing or the substantiation of data relevant to this state's crops and soils.

10. A distributor shall not be required to register any brand and grade of commercial fertilizer or beneficial substance which is already registered under this chapter by another person.

[S13, §2528-f, -f1; C24, 27, 31, 35, 39, §**3139 – 3141;** C46, 50, 54, 58, 62, §200.4; C66, 71, 73, 75, 77, 79, 81, §200.5]

2017 Acts, ch 159, §41; 2025 Acts, ch 134, §5

Referred to in §200.6, 200.13

200.6 Labeling.

1. *a.* Any commercial fertilizer offered for sale or sold or distributed in this state in bags or other containers shall have placed on or affixed to the container in legibly written or printed form, the information required by section 200.5, subsection 2, either on tags affixed to the end of the package or directly on the package.

b. If distributed in bulk, a shipment of commercial fertilizer must be accompanied by a written or printed statement giving the purchaser's name and address in addition to the labeling requirement set forth in section 200.5, subsection 2.

c. A commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing shall be labeled to show the net weight, guaranteed analysis, and the name and address of the distributor and may show the net weight and guaranteed analysis of each of the fertilizer materials or soil conditioners used. It is the responsibility of the distributor to mix these materials uniformly and intimately so that when sampled in the prescribed manner the resulting analysis would meet the guarantee.

d. All bulk bins or intermediate storage of bulk commercial fertilizer where being offered for sale or distributed direct to the consumer shall be labeled showing brand, name, and grade of product.

e. All fertilizers distributed or stored in bulk, unless in the manufacturer's authorized containers, shall be labeled as the responsibility of the possessor.

2. A beneficial substance shall be labeled in accordance with subsection 1 and in addition shall show the name or chemical designation and content or the active ingredients.

[S13, §2528-f; C24, 27, 31, 35, 39, §**3142;** C46, 50, 54, 58, 62, §200.5; C66, 71, 73, 75, 77, 79, 81, §200.6]

2025 Acts, ch 134, §6; 2026 Acts, ch 1040, §30

Referred to in §200.5, 200.13

Subsection 1, paragraph e amended

200.7 Fertilizer-pesticide mixture.

Only those persons licensed under section 200.4 shall be permitted to add pesticides to commercial fertilizers. These persons shall at all times produce a uniform mixture of fertilizer and pesticide and shall register and label their product in compliance with both chapter 206 and this chapter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §200.7]

2001 Acts, ch 24, §36

200.8 Inspection fees.

1. *a.* There shall be paid by the licensee to the secretary for any commercial fertilizer or beneficial substance sold or distributed in this state, an inspection fee to be fixed annually by

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the secretary at not more than twenty cents per ton. The sale of a commercial fertilizer or beneficial substance for manufacturing purposes only is exempted from an inspection fee but must still be reported showing the manufacturer who purchased it. Payment of the inspection fee by any licensee shall exempt all other persons, firms, or corporations from the payment thereof.

b. On an individual package of a commercial fertilizer or beneficial substance containing twenty-five pounds or less, there shall be paid by the manufacturer in lieu of the semiannual inspection fee as set forth in this chapter, an annual registration and inspection fee of one hundred dollars for each brand and grade sold or distributed in the state. In the event that any manufacturer sells a commercial fertilizer or beneficial substance in a package of twenty-five pounds or less and also in a package of more than twenty-five pounds, this annual registration and inspection fee shall apply only to that portion sold in a package of twenty-five pounds or less, and that portion sold in a package of more than twenty-five pounds shall be subject to the same inspection fee as fixed by the secretary as provided in this chapter.

c. Any person other than a manufacturer who annually offers for sale, sells, or distributes specialty fertilizer in the amount of four thousand pounds or more or applies specialty fertilizer for compensation shall pay an annual inspection fee of thirty dollars in lieu of the semiannual inspection fee as set forth in this chapter.

2. Every person who is a licensee and any person required to pay an annual registration and inspection fee under this chapter in this state shall do all of the following:

a. File not later than the last day of January and July of each year, on forms furnished by the secretary, a semiannual statement setting forth the number of net tons of commercial fertilizer or beneficial substance distributed in this state by grade during the preceding six-month period. Upon filing the semiannual statement, the person shall pay the inspection fee at the rate stated in subsection 1. However, in lieu of the semiannual statement by grade on individual packages of specialty fertilizer containing twenty-five pounds or less of commercial fertilizer, the registrant shall file not later than the last day of July of each year, on forms furnished by the secretary, an annual statement setting forth the number of net tons of commercial fertilizer distributed in this state by grade during the preceding twelve-month period.

b. If the tonnage report is not filed or the payment of inspection fees, or both, is not made within ten days after the last day of January and July of each year as required in paragraph *"a"*, a penalty amounting to ten percent of the amount due, if any, shall be assessed against the licensee. In any case, the penalty shall be no less than fifty dollars. The amount of fees due, if any, and penalty shall constitute a debt and become the basis of a judgment against the licensee.

3. In addition to the fees imposed under subsection 1, a groundwater protection fee shall be imposed upon nitrogen-based fertilizer. The fee shall be based upon the percentage of actual nitrogen contained in the product. An eighty-two percent nitrogen solution shall be taxed at a rate of seventy-five cents per ton. Other nitrogen-based product formulations shall be taxed on the percentage of actual nitrogen contained in the formulations with the eighty-two percent nitrogen solution serving as the base. The fee shall be paid by each licensee registering to sell fertilizer to the secretary of agriculture. The fees collected shall be deposited in the agriculture management account of the groundwater protection fund. The secretary shall adopt rules for the payment, filing, and collection of groundwater protection fees from licensees in conjunction with the collection of registration and inspection fees. The secretary shall, by rule, allow an exemption to the payment of this fee for fertilizers which contain trace amounts of nitrogen.

[C46, 50, 54, §200.15; C58, 62, 66, 71, 73, 75, 77, 79, 81, §200.8]

85 Acts, ch 142, §1; 87 Acts, ch 225, §206, 207; 88 Acts, ch 1169, §1; 94 Acts, ch 1107, §46; 96 Acts, ch 1096, §2, 15; 96 Acts, ch 1219, §34; 2009 Acts, ch 41, §263; 2021 Acts, ch 80, §96; 2025 Acts, ch 134, §7

Referred to in §200.9, 455E.11

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200.9 Fertilizer fees.

Fees collected for licenses and inspection fees under sections 200.4 and 200.8, with the exception of those fees collected for deposit in the agriculture management account of the groundwater protection fund, shall be deposited in the general fund of the state. Moneys deposited under this section to the general fund shall be used only by the department for the purpose of inspection, sampling, analysis, preparation, and publishing of reports and other expenses necessary for administration of this chapter. The secretary may assign moneys to the Iowa agricultural experiment station for research, work projects, and investigations as needed for the specific purpose of improving the regulatory functions for enforcement of this chapter.

[C46, 50, 54, §200.15; C58, 62, 66, 71, 73, 75, 77, 79, 81, §200.9]

87 Acts, ch 225, §208; 91 Acts, ch 260, §1217; 93 Acts, ch 131, §8; 94 Acts, ch 1107, §47; 2024 Acts, ch 1185, §148

200.10 Inspection, sampling, and analysis.

1. The secretary, who may act through an authorized agent, shall sample, inspect, make analysis of, and test commercial fertilizers or beneficial substances distributed within this state at time and place and to such an extent as the secretary may deem necessary, to determine whether such commercial fertilizers or beneficial substances are in compliance with the provisions of this chapter. In the performance of the foregoing duty, the secretary may consult with the director of the Iowa agricultural experimental station in respect to the time, place, and extent of sampling. The secretary acting individually or through an agent is authorized to enter upon any public or private premises or conveyances during regular business hours in order to have access to a commercial fertilizer or beneficial substance subject to the provisions of this chapter including in rules adopted by the department under this chapter. The secretary shall maintain a laboratory with the necessary equipment and to employ such employees as may be necessary to assist in the administration and enforcement of this chapter.

2. *a.* The methods of sampling and analysis shall be the official methods of the association of official agricultural chemists in all cases where methods have been adopted by the association.

b. The findings of the bureau chief of the Iowa laboratory bureau, or the bureau chief's deputy, as shown by the sworn statement of the results of analysis of official samples of any brand and grade of commercial fertilizer, fertilizer material, or beneficial substance, shall constitute prima facie evidence of its correctness in the courts of this state, as to the particular lots sampled and analyzed.

3. The secretary, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, or beneficial substance deficient in guaranteed active ingredients, shall be guided by the official sample as defined in section 200.3, subsection 23, and obtained and analyzed as provided for in subsection 2.

4. The results of official analysis of any commercial fertilizer or beneficial substance which has been found to be in violation of any provision of this chapter, shall be forwarded by the secretary to the registrant. Upon request, the secretary shall furnish to the registrant a portion of any sample.

[C46, 50, 54, §200.7 – 200.9; C58, 62, §200.11; C66, 71, 73, 75, 77, 79, 81, §200.10]

2009 Acts, ch 41, §263; 2025 Acts, ch 134, §8; 2026 Acts, ch 1040, §31

Subsection 1 amended

200.11 Item that is injurious or filler.

A person shall not manufacture, offer for sale, or sell in this state, any commercial fertilizer or beneficial substance containing any item that is injurious to crop growth or deleterious to the soil, or to use in such commercial fertilizer or beneficial substance as a filler any item that contains inert or useless plant food material for the purpose or with the effect of deceiving or defrauding the purchaser.

[C46, 50, 54, §200.10; C58, 62, §200.12; C66, 71, 73, 75, 77, 79, 81, §200.11]

2025 Acts, ch 134, §9

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200.12 False or misleading statements.

A commercial fertilizer or beneficial substance is misbranded if it does not identify items promoting plant growth, or if it carries any false or misleading statement upon or attached to the container or stated on the invoice or delivery ticket, or if the container or on the invoice or delivery ticket or in any advertising matter whatsoever connected with, accompanying, or associated with the commercial fertilizer or beneficial substance. Further, the burden of proof of the desirable effect of the commercial fertilizer or beneficial substance on plant growth shall be the responsibility of the registrant.

[C46, 50, 54, §200.11; C58, 62, §200.13; C66, 71, 73, 75, 77, 79, 81, §200.12]

2025 Acts, ch 134, §10

200.13 Reports and publications.

The secretary shall publish at least annually, in such forms as the secretary may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as the secretary may consider advisable. The secretary shall report semiannually the results of the analysis based on official samples taken of commercial fertilizers sold within the state as compared with the analyses guaranteed under section 200.5 and section 200.6, together with name and address of the manufacturer or distributor of such commercial fertilizer at the time the official sample was taken. A copy of this semiannual report will be mailed by the secretary to each corresponding county extension director in the state.

[C46, 50, 54, §200.13; C58, 62, §200.14; C66, 71, 73, 75, 77, 79, 81, §200.13]

200.14 Rules.

1. *a.* The department may adopt rules pursuant to chapter 17A providing minimum general safety standards for the design, construction, location, installation, and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of a fertilizer or beneficial substance.

b. The rules shall be such as are reasonably necessary for the protection and safety of the public and persons using a fertilizer or beneficial substance, and shall be in substantial conformity with the generally accepted standards of safety.

c. Fertilizer or beneficial substance equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the department.

2. The department may adopt such reasonable rules as may be necessary in order to carry into effect the purpose, and to secure the efficient administration, of this chapter.

3. This chapter does not prohibit the use of storage tanks smaller than transporting tanks nor the transfer of any kind of fertilizer or beneficial substance directly from transporting tanks to implements of husbandry, if proper safety precautions are observed.

4. Rules adopted to implement this chapter are not subject to section 17A.7, subsection 2 or 3.

[C46, 50, 54, §200.13; C58, 62, §200.15; C66, 71, 73, 75, 77, 79, 81, §200.14]

98 Acts, ch 1004, §1, 3; 98 Acts, ch 1223, §22, 38; 99 Acts, ch 12, §8; 2009 Acts, ch 133, §76, 210; 2021 Acts, ch 149, §9; 2024 Acts, ch 1169, §15; 2025 Acts, ch 134, §11

Referred to in §200.21

200.15 Refusal to register or cancellation of registration and licenses.

1. Upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or has willfully violated any provisions of this chapter or any rules adopted under this chapter, the secretary is authorized and empowered to do any of the following:

a. Cancel the registration of any product of commercial fertilizer or beneficial substance or license.

b. Refuse to register any product of commercial fertilizer or beneficial substance.

c. Refuse to license any applicant.

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2. A registration or license shall not be revoked or refused until the registrant or licensee has been given the opportunity to appear for a hearing by the secretary.

[C46, 50, 54, §200.11; C58, 62, §200.16; C66, 71, 73, 75, 77, 79, 81, §200.15]

2020 Acts, ch 1063, §71; 2021 Acts, ch 76, §45; 2025 Acts, ch 134, §12

200.16 "Stop sale" orders.

The secretary may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of commercial fertilizer or beneficial substance, if the secretary finds the commercial fertilizer or beneficial substance is being offered or exposed for sale in violation of any of the provisions of this chapter including any rule adopted under this chapter. The secretary may hold the commercial fertilizer or beneficial substance at a designated place until the law has been complied with and the commercial fertilizer or beneficial substance is released in writing by the secretary, or the violation has been otherwise legally disposed of by written authority, and all costs and expenses incurred in connection with the withdrawal have been paid.

[C58, 62, §200.17; C66, 71, 73, 75, 77, 79, 81, §200.16]

2021 Acts, ch 80, §97; 2025 Acts, ch 134, §13

200.17 Seizure, condemnation, and sale.

Any lot of commercial fertilizer or beneficial substance not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the secretary to a court of competent jurisdiction in the county or adjoining county in which the commercial fertilizer or beneficial substance is located. In the event the court finds the commercial fertilizer or beneficial substance to be in violation of this chapter or an order for the condemnation of the commercial fertilizer or beneficial substance, the commercial fertilizer or beneficial substance shall be disposed of in any manner consistent with the quality of the commercial fertilizer or beneficial substance and the laws of the state. However, the disposition of the commercial fertilizer or beneficial substance shall not be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or beneficial substance or for permission to reprocess or relabel the commercial fertilizer or beneficial substance to bring it into compliance with this chapter.

[C58, 62, §200.18; C66, 71, 73, 75, 77, 79, 81, §200.17]

2018 Acts, ch 1041, §53; 2025 Acts, ch 134, §14

200.17A Ammonium nitrate security.

A licensee who sells ammonium nitrate on a retail basis shall comply with all of the following:

1. The licensee shall store the ammonium nitrate in a location which secures it from unauthorized access, and which prevents and provides for the detection of its theft.

2. A licensee shall only sell ammonium nitrate to a purchaser who presents a current official identification issued by the federal government or a state government which includes the purchaser's photograph and identifying information including the person's legal name and home address.

3. The licensee shall maintain a record of each sale of ammonium nitrate as follows:

a. The record shall be on a form promulgated or approved by the department. The form shall include at least all of the following:

(1) The date of sale.

(2) The quantity of ammonium nitrate purchased.

(3) The information contained in the purchaser's official identification as provided in this section. If the official identification is a driver's license, the information shall include the driver's license number. A photocopy of the purchaser's current official identification on file with the licensee shall comply with the requirements of this subparagraph.

(4) The purchaser's telephone number.

(5) The purchaser's signature.

b. The licensee shall maintain the record for at least two years after the date of the sale.

4. The department, a law enforcement officer as defined in section 80B.3, or an agent

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of the United States department of justice may examine and photocopy the record during regular business hours.

2005 Acts, ch 73, §2
Referred to in §200.18

200.18 Violations.

1. If it shall appear from the examination of any commercial fertilizer or beneficial substance or any anhydrous ammonia installation, equipment, or operation that a provision of this chapter, including any rule adopted under this chapter, have been violated, the secretary shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken. The person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the secretary. If it appears after such hearing, either in the presence or absence of the person so notified, that any provision of this chapter, including a rule adopted under this chapter, has been violated, the secretary may certify the facts to the proper prosecuting attorney.

2. *a.* Except as otherwise provided in this subsection, a person violating this chapter or rules adopted by the secretary pursuant to this chapter is guilty of a simple misdemeanor.

b. A person who tampers with, possesses, or transports anhydrous ammonia or anhydrous ammonia equipment is guilty of a serious misdemeanor under section 124.401F.

c. A person who intentionally presents false identification or other information required in section 200.17A in order to purchase ammonium nitrate commits a serious misdemeanor. A person who purchases ammonium nitrate from a person required to be licensed under section 200.4 with the intention of manufacturing an explosive or incendiary device or material is guilty of a class "D" felony.

3. A person who is licensed pursuant to section 200.4 who fails to comply with the requirements of section 200.17A shall be subject to disciplinary action by the department. For a first violation, the department may suspend the person's license for up to ninety days. For a subsequent violation, the department may suspend the person's license for a longer period or revoke the person's license.

4. Nothing in this chapter shall be construed as requiring the secretary or the secretary's representative to report for prosecution or for the institution of seizure proceedings minor violations of the chapter when the secretary believes that the public interest will be best served by a suitable notice of warning in writing.

5. It shall be the duty of each county attorney to whom any violation is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

6. The secretary is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under this chapter notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

[C46, 50, 54, §200.11, 200.14; C58, 62, §200.19; C66, 71, 73, 75, 77, 79, 81, §200.18]

98 Acts, ch 1004, §2, 3; 99 Acts, ch 12, §9; 2005 Acts, ch 73, §3; 2021 Acts, ch 80, §98; 2025 Acts, ch 134, §15
Referred to in §331.756(35)

200.19 Exchanges between manufacturers.

Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers or beneficial substances to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer or soil conditioner to manufacturers or manipulators who have registered their brands as required by the provisions of this chapter.

[C46, 50, 54, §200.5, 200.12; C58, 62, §200.20; C66, 71, 73, 75, 77, 79, 81, §200.19]

2025 Acts, ch 134, §16

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200.20 Phosphoric acid, nitrogen, and potash requirements.

1. Except as provided in subsection 2, a person shall not sell, offer for sale, or distribute any of the following:

a. Phosphatic fertilizer containing less than eighteen percent available phosphoric acid (P_2O_5).

b. Nitrogen fertilizer containing less than fifteen percent total nitrogen (N).

c. Potash fertilizer containing less than fifteen percent soluble potash (K_2O).

d. Mixed fertilizer in which the sum of the guaranteed analysis of total nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O) totals less than twenty percent.

2. Subsection 1 does not apply to any of the following:

a. A specialty fertilizer.

b. A fertilizer designed to be applied and ordinarily applied directly to growing plant foliage to stimulate further growth.

[C77, 79, 81, §200.20]

2000 Acts, ch 1082, §2; 2025 Acts, ch 134, §17

200.21 Compliance — a defense to certain nuisance actions.

In a nuisance action or proceeding against an anhydrous ammonia plant brought by or on behalf of the person whose established date of ownership is subsequent to the established date of operation of an anhydrous ammonia plant, proof of compliance with applicable provisions of this chapter and applicable rules adopted pursuant to section 200.14 shall be a defense to a nuisance action or proceeding.

84 Acts, ch 1269, §2

200.22 Local legislation — prohibition.

1. As used in this section:

a. *"Local governmental entity"* means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 331, or any special purpose district.

b. *"Local legislation"* means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

2. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a fertilizer or beneficial substance. A local governmental entity shall not adopt or continue in effect local legislation relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a fertilizer or beneficial substance, regardless of whether a statute or rule adopted by the department applies to preempt the local legislation. Local legislation in violation of this section is void and unenforceable.

3. This section does not apply to local legislation of general applicability to commercial activity.

94 Acts, ch 1002, §1; 94 Acts, ch 1198, §41; 2025 Acts, ch 134, §18

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CHAPTER 200A

BULK DRY ANIMAL NUTRIENT PRODUCTS

200A.1	Title.	200A.9	Fees.
200A.2	Purpose.	200A.10	Examinations.
200A.3	Definitions.	200A.11	Prohibited acts.
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200A.5	License.	200A.13	Violations.
200A.6	Registration.	200A.14	Exchange between producers.
200A.7	Distribution statement required.	200A.15	Use of fees.
200A.8	Distribution reports.		

200A.1 Title.

This chapter shall be known and may be cited by the short title of *"Bulk Dry Animal Nutrient Products Law"*.

98 Acts, ch 1145, §1

200A.2 Purpose.

The purpose of this chapter is to regulate certain bulk dry animal manure for use as a fertilizer or beneficial substance, which is unmanipulated and therefore not subject to regulation under chapter 200.

98 Acts, ch 1145, §2; 2025 Acts, ch 134, §19

200A.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Advertise"* means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag, or articulation.
2. *"Bulk dry animal nutrient product"* or *"bulk product"* means a dry animal nutrient product delivered to a purchaser in bulk form to which a label cannot be attached.
3. *"Department"* means the department of agriculture and land stewardship.
4. *"Distribute"* means to offer for sale, sell, hold out for sale, exchange, barter, supply, or furnish a bulk dry animal nutrient product on a commercial basis.
5. *"Distributor"* means a person who distributes a bulk dry animal nutrient product.
6. *"Dry animal nutrient product"* means any unmanipulated animal manure composed primarily of animal excreta, if all of the following apply:

a. The manure contains one or more recognized plant nutrients which are used for their plant nutrient content.

b. The manure promotes plant growth.

c. The manure does not flow perceptibly under pressure.

d. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.

e. The constituent molecules of the manure do not flow freely among themselves but do show the tendency to separate under stress.

7. *"Guaranteed analysis"* means the minimum percentage of plant nutrients claimed and reported to the department pursuant to section 200A.6.
8. *"Official sample"* means any sample of a bulk dry animal nutrient product taken by the department according to procedures established by the department consistent with this chapter.
9. *"Percent"* or *"percentage"* means percentage by weight.
10. *"Purchaser"* means a person to whom a dry animal nutrient product is distributed.
11. *"Ton"* means a net weight of two thousand pounds avoirdupois.

98 Acts, ch 1145, §3; 99 Acts, ch 96, §21; 99 Acts, ch 114, §11

Further definitions, see §189.1

200A.4 Rulemaking.

1. The department shall adopt all rules necessary to administer this chapter including but not limited to rules regulating licensure, labeling, registration, distribution, and storage of

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bulk dry animal nutrient products. A violation of this chapter includes a violation of any rule adopted pursuant to this section as provided in chapter 17A.

2. Rules adopted to administer this chapter are not subject to section 17A.7, subsection 2 or 3.

98 Acts, ch 1145, §4; 2024 Acts, ch 1169, §16

200A.5 License.

A person who distributes a bulk dry animal nutrient product in this state must first obtain a license from the department. A license application must be submitted to the department on a form furnished by the department according to procedures required by the department. A license shall expire on July 1 of the even-numbered year following the date the license is issued. A license may be renewed for a two-year period as provided by the department.

98 Acts, ch 1145, §5; 2019 Acts, ch 128, §4
Referred to in §200A.8, 200A.9, 200A.12, 200A.14

200A.6 Registration.

1. A person shall not distribute a bulk dry animal nutrient product unless the bulk product is registered with the department under this section. The department shall register each bulk product which complies with the requirements of this chapter. If the department determines that a registration application does not comply with the requirements of this chapter, the department shall notify the applicant of the department's determination and the reasons why the application failed to comply with the requirements of this chapter. The department shall provide the applicant with an opportunity to make the necessary corrections before resubmitting the application.

2. A registration application must be submitted to the department on a form furnished by the department according to procedures required by the department. A completed application shall include all of the following:

a. (1) An accompanying label setting forth the guaranteed analysis of the bulk product, in the following form:

Total Nitrogen (N)	..... percent
Available Phosphate (P) or P_2O_5 or both	..... percent
Soluble Potassium (K) or K_2O or both	..... percent

(2) Registration and guarantee of water soluble phosphate (P) or (P_2O_5) shall be permitted.

b. A description of how the distributor plans to obtain the acres necessary for proper application of the bulk product which is not distributed.

c. Evidence of favorable effects and safety of the bulk product necessary to satisfy the department according to rules adopted by the department.

d. Additional data about a bulk product necessary to support claims made about the product, if required by the department.

3. A distributor shall not be required to register any bulk product which is already registered under this chapter by another person.

4. Upon request of the department, the advisory committee created in section 206.23 may advise and assist the department regarding the registration of bulk dry animal nutrient products under the provisions of this chapter.

98 Acts, ch 1145, §6; 2009 Acts, ch 41, §263
Referred to in §200A.3, 200A.7, 200A.11, 200A.12, 200A.14

200A.7 Distribution statement required.

1. The distribution of a bulk dry animal nutrient product must be accompanied by a written or printed distribution statement which may be prepared on a form furnished by the department. The distribution statement shall include all of the following information:

a. The bulk product's guaranteed analysis in the same form as required pursuant to section 200A.6.

b. The name and address of the bulk product's purchaser.

c. A notice to the bulk product's purchaser stating the number of acres needed to apply

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the purchased bulk product based on the average corn yields in the county where the bulk product is to be applied.

d. A warning that application of a bulk product should not exceed the nitrogen levels necessary to obtain optimum crop yields for the crop being grown based on crop nitrogen usage rate factors.

2. Before transferring possession of a bulk product, the distributor shall present the purchaser with an acknowledgment for the purchaser's signature or initials indicating that the purchaser has read the distribution statement and understands the number of acres required to apply the product according to the information in the distribution statement.

98 Acts, ch 1145, §7
Referred to in §200A.12

200A.8 Distribution reports.

1. A person required to be licensed pursuant to section 200A.5 shall file a distribution report with the department on forms furnished by the department reporting information regarding the person's distribution of bulk products.

2. The report shall be filed with the department not later than the last day of January and the last day of July excluding weekends and state-recognized holidays as provided in section 1C.2.

3. The report shall include all of the following:

a. The number of tons of bulk products distributed by the person in the state during the preceding six-month period. The report shall include the number of tons distributed to each county named in the report and the grade of the distributed bulk product.

b. The name and address of each purchaser and the number of tons purchased.

c. An inspection fee as provided in section 200A.9.

98 Acts, ch 1145, §8
Referred to in §200A.9

200A.9 Fees.

1. A person required to obtain a license as provided in section 200A.5 shall pay the department a fee equal to twenty dollars for each place from which the person distributes a bulk product in this state.

2. *a.* The first person who distributes a bulk product, who is required to be licensed pursuant to section 200A.5, shall pay an inspection fee twice each year. The inspection fee shall be paid at the time of filing each distribution report as required in section 200A.8. The amount of the fee shall be calculated based on the number of tons of bulk dry animal nutrient product distributed by the person as reported in the distribution report.

b. The rate for inspection fees shall be established by the department not more than once each year and shall be not more than twenty cents per ton.

c. An inspection fee shall not be imposed upon a purchaser regardless of whether the purchaser subsequently distributes the product.

3. An inspection fee is delinquent after ten days following the date that a distribution report and fee are due as provided in section 200A.8. A delinquency penalty of not more than ten percent of the amount due shall be assessed against the person who is delinquent. However, the penalty shall be at least fifty dollars. The amount of fees and delinquency penalties due shall constitute a debt and become the basis of a judgment against the delinquent person.

98 Acts, ch 1145, §9; 2019 Acts, ch 128, §5
Referred to in §200A.8, 200A.15

200A.10 Examinations.

1. The department shall maintain a laboratory with the equipment and employees necessary to conduct examinations of bulk dry animal nutrient products and to effectively administer and enforce this chapter.

2. The department, or a person authorized as an agent by the department, shall examine

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bulk products distributed in this state. An examination may include taking samples, conducting inspections and tests, and analyzing the bulk product.

98 Acts, ch 1145, §10; 2011 Acts, ch 46, §3

200A.11 Prohibited acts.

1. A person shall not distribute a bulk dry animal nutrient product containing any substance used as filler material if any of the following applies:

a. The filler injures plant growth or is deleterious to soil.

b. The person distributing the bulk product misrepresents or deceives the person receiving the bulk product regarding the attributes of the filler material or its effect upon plant growth or soil condition.

2. A person shall not advertise a bulk product by making false or misleading statements regarding the bulk product.

3. A person shall not misbrand a bulk product by providing a distribution statement to a purchaser which fails to identify a substance promoting plant growth according to the bulk product's guaranteed analysis as provided in section 200A.6.

4. The burden of proof regarding a claim made by a person distributing a bulk product, including but not limited to the positive effects of the bulk product on plant growth, shall be the responsibility of the distributor.

5. A distributor shall not store a bulk product in a manner which pollutes the waters of the state.

98 Acts, ch 1145, §11

200A.12 Enforcement.

In enforcing this chapter the department may do any of the following:

1. *a.* Take disciplinary action concerning a registration of a bulk dry animal nutrient product as provided in section 200A.6 or the license of a person distributing a bulk product as provided in section 200A.5. The department may do any of the following:

(1) Cancel the registration or deny an application for registration.

(2) Suspend or terminate the license or deny an application for a license.

b. The disciplinary action must be based upon evidence satisfactory to the department that the registrant, licensee, or applicant has used fraudulent or deceptive practices in violation of this chapter or has willfully disregarded the requirements of this chapter.

2. Issue and enforce a "stop sale, use, or removal" order against the owner or distributor of any lot of a bulk product.

a. The order may require that the bulk product be held at a designated place until released by the department.

b. The department shall release the bulk product pursuant to a release order upon satisfaction that legal issues compelling the issuance of the "stop sale, use, or removal order" have been resolved and all expenses incurred by the department in connection with the bulk product's removal have been paid to the department.

3. Seize and dispose of any lot of a bulk product which is not in compliance with the provisions of this chapter upon petition to the district court in the county or adjoining county in which the bulk product is located.

a. If the court finds that the bulk product is in violation of this chapter, the court may order the condemnation of the bulk product. However, the court shall not order the seizure and disposition of a bulk product without first providing the owner of the bulk product with an opportunity to apply to the court for release of the bulk product, consent to reprocess the bulk product, or consent to amend a legal record to accurately describe the composition of the bulk product, including a distribution statement as provided in section 200A.7.

b. The department shall, as provided in the court order, dispose of the bulk product in a manner consistent with the quality of the bulk product and the laws of this state.

4. Apply to the district court in the county where a violation of this chapter occurs for a temporary or permanent injunction restraining a person from violating or continuing to violate this chapter, notwithstanding the existence of other remedies at law. The injunction shall be issued without a bond.

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5. This section does not require the department to institute a proceeding for a minor violation if the department concludes that the public interest will be best served by a suitable written warning.

98 Acts, ch 1145, §12

200A.13 Violations.

1. A person violating a provision of this chapter is guilty of a simple misdemeanor.

2. *a.* If, after a departmental investigation, it appears that a person is in violation of this chapter, the department shall notify the person of the violation and provide the person with an opportunity to be heard under rules adopted by the department consistent with chapter 17A contested case proceedings.

b. If, after a hearing, the department determines that a violation has occurred, the department may report the violation to the appropriate county attorney for prosecution. The report shall include a certified copy of evidence presented during the hearing. This section does not require the department to report a minor violation for prosecution if the department concludes that the public interest will be best served by a suitable written warning.

c. A county attorney who receives a report of a violation from the department shall institute and prosecute the case in district court without delay.

3. The department may assess a civil penalty for a violation of this chapter which shall not exceed five hundred dollars. Each day that a violation continues shall constitute a separate violation. Moneys collected in civil penalties shall be deposited in the general fund of the state.

98 Acts, ch 1145, §13; 2017 Acts, ch 159, §42

200A.14 Exchange between producers.

Nothing in this chapter shall be construed to restrict or prohibit any of the following:

1. The distribution of a bulk product to importers, manufacturers, or manipulators who mix bulk dry animal nutrient products for distribution.

2. The shipment of a bulk product to a person licensed as a distributor pursuant to section 200A.5 who has registered the bulk product as provided in section 200A.6.

98 Acts, ch 1145, §14

200A.15 Use of fees.

Fees and delinquency penalties collected by the department pursuant to this chapter, including section 200A.9, shall be deposited in the general fund of the state. However, the department may allocate moneys to the Iowa agricultural experiment station for research, work projects, and investigations as needed for the specific purpose of improving the regulatory functions to improve the enforcement of this chapter.

98 Acts, ch 1145, §15

CHAPTER 201

RESERVED

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CHAPTER 201A

AGRICULTURAL LIMING MATERIAL

201A.1	Short title.	201A.7	Toxic materials prohibited.
201A.2	Definitions.	201A.8	Rules.
201A.3	License required.	201A.9	Enforcement actions.
201A.4	Labeling and advertising.	201A.10	Violations.
201A.5	Inspection and investigation.	201A.11	Fees and appropriation.
201A.6	Certification of effective calcium carbonate equivalent — reporting.		

201A.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Agricultural Liming Material Act"*.

96 Acts, ch 1096, §3, 15

201A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agricultural liming material"* means a product having calcium and magnesium compounds capable of neutralizing soil acidity.
2. *"Brand"* means the term, designation, trade name, product name, or other specific designation under which individual agricultural liming material is offered for sale.
3. *"Bulk"* means material which is in a nonpackaged form.
4. *"Effective calcium carbonate equivalent"* means the acid-neutralizing capacity of an agricultural liming material.

96 Acts, ch 1096, §4, 15

201A.3 License required.

Agricultural liming material shall not be distributed in this state unless the manufacturer of the agricultural liming material obtains a license for each facility owned by the manufacturer for distribution in this state. The manufacturer shall obtain the license prior to the facility's manufacture of the agricultural liming material. The license shall expire on January 1 of each year, and may be renewed for a period expiring on January 1 of the following year. The manufacturer shall apply for the license on forms prescribed and according to procedures required by the department. An application for a license, including a license renewal, must be accompanied by a license fee established by the department, which shall not exceed forty dollars.

96 Acts, ch 1096, §5, 15

201A.4 Labeling and advertising.

1. Agricultural liming material shall not be sold, offered for sale, or exposed for sale in this state unless a label accompanies the agricultural liming material which provides the following information:
   a. The name and address of the principal office of the manufacturer or distributor.
   b. The brand or trade name of the agricultural liming material.
   c. The identification of the type of the agricultural liming material.
   d. The undried net weight of the agricultural liming material.
   e. The effective calcium carbonate equivalent of the agricultural liming material as determined according to rules adopted by the department.
2. The label must be plainly readable. If the agricultural liming material is in packaged form, the label must be affixed to the outside of the package in a conspicuous manner. The label shall be printed, stamped, or otherwise marked in a manner required by the department. If the agricultural liming material is in bulk form, the label may be contained on a delivery slip.
3. The label or advertising which provides information regarding the agricultural liming

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material shall not be false or misleading to the purchaser, including information relating to the quality, analysis, type, or composition of the agricultural liming material.

4. If the agricultural liming material is adulterated after it has been packaged, labeled, or loaded, but prior to delivery to a purchaser, the vendor shall provide a notice of the adulteration, which shall be placed on the agricultural liming material as an additional label as provided in this section.

5. For each brand of agricultural liming material sold in bulk, a statement shall be conspicuously posted at the location where the agricultural liming material is delivered for resale or where purchase orders for deliveries of the agricultural liming material are placed. The statement shall include the effective calcium carbonate equivalent of the agricultural liming material as determined according to rules adopted by the department.

96 Acts, ch 1096, §6, 15

201A.5 Inspection and investigation.

The department shall inspect agricultural liming material distributed in this state and investigate persons engaged in the business of manufacturing, distributing, selling, offering for sale, or exposing for sale agricultural liming material in this state. Inspections and investigations shall be performed as determined necessary or practicable by the department, in order to ensure compliance with this chapter. The inspection may include the sampling, analysis, and testing of agricultural liming material, as provided by rules adopted by the department. The department may enter premises of a business engaged in the manufacture, distribution, sale, offer for sale, or exposure for sale of agricultural liming material in this state. The business shall provide timely, convenient, and free access to its agricultural liming material and to its books, records, accounts, papers, documents, and any computer or other recordings relating to the business, during normal business hours. The business shall facilitate the examination and aid in the examination to every extent feasible.

96 Acts, ch 1096, §7, 15

201A.6 Certification of effective calcium carbonate equivalent — reporting.

The department shall certify the effective calcium carbonate equivalent for all agricultural liming material, as provided by rules adopted by the department. The department may establish a fee for analyzing samples of agricultural liming material. The department shall issue a report at least once every three months which lists the agricultural liming material certified by the department. The report shall list the manufacturers of the agricultural liming material, the locations of facilities used to manufacture the agricultural liming material, and the identification of the type of the agricultural liming material produced by the manufacturer.

96 Acts, ch 1096, §8, 15

201A.7 Toxic materials prohibited.

A person shall not sell, offer for sale, or expose for sale agricultural liming material which includes material which is toxic to plants, animals, human, or aquatic life, or which causes soil or water contamination, as provided by rules adopted by the department.

96 Acts, ch 1096, §9, 15

201A.8 Rules.

The department shall adopt rules pursuant to chapter 17A required to administer and enforce the provisions of this chapter.

96 Acts, ch 1096, §10, 15

201A.9 Enforcement actions.

If the department finds that agricultural liming material is being manufactured, used, sold, offered for sale, or exposed for sale in violation of this chapter, the department may enforce the provisions of this chapter by doing any of the following:

1. Issuing and enforcing a stop order to prevent the manufacture, sale, or removal of agricultural liming material. The order may require that the owner or custodian hold the

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agricultural liming material at a place designated in the order. The stop order shall be in writing and served upon the person owning or controlling the manufacture or sale of the agricultural liming material. The department shall provide for the termination of the stop order upon compliance with the provisions of this chapter. The termination of the stop order shall be in writing and served upon the person as provided for in the stop order. The department may place conditions upon the termination of the stop order, including the payment of reasonable expenses incurred by the department in issuing and enforcing the stop order.

2. Obtaining a court order upon petition filed in district court for the county where the agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale. The court may be petitioned by the department, or, upon request by the department, the attorney general or the county attorney. The court shall hear from all parties in the case. The court may issue an order for any of the following:

a. The seizure of the agricultural liming material. The court shall issue an order, if the court finds that the petition is supported by facts that agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale in violation of this chapter, and the agricultural liming material must be condemned because it fails to meet standards required in this chapter. If warranted, the court shall order that the agricultural liming material be disposed of in a manner provided by rules adopted by the department, which may include reprocessing or relabeling the agricultural liming material in order to ensure that it complies with this chapter. The court may provide that any party to the case dispose of the agricultural liming material.

b. A temporary or permanent injunction against a person violating the provisions of this chapter. The court shall issue an order, if the court finds that the petition is supported by facts that agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale in violation of this chapter. In order to obtain injunctive relief, the department shall not be required to post a bond or prove the absence of an adequate remedy at law, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity.

96 Acts, ch 1096, §11, 15

201A.10 Violations.

1. A person violating this chapter or rules adopted by the department under this chapter is guilty of a simple misdemeanor.

2. The department shall provide for the prosecution of a violation of this chapter by referring the violation to the county attorney in the county where the violation occurs. The department shall compile evidence of the violation for prosecution. The county attorney shall prosecute any case determined by the county attorney to be meritorious without delay. The department shall not refer a violation to the county attorney until the department provides the person subject to the violation with an opportunity to be heard by the department according to procedures adopted by the department. A right to a hearing is not a contested case proceeding as provided in chapter 17A. The department is not required to refer a minor violation to a county attorney, and may instead issue a warning to the person subject to the minor violation.

96 Acts, ch 1096, §12, 15

201A.11 Fees and appropriation.

Fees collected under this chapter shall be deposited in the general fund of the state. Moneys deposited under this section to the general fund shall be used only by the department for the purpose of administering and enforcing the provisions of this chapter, including inspection, sampling, analysis, and the preparation and publishing of reports.

96 Acts, ch 1096, §13, 15; 2024 Acts, ch 1185, §149

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CHAPTER 202

COMMODITY PRODUCTION CONTRACTS

Referred to in §459.400

202.1 Definitions.
202.2 Production contracts governed by this chapter.
202.3 Production contracts — confidentiality prohibited.
202.4 Enforcement.
202.5 Penalties.

202.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Active contractor"* means a person who owns a commodity that is produced by a contract producer at the contract producer's contract operation pursuant to a production contract executed pursuant to section 202.2.

2. *"Commodity"* means livestock, raw milk, or a crop.

3. *"Contract crop field"* means farmland where a crop is produced according to a production contract executed pursuant to section 202.2 by a contract producer who holds a legal interest in the farmland.

4. *"Contract livestock facility"* means an animal feeding operation as defined in section 459.102, in which livestock or raw milk is produced according to a production contract executed pursuant to section 202.2 by a contract producer who holds a legal interest in the animal feeding operation. *"Contract livestock facility"* includes a confinement feeding operation as defined in section 459.102, an open feedlot operation as defined in section 459A.102, or an area which is used for the raising of crops or other vegetation and upon which livestock is fed for slaughter or is allowed to graze or feed.

5. *"Contract operation"* means a contract livestock facility or contract crop field.

6. *"Contract producer"* means a person who holds a legal interest in a contract operation and who produces a commodity at the contract producer's contract operation under a production contract executed pursuant to section 202.2.

7. *"Contractor"* means an active contractor or a passive contractor.

8. *a. "Crop"* means a plant used for food, animal feed, fiber, or oil, if the plant is classified as a forage or cereal plant, including but not limited to alfalfa, barley, buckwheat, corn, flax, forage, millet, oats, popcorn, rye, sorghum, soybeans, sunflowers, wheat, and grasses used for forage or silage.

b. A *"crop"* does not include trees or nuts or fruit grown on trees; sod; shrubs; greenhouse plants; or plants or plant parts produced for precommercial, experimental, or research purposes.

9. *"Farmland"* means agricultural land that is suitable for use in farming as defined in section 9H.1.

10. *"Livestock"* means beef cattle, dairy cattle, sheep, or swine.

11. *"Passive contractor"* means a person who furnishes management services to a contract producer, and who does not own a commodity that is produced by the contract producer at the contract producer's contract operation according to a production contract which is executed pursuant to section 202.2.

12. *"Produce"* means to do any of the following:

a. Provide feed or services as part of the livestock's care and feeding. If the livestock is dairy cattle, *"produce"* includes milking the dairy cattle and storing raw milk at the contract producer's contract livestock facility.

b. Provide for planting, raising, harvesting, and storing a crop. *"Produce"* includes preparing the soil for planting and nurturing the crop by the application of a fertilizer or beneficial substance as defined in section 200.3 or a pesticide as defined in section 206.2.

13. *"Production contract"* means an oral or written agreement executed pursuant to section 202.2 that provides for the production of a commodity or the provision of management services relating to the production of a commodity by a contract producer.

99 Acts, ch 169, §2, 22 – 24; 2006 Acts, ch 1030, §20, 21; 2025 Acts, ch 134, §20
Referred to in §101.21, 459A.103, 459B.103

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202.2 Production contracts governed by this chapter.

1. This chapter applies to a production contract that relates to the production of a commodity owned by an active contractor and produced by a contract producer at the contract producer's contract operation, if one of the following applies:

a. The contract is executed by an active contractor and a contract producer for the production of the commodity.

b. The contract is executed by an active contractor and a passive contractor for the provision of management services to the contract producer in the production of the commodity.

c. The contract is executed by a passive contractor and a contract producer, if all of the following apply:

(1) The contract provides for management services furnished by the passive contractor to the contract producer in the production of the commodity.

(2) The passive contractor has a contractual relationship with the active contractor involving the production of the commodity.

2. A production contract is executed when it is signed or orally agreed to by each party or by a person who is authorized by a party to act on the party's behalf.

99 Acts, ch 169, §3, 22 – 24
Referred to in §202.1

202.3 Production contracts — confidentiality prohibited.

1. A contractor shall not on or after May 24, 1999, enforce a provision in a production contract if the provision provides that information contained in the production contract is confidential.

2. A provision which is part of a production contract is void if the provision states that information contained in the production contract is confidential. The confidentiality provision is void whether the confidentiality provision is express or implied; oral or written; required or conditional; contained in the production contract, another production contract, or in a related document, policy, or agreement. This section does not affect other provisions of a production contract or a related document, policy, or agreement which can be given effect without the voided provision. This section does not require a party to a production contract to divulge the information in the production contract to another person.

99 Acts, ch 169, §4, 22 – 24
Referred to in §202.5, 714.8

202.4 Enforcement.

1. The attorney general's office is the primary agency responsible for enforcing this chapter.

2. In enforcing the provisions of this chapter, the attorney general may do all of the following:

a. Apply to the district court for an injunction to do any of the following:

(1) Restrain a contractor from engaging in conduct or practices in violation of this chapter.

(2) Require a contractor to comply with a provision of this chapter.

b. Apply to district court for the issuance of a subpoena to obtain a production contract for purposes of enforcing this chapter.

c. Bring an action in district court to enforce penalties provided in section 202.5, including the assessment and collection of civil penalties.

99 Acts, ch 169, §5, 22 – 24

202.5 Penalties.

A contractor who executes a production contract that includes a confidentiality provision in a production contract in violation of section 202.3 is guilty of a fraudulent practice as provided in section 714.8.

99 Acts, ch 169, §6, 22 – 24
Referred to in §202.4

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CHAPTER 202A

LIVESTOCK MARKETING PRACTICES

For future repeal provisions, see 99 Acts, ch 88, §11

202A.1 Definitions.
202A.2 Purchase reports — filing.
202A.3 Purchase notice — posting.
202A.4 Confidentiality provisions in contracts prohibited.
202A.5 Rules.
202A.6 Enforcement.
202A.7 Penalties.

202A.1 Definitions.

1. *"Department"* means the department of agriculture and land stewardship.

2. *"Livestock"* means live cattle, swine, or sheep.

3. *"Packer"* means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter, if the meat products of the slaughtered livestock which are directly or indirectly to be offered for resale or for public consumption have a total annual value of ten million dollars or more. As used in this chapter, *"packer"* includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer.

99 Acts, ch 88, §2, 13; 99 Acts, ch 208, §49, 74; 2002 Acts, ch 1119, §144

202A.2 Purchase reports — filing.

1. A packer shall file purchase reports with the department which include information relating to the purchase of livestock as required by the department. The purchase reports shall be completed in a manner prescribed by the department. The department may require that purchase reports be filed in an electronic format. A packer shall file purchase reports at times determined practicable by the department, but not later than two business days following the event being reported.

2. *a.* The information required to be reported may include but is not limited to livestock purchased, committed for delivery, or slaughtered. The information may include the volume of daily purchases and the weight, grade, and price paid for livestock, including all premiums, discounts, or adjustments. If livestock is purchased pursuant to contract, the department may require that information in the purchase report be categorized by the type of contract. The purchase reports shall allow the department to compare prices paid under contract with cash market prices.

b. This section does not require that information reported include future plans, events, or transactions, unless provided for by contract.

3. The department may provide for the public dissemination of information contained in purchase reports.

a. The department may enter into an agreement with the United States department of agriculture or any private marketing service in order to disseminate information contained in purchase reports.

b. The department, in consultation with the office of attorney general, shall designate information in purchase reports that reveals the identity of a packer or livestock seller as confidential pursuant to section 22.7.

99 Acts, ch 88, §3, 11, 13

Referred to in §22.7(39), 202A.3, 202A.5, 202A.6, 202A.7

Future repeal of section if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; see 99 Acts, ch 88, §11

202A.3 Purchase notice — posting.

1. *a.* A packer shall post a purchase notice which includes information relating to the purchase of livestock as required by the department. The information contained in the purchase notice shall include a summary of information required to be filed in purchase reports as provided in section 202A.2.

b. This section does not require that information contained in a purchase notice include future plans, events, or transactions unless provided for by contract.

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2. The information contained in the purchase notice shall appear in a format that can be understood by a reasonable person familiar with selling livestock. The notice shall be posted in a conspicuous place at the point of delivery in a manner prescribed by the department.

99 Acts, ch 88, §4, 13

Referred to in §202A.5, 202A.7

Future repeal of section if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; see 99 Acts, ch 88, §11

202A.4 Confidentiality provisions in contracts prohibited.

1. A packer shall not include a provision in a contract executed on or after April 29, 1999, for the purchase of livestock providing that information contained in the contract is confidential.

2. A provision which is part of a contract for the purchase of livestock executed on and after April 29, 1999, is void if the provision states that information contained in the contract is confidential. The provision is void regardless of whether the confidentiality provision is express or implied; oral or written; required or conditional; or contained in the contract, another contract, or in a related document, policy, or agreement. This section does not affect other provisions of a contract or a related document, policy, or agreement which can be given effect without the voided provision. This section does not require either party to the contract to divulge the information in the contract to another person.

99 Acts, ch 88, §5, 13; 2023 Acts, ch 64, §28

Referred to in §202A.7, 714.8

202A.5 Rules.

1. The department, in consultation with the office of attorney general, shall adopt rules necessary in order to administer this chapter.

2. The department may establish different rules according to the species of livestock governing all of the following:

a. Purchase reporting requirements pursuant to section 202A.2.

b. Purchase notice posting requirements pursuant to section 202A.3.

99 Acts, ch 88, §6, 13

Future repeal of all or a portion of subsection 2 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; see 99 Acts, ch 88, §11

202A.6 Enforcement.

1. *a.* The attorney general's office is the primary agency responsible for enforcing this chapter.

b. The department shall notify the attorney general's office if the department has reason to believe that a violation of section 202A.2 has occurred.

2. In enforcing the provisions of this chapter, the attorney general may do all of the following:

a. Apply to the district court for an injunction to do any of the following:

(1) Restrain a packer from engaging in conduct or practices in violation of this chapter.

(2) Require a packer to comply with a provision of this chapter.

b. Apply to district court for the issuance of a subpoena to obtain contracts, documents, or other records for purposes of enforcing this chapter.

c. Bring an action in district court to enforce penalties provided in this chapter, including the imposition, assessment, and collection of monetary penalties.

3. The attorney general shall have access to all information reported by packers pursuant to section 202A.2, regardless of whether the information is confidential. The attorney general may use the information in order to enforce this chapter or may submit the information to a federal agency.

99 Acts, ch 88, §7, 11, 13

Future repeal of subsection 1, paragraph b, and subsection 3 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; see 99 Acts, ch 88, §11

202A.7 Penalties.

1. A packer who fails to file a timely, accurate, or complete purchase report as required pursuant to section 202A.2 is subject to a civil penalty of not more than five thousand dollars.

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Each failure by a packer to file a timely, accurate, or complete purchase report constitutes a separate violation.

2. A packer who fails to post a timely, accurate, or complete purchase notice as required pursuant to section 202A.3 is subject to a civil penalty of not more than one thousand dollars. Each failure by a packer to post a timely, accurate, or complete purchase notice constitutes a separate violation.

3. A packer who includes a confidentiality provision in a contract with a livestock seller in violation of section 202A.4 is guilty of a fraudulent practice as provided in section 714.8.

99 Acts, ch 88, §8, 11, 13

Future repeal of subsections 1 and 2 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; see 99 Acts, ch 88, §11

CHAPTER 202B

SWINE AND BEEF PROCESSORS

Referred to in §331.756(29)

Transferred from portions of chapter 9H in Code Supplement 2003 pursuant to Code editor directive in 2003 Acts, ch 115, §16, 19

SUBCHAPTER I

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SUBCHAPTER II

PROHIBITED ACTIVITIES AND OPERATIONS

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REPORTS

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SUBCHAPTER IV

PENALTIES

202B.401 Penalties — injunctive relief.
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SUBCHAPTER I

PURPOSE — DEFINITIONS

202B.101 Purpose.

The purpose of this chapter is to preserve free and private enterprise, prevent monopoly, and also to protect consumers by regulating the balance of competitive forces in beef and swine production, by enhancing the welfare of the farming community, and also by preventing processors from gaining control of beef or swine production.

2003 Acts, ch 115, §4, 16, 19

202B.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Base price"* means the price paid for swine, delivered to the processor, before application of any premiums or discounts, and expressed in dollars per hundred pounds of hot carcass weight as calculated in the same manner as provided in 7 C.F.R. §59.30.

2. *"Business association"* means a person organized under statute or common law in this state or another jurisdiction for purposes of engaging in a commercial activity on a profit, cooperative, or not-for-profit basis, including but not limited to a corporation or entity taxed as a corporation under the Internal Revenue Code, nonprofit corporation, cooperative association, partnership, limited partnership, limited liability company, limited liability

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partnership, investment company, joint stock company, joint stock association, or trust, including but not limited to a business trust.

3. *"Cash or spot market purchase"* means the purchase of swine by a processor from a seller, if the swine are slaughtered not more than fourteen days after the date that the seller and the processor agree on a date of delivery of the swine for slaughter and the base price for purchasing the swine is determined by an oral or written agreement between seller and processor executed on the day the swine are delivered for slaughter.

4. *"Cattle operation"* means a location including but not limited to a building, lot, yard, corral, or other place where cattle for slaughter are fed or otherwise maintained.

5. *"Contract feeder"* means a person owning in the applicable reporting year, as provided in section 202B.301, more than two thousand five hundred swine or five thousand head of poultry, if the swine or poultry are subject to a contract or contracts for care and feeding by a person or persons other than the owner on land which is not owned, leased, or held by the owner.

6. *"Contract for the care and feeding of swine"* means an oral or written agreement executed between a person and the owner of swine, under which the person agrees to care for and feed the owner's swine on the person's premises. A contract for the care and feeding of swine does not include an agreement for the sale or purchase of swine.

7. *"Cooperative association"* means the same as defined in section 10.1.

8. *"Indirect"* means to act or attempt to accomplish an act through an interest in a business association, through one or more affiliates or intermediaries, or by any method other than a direct approach, including by any circuitous or oblique method.

9. *"Person"* means an individual, business association, government or governmental subdivision or agency, or any other legal entity.

10. *"Processor"* means a person who alone or in conjunction with others directly or indirectly controls the manufacturing, processing, or preparation for sale of beef or pork products, including the slaughtering of cattle or swine or the manufacturing or preparation of carcasses or goods originating from the carcasses, if the beef or pork products have a total annual wholesale value of eighty million dollars or more for the person's tax year. A person shall be deemed to be a processor if any of the following apply:

a. The person has a threshold interest in a processor which is a business association. *"Threshold interest"* means a direct or indirect interest in the business association, calculated as follows:

(1) For a processor of beef products, the person's threshold interest begins at ten percent.

(2) For a processor of pork products, the person's threshold interest begins at ten percent for a processor of pork products having a total annual wholesale value of at least eighty million dollars and decreases to one percent for a processor of pork products having a total annual wholesale value of at least two hundred sixty million dollars. The amount of the decrease in the amount of the threshold interest shall equal one percent for each increased increment of twenty million dollars in total annual wholesale value.

b. The person holds an executive position in a processor of pork products or owes a processor of pork products a fiduciary duty if the processor directly or indirectly controls the processing of pork products having a total annual wholesale value of two hundred sixty million dollars or more. A person who held such an executive position or owed a fiduciary duty shall be deemed to still hold the position or owe the duty for a two-year period following the date that the person relinquishes the position or duty. An executive position in a processor organized as a business association includes but is not limited to a member of a board of directors or an officer of a corporation or cooperative association, a director or officer of a joint stock company or joint stock association, a manager of a limited liability company, a general partner of a limited partnership, or a trustee of a trust.

11. *"Qualified processor"* means a processor of pork products if all of the following apply:

a. (1) (a) Swine producers exercise a controlling interest in the processor. *"Controlling interest"* means actual control or the possession directly or indirectly of the power to direct or cause the direction of the management and policies of a processor, whether through the ownership of voting securities, by contract, or otherwise.

(b) Of the total interest held by all persons in the processor, swine producers hold at

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least sixty percent of the interest. In addition, of the total interest held by all persons in the processor, swine producers hold at least sixty percent of interests with voting rights.

(2) Of the total interest held by all persons in the processor, all retailers hold a total of not more than twenty percent of the interest.

b. Another processor does not hold a direct or indirect interest in the processor. However, this paragraph does not apply to a person deemed to be a processor solely because the person holds a threshold interest in the processor.

c. Not less than ten percent of the swine slaughtered by the processor each day are purchased through cash or spot market purchases.

d. The processor makes cash or spot market purchases of swine under the same terms and conditions from both sellers of swine who hold a direct or indirect interest in the processor and sellers of swine who do not hold a direct or indirect interest in the processor. In making such cash or spot market purchases of swine, the processor shall not provide sellers of swine who hold a direct or indirect interest in the processor with a preference over sellers of swine who do not hold a direct or indirect interest in the processor.

12. *"Retailer"* means a person who is engaged in the business of selling pork products, if all of the following apply:

a. The pork products are sold only on a retail basis directly to the ultimate purchasers of the pork products for consumption and not for resale.

b. The person is not engaged in the slaughter of swine.

c. A processor does not have a direct or indirect interest in the person.

13. *"Swine operation"* means a location where swine are fed or otherwise maintained, including a building, lot, yard, or corral; and swine which are fed or otherwise maintained at the location.

14. *"Swine producer"* means a person who owns, controls, or operates a swine operation or who contracts for the care and feeding of swine.

2003 Acts, ch 115, §1 – 3, 10, 16, 19
Referred to in §202B.201, 202B.202, 202B.301, 203.1, 203C.1, 459.102, 459A.103, 459B.103, 579A.1

202B.103 through 202B.200 Reserved.

SUBCHAPTER II

PROHIBITED ACTIVITIES AND OPERATIONS

202B.201 Prohibited operations and activities — exceptions.

1. Except as provided in subsections 2 and 3, and section 202B.202, all of the following apply:

a. For cattle, a processor shall not own, control, or operate a cattle operation in this state.

b. For swine, a processor shall not do any of the following:

(1) (a) (i) Directly or indirectly own, control, or operate a swine operation in this state.

(ii) Finance a swine operation in this state or finance a person who directly or indirectly contracts for the care and feeding of swine in this state.

(iii) Obtain a benefit of production associated with feeding or otherwise maintaining swine, by directly or indirectly assuming a morbidity or mortality production risk, if the swine are fed or otherwise maintained as part of a swine operation in this state or by a person who contracts for the care and feeding of swine in this state.

(iv) Directly or indirectly receive the net revenue derived from a swine operation in this state or from a person who contracts for the care and feeding of swine in this state.

(b) For purposes of subparagraph division (a), subparagraph subdivisions (i) and (ii), both of the following apply:

(i) *"Finance"* means an action by a processor to directly or indirectly loan money or to guarantee or otherwise act as a surety.

(ii) *"Finance"* or *"control"* does not include executing a contract for the purchase of swine by a processor, including but not limited to a contract that contains an unsecured ledger

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balance or other price risk sharing arrangement. *"Finance"* also does not include providing an unsecured open account or an unsecured loan, if the unsecured open account or unsecured loan is used for the purchase of feed for the swine and the outstanding amount due by the debtor does not exceed five hundred thousand dollars. However, the outstanding amount due to support a single swine operation shall not exceed two hundred fifty thousand dollars.

(2) Directly or indirectly contract for the care and feeding of swine in this state.

2. Subsection 1 shall not apply to a swine producer who holds a threshold interest in a qualified processor in the manner provided in section 202B.102, if all of the following apply:

a. The swine producer's threshold interest in the qualified processor is not more than ten percent.

b. The swine producer is not a processor. However, this paragraph does not apply to a swine producer deemed to be a processor solely because the swine producer holds a threshold interest in the qualified processor as otherwise allowed under this subsection or because the swine producer holds an executive position in the qualified processor or owes the qualified processor a fiduciary duty.

3. This section shall not preclude a processor from doing any of the following:

a. Contracting for the purchase of cattle or swine, provided that where the contract sets a date for delivery which is more than twenty days after the making of the contract, the contract shall do one of the following:

(1) Specify a calendar day for delivery of the cattle or swine.

(2) Specify the month for the delivery, and shall allow the farmer to set the week for the delivery within such month and the processor to set the date for delivery within such week.

b. Carrying on legitimate research, educational, or demonstration activities.

c. Owning and operating facilities to provide normal care and feeding of cattle or swine for a period not to exceed ten days immediately prior to slaughter, or for a longer period in an emergency.

[C77, 79, 81, §172C.2]

88 Acts, ch 1191, §3; 92 Acts, ch 1151, §5

C93, §9H.2

93 Acts, ch 39, §5, 6; 2000 Acts, ch 1048, §2, 3; 2002 Acts, ch 1095, §4, 10 – 12; 2003 Acts, ch 115, §5, 16, 19

CS2003, §202B.201

2009 Acts, ch 41, §79

Referred to in §202B.302, 202B.401

202B.202 Compliance requirements.

1. *a.* A cooperative association which is a party to a contract for the care and feeding of swine in compliance with section 9H.2 prior to May 9, 2003, and which is in violation of section 9H.2, as amended by 2003 Iowa Acts, ch. 115, shall have until June 30, 2007, to comply with section 9H.2, as amended by 2003 Iowa Acts, ch. 115.

b. Notwithstanding any provision of this section, a cooperative association shall not take an action on or after May 9, 2003, that would be in violation of section 9H.2, as amended by 2003 Iowa Acts, ch. 115.

2. A processor that was in compliance with section 9H.2, Code 2001, prior to January 1, 2002, and which is in violation of section 9H.2, as amended by 2002 Iowa Acts, ch. 1095, shall have until June 30, 2006, to comply with section 9H.2, as amended by 2002 Iowa Acts, ch. 1095.

3. Notwithstanding any provision of this section, a processor shall not take an action on or after January 1, 2002, that would be in violation of section 9H.2, as amended by 2002 Iowa Acts, ch. 1095.

4. The two-year period that a person who holds an executive position in a processor or owes a processor a fiduciary duty and thus is deemed to be a processor as provided in section 202B.102, subsection 10, paragraph *"b"*, shall not apply if the person held the position or owed the duty on January 1, 2002, and relinquishes the position or duty on or before June 30, 2006.

2002 Acts, ch 1095, §5, 10 – 12

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C2003, §9H.2A
2003 Acts, ch 115, §6 – 9, 16, 19
CS2003, §202B.202
2014 Acts, ch 1026, §143; 2021 Acts, ch 76, §46
Referred to in §202B.201

202B.203 through 202B.300 Reserved.

SUBCHAPTER III

REPORTS

202B.301 Reports by contract feeders.

A contract feeder shall file with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state an annual report containing all of the following information, if applicable:

1. The name and address of the person.
2. For each county, which the contractor shall identify, the approximate total number of swine or head of poultry subject to a contract for feeding and care as described in section 202B.102, subsection 6.
3. The name and address of the purchaser of the swine or poultry.

88 Acts, ch 1191, §6
C89, §172C.5B
C93, §9H.5B
2002 Acts, ch 1095, §10 – 12; 2003 Acts, ch 115, §16, 19
CS2003, §202B.301
Referred to in §202B.102

202B.302 Reports by processors.

A processor shall file a report with the secretary of state on or before March 31 of each year, as follows:

1. For all processors, the report shall include all of the following:

a. The number of swine and the number of cattle owned and fed more than thirty days by the processor in this state during the processor's preceding tax year.

b. The total number of swine and the total number of cattle owned and fed more than thirty days by the processor during the processor's preceding tax year.

c. The number of swine and the number of cattle slaughtered in this state by the processor during the processor's preceding tax year.

d. The total number of swine and the total number of cattle slaughtered by the processor during the processor's preceding tax year.

e. The total wholesale value of beef or pork products that have been processed by the processor during the preceding tax year.

f. The total number of swine for which the processor has contracted for feeding as provided in section 202B.201.

2. For a qualified processor, the report shall include all of the following:

a. The total number of swine slaughtered each day during the qualified processor's preceding tax year.

b. The total number of swine slaughtered each day that are purchased through cash or spot market purchases during the qualified processor's preceding tax year.

[C77, 79, 81, §172C.9]
88 Acts, ch 1191, §7
C93, §9H.9
2000 Acts, ch 1022, §1; 2002 Acts, ch 1095, §7, 11, 12; 2003 Acts, ch 115, §16, 19
CS2003, §202B.302

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202B.303 Signing reports.

Reports by corporations shall be signed by the president or other officer or authorized representative. Reports by limited liability companies shall be signed by a manager or other authorized representative. Reports by limited partnerships shall be signed by the president or other authorized representative of the partnership. Reports by individuals shall be signed by the individual or an authorized representative.

[C77, 79, 81, §172C.10]
C93, §9H.10
93 Acts, ch 39, §19; 2003 Acts, ch 115, §16, 19
CS2003, §202B.303

202B.304 Duties of secretary of state.

The secretary of state shall notify the attorney general when the secretary of state has reason to believe a violation of this chapter has occurred. It is the intent of this section that information shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent of production operations being carried out in this state by contract feeders and processors and the effect of such practices upon the economy of this state. The reports of contract feeders and processors required in this chapter shall be confidential reports except as to the attorney general for review and appropriate action when necessary. The secretary of state shall assist any committee of the general assembly existing or established for the purposes of studying the effects of this chapter and the practices this chapter seeks to study and regulate.

[C77, 79, 81, §172C.14]
88 Acts, ch 1191, §9; 91 Acts, ch 172, §7
C93, §9H.14
93 Acts, ch 39, §20; 2003 Acts, ch 115, §13, 16, 19
CS2003, §202B.304

202B.305 Additional information.

The secretary of state shall request additional information as may be necessary or appropriate to enable the secretary of state to administer this chapter.

[C77, 79, 81, §172C.15]
C93, §9H.15
2003 Acts, ch 115, §16, 19
CS2003, §202B.305

202B.306 through 202B.400 Reserved.

SUBCHAPTER IV

PENALTIES

202B.401 Penalties — injunctive relief.

1. The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

2. *a.* A processor who violates section 202B.201 is subject to a civil penalty of not more than twenty-five thousand dollars. Each day that a violation continues shall be considered a separate offense.

b. If the attorney general or a county attorney is the prevailing party in an action for a violation of section 202B.201, the prevailing party shall be awarded court costs and reasonable attorney fees, which shall be taxed as part of the costs of the action. If the attorney general

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is the prevailing party, the moneys shall be deposited in the general fund of the state. If the county is the prevailing party, the moneys shall be deposited in the general fund of the county.

[C77, 79, 81, §172C.3]
91 Acts, ch 172, §3
C93, §9H.3
2002 Acts, ch 1095, §6, 11, 12; 2003 Acts, ch 115, §16, 19
CS2003, §202B.401

202B.402 Penalties — reports.

1. Failure to timely file a report or the filing of false information is punishable by a civil penalty not to exceed one thousand dollars.

2. For purposes of this section, a report is timely filed if the report is filed prior to May 1 of the year in which it is required to be filed.

3. The secretary of state shall notify a person who the secretary has reason to believe is required to file a report as provided by this chapter and who has not filed a timely report, that the person may be in violation of this section. The secretary of state shall include in the notice a statement of the penalty which may be assessed if the required report is not filed within thirty days. The secretary of state shall refer to the attorney general any person who the secretary has reason to believe is required to report under this chapter if, after thirty days from receipt of the notice, the person has not filed the required report. The attorney general may, upon referral from the secretary of state, file an action in district court to seek the assessment of a civil penalty of one hundred dollars for each day the report is not filed.

[C77, 79, 81, §172C.11]
91 Acts, ch 172, §6
C93, §9H.11
2003 Acts, ch 115, §16, 19
CS2003, §202B.402
2017 Acts, ch 54, §76

CHAPTER 202C
FEEDER PIG DEALERS

202C.1 Definitions.
202C.2 Evidence of financial responsibility — requirements.
202C.3 Surety or issuer — liability.
202C.4 Departmental rules.

202C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Dealer"* means a person required to be licensed as a dealer pursuant to section 163.30. However, a dealer does not include a person who operates a livestock market, as defined in section 459.102.

2. *"Department"* means the department of agriculture and land stewardship.

3. *"Feeder pig"* means an immature swine fed for purposes of direct slaughter which weighs one hundred pounds or less.

4. *"Financial institution"* means a bank or savings association authorized by the laws of the United States, which is a member of the federal deposit insurance corporation, the federal savings and loan insurance corporation, or the national bank for cooperatives established in the Agricultural Credit Act, Pub. L. No. 100-233.

5. *"Purchaser"* means the owner or operator of a farm as provided in section 163.30 who is delivered feeder pigs pursuant to a sales agreement in which the owner or operator is a party.

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6. *"Sales agreement"* means an oral or written contract executed between a dealer and a purchaser for the sale of feeder pigs.

2003 Acts, ch 90, §2; 2004 Acts, ch 1095, §2, 6; 2012 Acts, ch 1017, §54

202C.2 Evidence of financial responsibility — requirements.

1. A dealer shall provide the department with evidence of financial responsibility as required by the department. The evidence of financial responsibility shall consist of a surety bond furnished by a surety or an irrevocable letter of credit issued by a financial institution.

2. The evidence of financial responsibility shall be provided to the department before the dealer's license is issued or renewed pursuant to section 163.30.

3. The amount of the evidence of financial responsibility shall be established by rules which shall be adopted by the department. Unless the department otherwise has good cause, the rules shall be based upon the volume of sales reported by the dealer to the United States department of agriculture grain inspection, packers and stockyards administration. However, the evidence of financial responsibility shall not be for less than five thousand dollars or for more than twenty-five thousand dollars. The department may increase the amount of the evidence of financial responsibility for a dealer upon a showing of good cause.

4. The evidence of financial responsibility must be conditioned upon the dealer's faithful performance of the terms and conditions of the sales agreement. The surety's or issuer's liability extends to each such sales agreement executed while the surety bond or letter of credit is in force and until performance or the rescission of the sales agreement.

5. The evidence of financial responsibility shall be continuous in nature until canceled by the surety or issuer. The surety or issuer shall provide at least ninety days' notice in writing to the dealer and the department indicating the surety's or issuer's intent to cancel the surety bond or letter of credit and the effective date of the cancellation. The dealer shall have sixty days from the date of receipt of the surety's or issuer's notice of cancellation to file a replacement. However, the surety or issuer remains liable for damages arising from sales agreements which were executed during the effective period of the evidence of financial responsibility.

2003 Acts, ch 90, §3; 2004 Acts, ch 1095, §3, 6; 2017 Acts, ch 54, §76

Referred to in §163.30

202C.3 Surety or issuer — liability.

1. The purchaser may bring a legal action arising from the breach of a sales agreement against the surety on the bond or issuer on the irrevocable letter of credit in the purchaser's own name in district court to recover any damages as allowed by law. The purchaser may also be awarded interest as determined pursuant to section 668.13, beginning from the date that the sales agreement was executed. The purchaser may also be awarded court costs and reasonable attorney fees, which shall be taxed as part of the costs of the legal action.

2. The aggregate liability of the surety or issuer due to a breach of a sales agreement shall not exceed the amount of the evidence of financial responsibility.

3. A legal action brought by a purchaser against the surety on the bond or the issuer of the irrevocable letter of credit shall be brought not later than one hundred eighty days after the date that the dealer delivers the feeder pigs to the purchaser pursuant to the sales agreement.

2003 Acts, ch 90, §4; 2004 Acts, ch 1095, §4, 6

202C.4 Departmental rules.

The department shall adopt rules as required to administer this chapter, including but not limited to rules providing for amounts of evidence of financial responsibility, qualifications for a surety or financial institution, procedures for filing evidence of financial responsibility, including replacement bonds or letters of credit, requirements for the cancellation of the evidence of financial responsibility, and the liability of a surety or issuer after cancellation.

2003 Acts, ch 90, §5

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CHAPTER 203

GRAIN DEALERS

Referred to in §22.7(12), 159.6, 189.16, 190.1, 203C.6, 203C.24, 203D.3A, 203D.4, 203D.5A, 554.7204, 669.14

203.1 Definitions.
203.2 Powers and duties of the department.
203.2A Grain purchasers who are not licensed grain dealers — special notice requirements.
203.3 License required — financial responsibility.
203.4 Participation in indemnity fund required.
203.5 License.
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203.7 Posting of license.
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203.9 Inspection of premises and records — reconstruction of records.
203.10 Action affecting a license.
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203.11A Civil penalties.
203.11B Grain industry peer review panel. Repealed by 2024 Acts, ch 1170, §368.
203.12 Claims — cessation of a license and notice of license revocation.
203.12A Lien on grain dealer assets.
203.12B Appointment of department as receiver.
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203.14 No obligation of state.
203.15 Credit-sale contracts.
203.16 Confidentiality of records.
203.17 Documents and records.
203.18 Reserved.
203.19 Cooperative agreements.
203.20 Shrinkage adjustments — disclosures — penalties.
203.21 Reserved.
203.22 Prioritization of inspections of grain dealers.

203.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Bond"* means a bond issued by a surety company or an irrevocable letter of credit issued by a financial institution.

2. *"Check"* means a paper instrument used for ordering, instructing, or authorizing a financial institution to make payment or credit a presenter's account and debit the issuer's account. *"Check"* includes instruments commonly referred to as a check, draft, share draft, or other negotiable instrument for the payment of money. An instrument may be a check even though it is described on its face by another term, such as "money order".

3. *"Credit-sale contract"* means a deferred-payment contract or a deferred-pricing contract.

4. *"Custom livestock feeder"* means a person who buys grain for the sole purpose of feeding it to livestock owned by another person in a feedlot as defined in section 172D.1, subsection 6, or a confinement building owned or operated by the custom livestock feeder and located in this state.

5. *"Deferred-payment contract"* means a contract pursuant to which the purchase price for grain is agreed to by a seller and licensed grain dealer, if payment will occur more than thirty days from the date of delivery, as defined in section 203.8, subsection 2, paragraph *"a"*.

6. *"Deferred-pricing contract"* means a contract by a seller and licensed grain dealer if delivery, as defined in section 203.8, subsection 2, paragraph *"a"*, has occurred but the purchase price has not been agreed to by the seller and licensed grain dealer.

7. *"Department"* means the department of agriculture and land stewardship.

8. *"Electronic funds transfer"* means a remote electronic transmission used for ordering, instructing, or authorizing a financial institution to pay money to or credit the account of the payee and debit the account of the payer. The remote electronic transmission may be initiated by telephone, terminal, computer, or similar device.

9. *"Financial institution"* means any of the following:

a. A bank or savings association authorized by the laws of any other state or the United States, which is a member of the federal deposit insurance corporation.

b. A bank or association chartered by the farm credit system under the federal Farm Credit Act, as amended, 12 U.S.C. ch. 23.

10. *"Good cause"* means that the department has cause to believe that the net worth or

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current asset to current liability ratio of a grain dealer presents a danger to sellers with whom the grain dealer does business, based on evidence of any of the following:

a. The making of a payment by use of a check or electronic funds transfer, and a financial institution refuses payment because of insufficient moneys in a grain dealer's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on a statistical model provided in section 203.22.

11. *"Grain"* means any grain for which the United States department of agriculture has established standards pursuant to the United States Grain Standards Act, 7 U.S.C. ch. 3.

12. *"Grain dealer"* means a person who cumulatively purchases at least one thousand bushels of grain from producers during any calendar month, if such grain is delivered within or into this state for purposes of resale, milling, or processing in this state. However, *"grain dealer"* does not include any of the following:

a. A producer of grain who is buying grain for the producer's own use as seed or feed.

b. A person solely engaged in buying grain future contracts on the board of trade.

c. A person who purchases grain only for sale in a feed regulated under chapter 198.

d. A person who purchases grain only from grain dealers licensed under this chapter.

e. A person engaged in the business of selling agricultural seeds regulated by chapter 199.

f. A person buying grain only as a farm manager.

g. An executor, administrator, trustee, guardian, or conservator of an estate.

h. A custom livestock feeder.

i. A cooperative organized under chapter 501 or 501A, if the cooperative only purchases grain from its members who are producers or from a licensed grain dealer, and the cooperative does not resell that grain.

j. A limited liability company as defined in section 489.102 that meets all of the following requirements:

(1) The majority of voting rights in the limited liability company are held by its members who are producers.

(2) The purpose of the limited liability company is to produce renewable fuel as defined in section 214A.1.

(3) The limited liability company only purchases grain from its members who are producers or from a licensed grain dealer.

(4) The limited liability company does not resell grain that it purchases.

13. *"Person"* means the same as defined in section 4.1 and includes a business association as defined in section 202B.102 or joint or common venture regardless of whether it is organized under a chapter of the Code.

14. *"Producer"* means the owner, tenant, or operator of land in this state who has an interest in and receives all or a part of proceeds from the sale of grain produced on that land.

15. *"Scale weight ticket"* means the same as defined in section 203C.1.

16. *"Seller"* means a person who sells grain which the person has produced or caused to be produced to a licensed grain dealer, and includes a person who executes a credit-sale contract as a seller.

17. *"United States Warehouse Act"* means the United States Warehouse Act, 7 U.S.C. ch. 10.

18. *"Warehouse operator"* means the same as defined in section 203C.1.

[C75, 77, 79, 81, §542.1; 81 Acts, ch 180, §1 – 3]

85 Acts, ch 80, §1, 2; 86 Acts, ch 1006, §1; 86 Acts, ch 1152, §1, 2; 86 Acts, ch 1245, §669; 87 Acts, ch 147, §1; 89 Acts, ch 143, §1001; 92 Acts, ch 1239, §55

C93, §203.1

95 Acts, ch 28, §1; 96 Acts, ch 1010, §2; 99 Acts, ch 106, §1 – 3; 2001 Acts, ch 36, §1, 2; 2003 Acts, ch 69, §1, 2, 46; 2004 Acts, ch 1038, §1; 2005 Acts, ch 135, §106; 2007 Acts, ch 22, §47; 2008 Acts, ch 1083, §1, 2; 2008 Acts, ch 1162, §133, 154, 155; 2012 Acts, ch 1017, §55; 2012

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Acts, ch 1095, §85, 86; 2023 Acts, ch 154, §3, 19; 2025 Acts, ch 105, §1, 2; 2026 Acts, ch 1040, §32
Referred to in §10.1, 203.15, 203C.1, 203D.1, 714.8, 715A.2
Subsection 1 amended

203.2 Powers and duties of the department.

The department may exercise general supervision over the business operations of grain dealers. The supervisory and regulatory powers authorized by this chapter shall be the responsibility of the warehouse bureau of the department. The department may inspect or cause to be inspected any grain dealer operating in this state and may require the filing of reports pertaining to the operation of the dealer's business. The department shall adopt rules to provide for the efficient administration and regulation of the provisions of this chapter, and may designate an employee of the department to act for the department in any details connected with such administration, including the issuance of licenses and approval of grain dealers' bonds in the name of the department.

[C75, 77, 79, 81, §542.2]
89 Acts, ch 143, §101
C93, §203.2

203.2A Grain purchasers who are not licensed grain dealers — special notice requirements.

1. This section applies to a person who is not required to be issued a license as a grain dealer pursuant to section 203.3. The person shall not purchase grain from a producer for purposes of resale, milling, feeding, or processing.

2. Subsection 1 does not apply to any of the following:

a. A person who purchases less than fifty thousand bushels of grain from all producers in the twelve months prior to purchasing grain from the producer.

b. A person who provides notice to the producer as provided in subsection 3.

3. *a.* The notice must be in the following form:

ATTENTION TO PRODUCERS:
The person purchasing this grain is not a licensed grain dealer and this is not a covered transaction eligible for indemnification from the grain dealers and sellers indemnity fund as provided in Iowa Code section 203D.3

b. The notice must be provided to the producer prior to or at the time of the purchase. The notice may appear on a separate statement or as part of a document received by the producer, including a contract or receipt, as required by the department.

c. The notice must appear in a printed boldface font in at least ten point type.

99 Acts, ch 106, §4; 2012 Acts, ch 1095, §87

203.3 License required — financial responsibility.

1. A person shall not engage in the business of a grain dealer in this state without having obtained a license issued by the department.

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the grain dealer purchases any grain by credit-sale contract, or if the value of grain purchased by the grain dealer from producers during the grain dealer's previous fiscal year exceeds five hundred thousand dollars. Any other grain dealer may elect to be licensed as a class 1 grain dealer.

b. A class 2 license is required for any grain dealer not holding a class 1 license. A class 2 licensee whose purchases from producers during a fiscal year exceed a limit of five hundred thousand dollars in value shall file within thirty days of the date the limit is reached a complete application for a class 1 license. If a class 1 license is denied, the person immediately shall cease doing business as a grain dealer.

3. An application for a license to engage in business as a grain dealer shall be filed with the department and shall be in a form prescribed by the department. The application shall include the name of the applicant, its principal officers if the applicant is a corporation or the active

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members of a partnership if the applicant is a partnership and the location of the principal office or place of business of the applicant. A separate license shall be required for each location at which records are maintained for transactions of the grain dealer. The application shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and the net worth of the applicant. The financial statement must be prepared according to generally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon a written request filed with the department, the department or a designated employee may allow asset valuations in accordance with a competent appraisal. Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least seventy-five thousand dollars, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 1 grain dealer if the person has a net worth of less than thirty-seven thousand five hundred dollars.

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer, except as provided in section 203.15, may elect to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause. A grain dealer shall submit financial statements to the department in addition to those required in this paragraph if the department determines that it is necessary to verify the grain dealer's financial status or compliance with this subsection.

c. A grain dealer shall submit a report to the department according to procedures required by the department, if the grain dealer provides a bond based in part on the number of bushels of unpaid grain purchased by the grain dealer, as provided in rules adopted by the department, in order to satisfy the current assets to current liabilities ratio requirement of this section. The report shall contain information required by the department, including the number of bushels of unpaid grain purchased by the grain dealer. The grain dealer shall submit the report not more than once each month. However, the department may require that a grain dealer submit a report on a more frequent basis, if the department has good cause.

d. The grain dealer shall have and maintain current assets equal to at least one hundred percent of current liabilities or provide a bond under the following conditions:

(1) A grain dealer with current assets equal to at least fifty percent of current liabilities shall provide a bond of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. After the amount of the bond equals one million dollars, the grain dealer may elect to base the remainder of the amount of the bond on the number of bushels of unpaid grain being purchased by the grain dealer, as provided for by rules which shall be adopted by the department. The remaining amount shall equal two thousand dollars for each one thousand dollars of the highest amount of bushels of unpaid grain purchased by the grain dealer during each month.

(2) A grain dealer with current assets equal to less than fifty percent of current liabilities shall provide a bond of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum

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requirement. However, the bond shall not be used for longer than thirty consecutive days in a twelve-month period.

5. In order to receive and retain a class 2 license the following conditions must be satisfied:

a. The grain dealer shall have and maintain a net worth of at least thirty-seven thousand five hundred dollars, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net deficiency. However, a person shall not be licensed as a class 2 grain dealer if the person has a net worth of less than seventeen thousand five hundred dollars.

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause. A grain dealer shall submit financial statements to the department in addition to those required in this paragraph if the department determines that it is necessary to verify the grain dealer's financial status or compliance with this section.

c. A grain dealer shall submit a report to the department according to procedures required by the department, if the grain dealer provides a bond based in part on the number of bushels of unpaid grain purchased by the grain dealer, as provided in rules adopted by the department, in order to satisfy the current assets to current liabilities ratio requirement of this section. The report shall contain information required by the department, including the number of bushels of unpaid grain purchased by the grain dealer. The grain dealer shall submit the report not more than once each month. However, the department may require that a grain dealer submit a report on a more frequent basis, if the department has good cause.

d. The grain dealer shall have and maintain current assets equal to at least one hundred percent of current liabilities or provide a bond under the following conditions:

(1) A grain dealer with current assets equal to at least fifty percent of current liabilities shall provide a bond of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. After the amount of the bond equals one million dollars, the grain dealer may elect to base the remainder of the amount of the bond on the number of bushels of unpaid grain being purchased by the grain dealer, as provided for by rules which shall be adopted by the department. The remaining amount shall equal two thousand dollars for each one thousand dollars of the highest amount of bushels of unpaid grain purchased by the grain dealer during each month.

(2) A grain dealer with current assets equal to less than fifty percent of current liabilities shall provide a bond of two thousand dollars for each one thousand dollars or fraction of one thousand dollars of current assets that the grain dealer is lacking to meet the minimum requirement. However, the bond shall not be used for longer than thirty consecutive days in a twelve-month period.

6. The department shall adopt rules relating to the form and time of filing of financial statements. The department may require additional information or verification with respect to the financial resources of the applicant and the applicant's ability to pay producers for grain purchased from them.

7. *a.* When the net worth or current ratio of a licensee in good standing is less than that required by this section, the grain dealer shall correct the deficiency or file a deficiency bond or an irrevocable letter of credit within thirty days of written notice by the department. Unless

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the deficiency is corrected or the deficiency bond or irrevocable letter of credit is filed within thirty days, the grain dealer license shall be suspended.

b. If the department finds that the welfare of grain producers requires emergency action, and incorporates a finding to that effect in its order, immediate suspension of a license may be ordered notwithstanding the thirty-day period otherwise allowed by paragraph *"a"*.

8. A deficiency bond or irrevocable letter of credit filed with the department pursuant to this section shall not be canceled by the issuer on less than ninety days' notice by certified mail to the secretary of agriculture and the principal.

[C75, 77, 79, 81, §542.3; 81 Acts, ch 180, §4; 82 Acts, ch 1093, §1]

83 Acts, ch 18, §1; 83 Acts, ch 54, §1; 83 Acts, ch 175, §1, 2; 84 Acts, ch 1224, §1; 85 Acts, ch 234, §1, 2; 86 Acts, ch 1152, §3, 4; 87 Acts, ch 147, §2, 3; 89 Acts, ch 143, §201, 202, 301, 302, 401, 402; 92 Acts, ch 1239, §56, 57

C93, §203.3

94 Acts, ch 1086, §1 – 4; 2008 Acts, ch 1083, §3, 4; 2025 Acts, ch 105, §3, 4; 2026 Acts, ch 1139, §33, 34, 44

Referred to in §203.2A, 203.4, 203.6, 203.8, 203.9, 203.11, 203.12B, 203.15, 203D.1
Subsection 4, paragraph b stricken and rewritten
Subsection 5, paragraph b stricken and rewritten

203.4 Participation in indemnity fund required.

A grain dealer licensed or required to be licensed pursuant to section 203.3 shall participate in and comply with the grain depositors and sellers indemnity fund provided in chapter 203D.

[C75, 77, 79, 81, §542.4; 81 Acts, ch 180, §5]

86 Acts, ch 1006, §2; 86 Acts, ch 1152, §5

C93, §203.4

2003 Acts, ch 69, §3

203.5 License.

1. *a.* Upon the filing of an application on a form prescribed by the department and compliance with the terms and conditions of this chapter including rules of the department, the department shall issue the applicant a grain dealer's license. The license expires at the end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer's license may be renewed annually by filing a renewal application on a form prescribed by the department. An application for renewal must be received by the department on or before the end of the third calendar month following the close of the grain dealer's fiscal year.

b. The department shall not issue a grain dealer's license unless the applicant pays all of the following fees:

(1) For the issuance of a license, all of the following:

(a) A license fee imposed under section 203.6.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee imposed under a previous license as provided in that section.

(2) For the renewal of a license, all of the following:

(a) A renewal fee imposed under section 203.6.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee as provided in that section.

(c) A per-bushel fee as provided in section 203D.3A, and any delinquent per-bushel fee and penalty as provided in that section.

2. The department shall notify a licensed grain dealer of any delinquency in the payment of a participation fee or per-bushel fee as provided in section 203D.3A. The department shall suspend the grain dealer's license thirty days after delivering the notice unless the licensed grain dealer pays the delinquent fee.

3. The department may suspend or revoke the license of a grain dealer who discounts the purchase price paid for grain nominally for the participation fee or per-bushel fee as provided in section 203D.3A while that fee is not in effect.

4. A grain dealer license which has expired may be reinstated by the department upon receipt of a proper renewal application, the renewal fee and a reinstatement fee as provided in

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section 203.6, and any delinquent participation fee or per-bushel fee and penalty as provided in section 203D.3A. The applicant must file the renewal application and pay the fees and penalty to the department within thirty days from the date of expiration of the grain dealer license.

5. The department may cancel a license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

6. *a.* The department shall refund a fee paid by an applicant to the department under this section if the department does not issue or renew a grain dealer's license.

b. The department shall prorate a fee paid by an applicant to the department under this section for the issuance or renewal of a license for less than a full year.

7. The department may deny a license to an applicant if the applicant has had a license issued under this chapter or chapter 203C revoked within the past three years, the applicant has been convicted of a felony involving a violation of this chapter or chapter 203C, or the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted.

8. The department may deny a license to an applicant if any of the following apply:

a. The applicant has caused liability to the grain depositors and sellers indemnity fund in regard to a license issued under this chapter or chapter 203C, and the liability has not been discharged, settled, or satisfied.

b. The applicant is owned or controlled by a person who has caused liability to the fund through operations under a license issued under this chapter or chapter 203C and the liability has not been discharged, settled, or satisfied.

[C75, 77, 79, 81, §542.5; 81 Acts, ch 180, §6]

84 Acts, ch 1100, §1; 89 Acts, ch 143, §701; 92 Acts, ch 1239, §58

C93, §203.5

2003 Acts, ch 69, §47; 2007 Acts, ch 22, §48; 2010 Acts, ch 1082, §1; 2012 Acts, ch 1095, §88; 2023 Acts, ch 154, §4, 19

Referred to in §203.10, 203D.3A, 203D.5

203.6 Fees.

The department shall charge the following fees for deposit in the general fund:

1. *a.* For the issuance or renewal of a license required under section 203.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of all bushels of grain purchased during the grain dealer's previous fiscal year according to the grain dealer's financial statement required in section 203.3. The fee shall be calculated according to the following schedule:

(1) If the total number of bushels purchased is thirty-five thousand or less, the license fee is sixty-six dollars and the inspection fee is eighty-three dollars.

(2) If the total number of bushels purchased is more than thirty-five thousand, but not more than two hundred fifty thousand, the license fee is one hundred sixteen dollars and the inspection fee is one hundred twenty-five dollars.

(3) If the total number of bushels purchased is more than two hundred fifty thousand, but not more than five hundred thousand, the license fee is one hundred sixty-six dollars and the inspection fee is one hundred ninety-one dollars.

(4) If the total number of bushels purchased is more than five hundred thousand, but not more than one million, the license fee is two hundred ninety-one dollars and the inspection fee is two hundred forty-nine dollars.

(5) If the total number of bushels purchased is more than one million, but not more than one million eight hundred fifty thousand, the license fee is four hundred ninety-eight dollars and the inspection fee is three hundred seven dollars.

(6) If the total number of bushels purchased is more than one million eight hundred fifty thousand, but not more than three million two hundred thousand, the license fee is seven hundred six dollars and the inspection fee is three hundred seventy-four dollars.

(7) If the total number of bushels purchased is more than three million two hundred thousand, the license fee is nine hundred fifty-five dollars and the inspection fee is four hundred forty dollars.

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b. If the applicant did not purchase grain in the applicant's previous fiscal year, the applicant shall pay the fee specified in paragraph *"a"*, subparagraph (1). If during the licensee's fiscal year the number of bushels of grain actually purchased exceeds thirty-five thousand, the licensee shall notify the department and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. Fees for new licenses issued for less than a full year shall be prorated from the date of application.

2. For an amendment to a license, the fee is ten dollars.
3. For a duplicate license, the fee is five dollars.
4. For reinstatement of a license the fee is fifty dollars.

[C75, 77, 79, 81, §542.6; 81 Acts, ch 180, §7, 32]
83 Acts, ch 18, §2; 83 Acts, ch 175, §3, 4; 84 Acts, ch 1100, §2; 92 Acts, ch 1239, §59
C93, §203.6
2009 Acts, ch 41, §215
Referred to in §203.5
Indemnity fees, see §203D.3A

203.7 Posting of license.

The grain dealer's license shall be posted in a conspicuous location in the place of business. A grain dealer's license is not transferable.

[C75, 77, 79, 81, §542.7; 81 Acts, ch 180, §8]
83 Acts, ch 18, §3
C93, §203.7

203.8 Payment.

1. *a.* A grain dealer licensed or required to be licensed pursuant to section 203.3 shall pay the purchase price to the seller for grain as follows:

(1) Upon delivery or later upon demand by the seller. If the seller does not make a demand, the grain dealer shall pay the purchase price not later than the last date for scheduled payments made by the licensed grain dealer to sellers for delivered grain according to the grain dealer's standard business operation as provided by rules adopted by the department.

(2) In accordance with the terms of a credit-sale contract that satisfies the requirements of this chapter.

b. A grain dealer licensed or required to be licensed pursuant to section 203.3 shall not hold a check for the purchase of grain more than five days after the grain dealer issues a check to the seller. After that date, the grain dealer shall deliver the check in person or by mail to the seller's last known address. The department shall adopt rules pursuant to chapter 17A for a grain dealer's payment by check and electronic funds transfer.

2. As used in this section:

a. (1) Subject to subparagraph (2), *"delivery"* means the transfer of title to and possession of grain by a seller to a grain dealer or to another person in accordance with the terms of an agreement by the seller and the grain dealer.

(2) Unless title to grain was previously transferred pursuant to an ordinary cash-sale contract, title to grain sold by credit-sale contract is deemed to have transferred to the grain dealer when all of the following occurs:

(a) The credit-sale contract is signed by both the grain dealer and the seller.

(b) The grain dealer has possession of the grain or another person has possession of the grain in accordance with the terms of the credit-sale contract.

b. "Payment" means the actual payment or tender of payment by a grain dealer to a seller of the agreed purchase price, or in the case of disputes as to sales of grain, the undisputed

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portion of the purchase price without reduction for any separate claim of the grain dealer against the seller.

[C75, 77, 79, 81, §542.8; 81 Acts, ch 180, §9]

C93, §203.8

96 Acts, ch 1030, §1; 2003 Acts, ch 69, §4; 2025 Acts, ch 105, §5; 2026 Acts, ch 1139, §35, 44

Referred to in §203.1, 203.12B, 203.15, 203D.3A

Subsection 2, paragraph a amended

203.9 Inspection of premises and records — reconstruction of records.

1. The department may inspect the premises used by any grain dealer in the conduct of the dealer's business at any time. The department may inspect a grain dealer's records that pertain to grain transactions during ordinary business hours. The department shall inspect a grain dealer's records at least once each eighteen-month period without justification. The department shall prioritize inspections based on the system provided in section 203.22. The department may use a risk rating produced by a statistical model provided in section 203.22 as justification to conduct an inspection. A transporter of grain in transit shall possess bills of lading or other documents covering the grain, and shall present them to any law enforcement officer on demand. If there is justification to believe that a grain dealer is engaged without a license as required pursuant to section 203.3, the department may inspect the grain dealer's records which pertain to grain transactions at any time.

2. If a grain dealer does not maintain a place of business in this state, the department is not required to inspect the grain dealer's records. A grain dealer shall submit the grain dealer's records relating to grain transactions occurring within this state to the department for purposes of an inspection as provided in this section at any reasonable time and place, including the offices of the department during regular business hours, as ordered by the department.

3. A grain dealer shall keep complete and accurate records. A grain dealer shall keep records for the previous six years. If the grain dealer's records are incomplete or inaccurate, the department may reconstruct the grain dealer's records in order to determine whether the grain dealer is in compliance with the provisions of this chapter. The department may charge the grain dealer the actual cost for reconstructing the grain dealer's records, which shall be considered appropriated receipts as defined in section 8.2.

4. The department may suspend or revoke the license of a grain dealer for failing to consent to a departmental inspection or cooperate with the department during an inspection as provided in this chapter.

[C75, 77, 79, 81, §542.9; 81 Acts, ch 180, §10]

84 Acts, ch 1224, §2; 86 Acts, ch 1152, §6; 89 Acts, ch 143, §101; 92 Acts, ch 1239, §60

C93, §203.9

2003 Acts, ch 69, §5; 2012 Acts, ch 1095, §89; 2024 Acts, ch 1185, §150

Referred to in §203.11, 203.15, 203.22

203.10 Action affecting a license.

1. The cessation of a grain dealer's license occurs from any of the following:

a. The revocation of the license by the department as provided in subsection 2.

b. The cancellation of the license as provided in section 203.5.

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter pursuant to chapter 17A.

2. The department may issue an order to suspend or revoke the license of a grain dealer who violates a provision of this chapter, including a rule adopted in accordance with this chapter pursuant to chapter 17A.

[C75, 77, 79, 81, §542.10]

86 Acts, ch 1152, §7; 89 Acts, ch 143, §101

C93, §203.10

2003 Acts, ch 69, §6; 2012 Acts, ch 1095, §90; 2013 Acts, ch 90, §33; 2014 Acts, ch 1092, §36

Referred to in §203.12, 203.12B, 203.15, 203D.6

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203.11 Penalties — injunctions.

1. A person who knowingly submits false information to or knowingly withholds information from the department or any of its employees when required to be submitted or maintained under this chapter, commits a fraudulent practice.

2. *a.* Except as provided in paragraph *"b"*, a person commits a serious misdemeanor if the person does any of the following:

(1) Engages in business as a grain dealer without a license as required in section 203.3.

(2) Obstructs an inspection of the person's business premises or records required to be kept by a grain dealer pursuant to section 203.9.

(3) Uses a scale weight ticket or credit-sale contract in violation of this chapter or a requirement established by the department under this chapter.

b. A person who commits an offense specified in paragraph *"a"* after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A person in violation of this chapter, or in violation of chapter 714 or 715A, which violation involves the business of a grain dealer, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days and upon request by the department, the attorney general may initiate and carry out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by an injunction in an action brought by the department or the attorney general upon request by the department.

[C75, 77, 79, 81, §542.11; 81 Acts, ch 180, §11]
92 Acts, ch 1239, §61
C93, §203.11
2003 Acts, ch 69, §7; 2023 Acts, ch 154, §5, 19

203.11A Civil penalties.

1. The department shall establish, by rule, civil penalties which may be administratively or judicially assessed against a grain dealer for a violation of this chapter.

2. The amount of a civil penalty shall not exceed one thousand five hundred dollars. Each day that a violation continues shall constitute a separate violation. Moneys collected in civil penalties by the department or the attorney general shall be deposited in the general fund of the state.

3. A civil penalty may be administratively assessed only after an opportunity for a contested case hearing under chapter 17A. The department may be represented in an administrative hearing or judicial proceeding by the attorney general. A civil penalty shall be paid within thirty days from the date that an order or judgment for the penalty becomes final. When a person against whom a civil penalty is administratively assessed under this section seeks timely judicial review of an order imposing the penalty as provided under chapter 17A, the order is not final until all judicial review processes are completed. When a person against whom a civil penalty is judicially assessed under this section seeks a timely appeal of judgment, the judgment is not final until the right of appeal is exhausted.

4. A person who fails to timely pay a civil penalty as provided in this section shall pay, in addition to the penalty, interest at the rate of one and one-half percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid.

99 Acts, ch 106, §5; 2024 Acts, ch 1170, §247

203.11B Grain industry peer review panel. Repealed by 2024 Acts, ch 1170, §368.

203.12 Claims — cessation of a license and notice of license revocation.

1. Upon the cessation of a grain dealer license pursuant to section 203.10 or upon the filing of a petition in bankruptcy by a grain dealer, any claim for the purchase price of grain against the grain dealer shall be made in writing and filed with the grain dealer and with the issuer of a deficiency bond or of an irrevocable letter of credit and with the department within one

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hundred twenty days after the date of the cessation or the filing of a petition in bankruptcy, whichever occurs earlier. A failure to make this timely claim relieves the issuer and the grain depositors and sellers indemnity fund provided in chapter 203D of all obligations to the claimant.

2. Upon the revocation of a grain dealer license, the department shall cause notice of the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation within the state of Iowa and in a newspaper of general circulation within the county of the grain dealer's principal place of business when that dealer's principal place of business is located in the state of Iowa. The notice shall state the name and address of the grain dealer and the effective date of revocation. The notice shall also state that any claims against the grain dealer shall be made in writing and sent by ordinary mail or delivered personally within one hundred twenty days after revocation to the grain dealer, to the issuer of a deficiency bond or of an irrevocable letter of credit, and to the department, and the notice shall state that the failure to make a timely claim does not relieve the grain dealer from liability to the claimant.

[C79, 81, §542.12]
86 Acts, ch 1152, §8
C93, §203.12
2012 Acts, ch 1095, §91; 2026 Acts, ch 1139, §36, 44
Referred to in §203D.6
Subsection 1 amended

203.12A Lien on grain dealer assets.

1. *a.* As used in this section:

(1) *"Grain dealer assets"* includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. *"Grain dealer assets"* also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer.

(2) *"Proceeds"* means noncash and cash proceeds as defined in section 554.9102.

b. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

2. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

3. The lien shall arise at the time of surrender of warehouse receipts or other written evidence of ownership as part of a grain sale transaction or the time of delivery of the grain for sale, and shall terminate when the liability of the grain dealer to the seller has been discharged. The lien of all sellers is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed on or after the date of suspension but not later than sixty days after the incurrence date as provided in section 203D.6. The lien statement shall disclose the name of the grain dealer, the address of the dealer's principal place of business, a description of identifiable grain dealer assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing the grain depositors and sellers indemnity fund for the payment of claims against the fund resulting from the breach of the grain dealer's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board, upon written demand of the grain dealer, shall file a termination statement with the secretary of state, if after one hundred eighty days from the date that the lien is perfected the grain dealer's license has not ceased pursuant to section

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203C.10. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the grain dealer.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9322.

8. If the grain dealer is also licensed under chapter 203C, and in the event the department is appointed as a receiver under section 203C.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. *a.* The board may enforce the lien in the manner provided in chapter 554, article 9, part 6, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

b. For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 6. If a right or duty under chapter 554, article 9, part 6, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the grain dealer's primary place of business is located or in Polk county.

92 Acts, ch 1239, §62; 2000 Acts, ch 1149, §163, 187; 2009 Acts, ch 133, §211; 2012 Acts, ch 1095, §92; 2026 Acts, ch 1139, §37, 44

Referred to in §203.12B, 203D.5A
Subsection 5 amended

203.12B Appointment of department as receiver.

1. As used in this section:

a. "Grain dealer assets" means the same as defined in section 203.12A, including any proceeds from a deficiency bond or irrevocable letter of credit, or any insurance policy relating to those assets.

b. "Interested seller" means a person who delivers or has delivered grain to a grain dealer who has not been paid as provided in section 203.8 or according to the terms of a credit-sale contract breached by the grain dealer.

c. "Issuer" means a person who issues a deficiency bond or an irrevocable letter of credit pursuant to section 203.3, or an issuer of grain assets.

2. *a.* The department may file a verified petition in district court requesting that the department be appointed as a receiver, and the district court shall appoint the department as receiver, in order to protect interested sellers, if any of the following apply:

(1) The grain dealer's license is revoked or suspended under section 203.10.

(2) There is evidence that the grain dealer has engaged or is engaging in business under this chapter without obtaining a license as required pursuant to section 203.3.

b. Upon being appointed as a receiver, the department shall take custody and provide for the disposition of the grain dealer assets of the grain dealer under the supervision of the court.

(1) The petition shall be filed in the county in which the grain dealer maintains its principal place of business in this state. The court may issue ex parte any temporary order as it determines necessary to preserve or protect the grain dealer assets and the rights of interested sellers.

(2) The petition shall be accompanied by the department's plan for disposition of grain dealer assets which shall provide terms as may be necessary to preserve or protect the grain dealer assets and the rights of interested sellers, less expenses incurred by the department

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in connection with the receivership. The plan may provide for the delivery or sale of grain as provided in section 203C.4. The plan may provide for the operation of the business of the grain dealer on a temporary basis and any other course of action or procedure which will serve the interests of interested sellers.

(3) The petition shall be filed with the clerk of the district court who shall set a date for a hearing in the same manner as provided in section 203C.3.

(4) Copies of the petition, the notice of hearing, and the department's plan of disposition shall be delivered to the following:

(a) The grain dealer and each issuer who shall receive copies delivered in the manner required for service of an original notice.

(b) Interested sellers as determined by the department who shall receive copies delivered by ordinary mail.

(5) The failure of a person to receive the required notification shall not invalidate the proceedings on the petition or any part of the petition for the appointment of the department as the receiver.

(6) A person is not a party to the action unless admitted by the court upon application.

3. When appointed as a receiver, the department shall publish notice of the appointment in the same manner provided in section 203C.3.

4. The department may employ or appoint a person to appear on behalf of the department in any proceedings before the court as provided in section 203C.3.

5. An action of the department shall not be subject to the provisions of chapter 17A. A person employed or appointed by the department as receiver shall be deemed to be an employee of the state as defined in section 669.2. Chapter 669 is applicable to any claim as defined in section 669.2 against the person carrying out the duties of the department acting as receiver.

6. When the department is appointed as a receiver, the issuer shall be joined as a party, and may be ordered by the court to pay indemnification proceeds, and shall be discharged from further liability as provided in section 203C.4. The department shall provide notice to interested sellers within one hundred twenty days after the date of appointment. A failure of a person to file a timely claim as provided by the department shall defeat the claim, except to the extent of any excess grain dealer assets remaining after all timely claims are paid in full.

7. If the court approves the sale of grain, the department shall employ or appoint a merchandiser who shall enjoy the same status, exercise the same powers, and receive compensation to the same extent as a merchandiser employed or appointed pursuant to section 203C.4. A person employed or appointed as a merchandiser must meet the following requirements:

a. Be experienced or knowledgeable in the operation of grain dealers as provided in this chapter.

b. Be experienced or knowledgeable in the marketing of grain.

c. Not have had a grain dealer's license issued pursuant to section 203.3 suspended or revoked as provided in section 203.10.

d. Not have any pecuniary interest in the grain dealer assets of the grain dealer and not have a business relationship with the grain dealer.

8. The sale of the grain shall proceed in the same manner as grain sold pursuant to section 203C.4. The department may, with the approval of the court, continue the operation of all or any part of the business of the grain dealer on a temporary basis and take any other course of action or procedure which will serve the interests of interested sellers. The department is entitled to reimbursement out of grain dealer assets for costs directly attributable to the receivership. The department shall be reimbursed from the grain dealer assets in the same manner as provided in section 203C.4. If the approved plan of disposition requires a distribution of cash proceeds, the department shall submit to the court a proposed plan of distribution of those proceeds. The plan shall be approved and executed and the department shall be discharged and the receivership terminated in the same manner as provided in section 203C.4.

96 Acts, ch 1030, §2; 2009 Acts, ch 41, §216; 2012 Acts, ch 1095, §93

Referred to in §203D.3

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203.13 Enforcement officers. Repealed by 2003 Acts, ch 69, §21.

203.14 No obligation of state.

Nothing in this chapter shall be construed to imply any guarantee or obligation on the part of the state of Iowa, or any of its agencies, employees or officials, either elective or appointive, in respect to any agreement or undertaking to which the provisions of this chapter relate.

[C79, 81, §542.14]

C93, §203.14

203.15 Credit-sale contracts.

A grain dealer shall not purchase grain by credit-sale contract except as provided in this section.

1. The grain dealer shall be licensed pursuant to section 203.3. All of the following apply to a grain dealer required to be licensed under that section who purchases grain by credit-sale contract:

a. The meaning of *"credit-sale contract"*, including *"deferred-payment contract"* or *"deferred-pricing contract"*, as those terms are defined in section 203.1, shall supersede the meaning of those terms in a contract entered into by a seller and a licensed grain dealer.

b. The grain dealer shall provide written notice to the department prior to engaging in the purchase of grain by credit-sale contract. The written notice must contain all of the following:

(1) A statement that the grain dealer is engaging in the purchase of grain by deferred-pricing contract or deferred-payment contract or both.

(2) Any other information required by the department.

c. The grain dealer shall maintain credit-sale contract forms in the possession of the grain dealer. The department may require the credit-sale contract forms to distinguish between the purchase of grain by deferred-pricing contract or deferred-payment contract. The credit-sale contract forms must have been permanently and consecutively numbered at the time of printing of the forms. The grain dealer shall maintain an accurate record of all credit-sale contract forms and numbers obtained by that grain dealer. The record must include the disposition of each numbered form, whether by execution, destruction, or otherwise.

d. The grain dealer who purchases grain by credit-sale contract shall maintain records as required by the department in compliance with this section. The department may require the grain dealer to account separately for deferred-pricing contracts and deferred-payment contracts.

2. In addition to other information as may be required, a credit-sale contract shall contain or provide for all of the following:

a. The seller's name and address.

b. The conditions of delivery.

c. The amount and kind of grain delivered.

d. The price per bushel or basis of value.

e. The date payment is to be made.

f. The duration of the credit-sale contract, which shall not exceed fifteen months from the date the contract is executed.

3. *a.* If a grain dealer purchases grain by credit-sale contract, the grain dealer is transferred title to the grain upon the grain's delivery to the grain dealer. As used in this paragraph, *"delivery"* means the same as defined in section 203.8.

b. The contract must be signed and dated by both parties and executed in duplicate. One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon the cessation of the grain dealer's license as provided in section 203.10, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty days after the effective date of the cessation, and the purchase price for all unpriced grain shall be determined as of the effective date of the cessation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, credit-sale contracts may be assigned to the purchaser of the business.

4. *a.* A grain dealer shall not purchase grain on credit-sale contract during any time period

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in which the grain dealer fails to maintain fifty cents of net worth for each outstanding bushel of grain purchased under credit. The grain dealer may maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of deficiency in net worth.

b. A grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act, and who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture shall not purchase grain on credit-sale contract to correct the shortage of grain.

c. (1) A grain dealer must meet at least either of the following conditions:

(a) The grain dealer's last financial statement required to be submitted to the department pursuant to section 203.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

(b) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department.

(2) (a) The bond filed with the department under this paragraph shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include but are not limited to procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

(b) The bond shall not be canceled by the issuer on less than ninety days' notice by certified mail to the department and the principal. However, if an adequate replacement bond is filed with the department, the department may authorize the cancellation of the original bond before the end of the ninety-day period.

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the department shall revoke the grain dealer's license.

(3) When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

5. The department may suspend the right of a grain dealer to purchase grain by credit-sale contract based on any of the following conditions:

a. The grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture.

b. The grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act issues back to the grain dealer a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased on credit and is unpaid for by the grain dealer.

c. The grain dealer fails to maintain requirements relating to net worth or fails to maintain a ratio of current assets to current liabilities, as required in section 203.3.

d. The grain dealer violates this section.

e. The grain dealer's total liabilities are greater than seventy-five percent of the grain dealer's total assets.

f. The grain dealer has made payment by use of a check or electronic funds transfer, and a financial institution refuses payment because of insufficient funds in a grain dealer's account.

g. The department discovers that a grain dealer has delayed payment for grain purchased since the department last inspected the grain dealer pursuant to section 203.9.

6. *a.* A grain dealer who purchases grain by credit-sale contract shall obtain from the

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seller a signed acknowledgment stating that the seller has received a written notice explaining all of the following:

(1) Ordinarily, a person who sells grain to a licensed grain dealer may file a claim with the Iowa grain indemnity fund board for a loss or losses caused by the licensed grain dealer.

(2) For a grain transaction, other than by credit-sale contract, the seller may file a claim for indemnification of ninety percent of a loss.

(3) (a) For a credit-sale contract classified as a deferred-pricing contract, the seller may file a claim for indemnification of seventy-five percent of a loss.

(b) The indemnification limit for all losses is not more than four hundred thousand dollars but may be decreased to three hundred thousand dollars depending upon the extent to which the seller's loss arose from a deferred-pricing contract.

(c) For a credit-sale contract classified as a deferred-payment contract, a seller is not eligible to claim a loss for indemnification.

b. The form for the acknowledgment shall be prescribed by the department.

c. The licensed grain dealer and the seller shall each be provided a copy of the acknowledged form.

[C71, 73, 75, 77, §543.17; C79, 81, §542.8, 543.17; 81 Acts, ch 180, §12]

C83, §542.15

85 Acts, ch 234, §3; 86 Acts, ch 1152, §9; 87 Acts, ch 147, §4; 89 Acts, ch 143, §403; 92 Acts, ch 1239, §63, 64

C93, §203.15

99 Acts, ch 106, §7; 2003 Acts, ch 69, §8 – 11; 2008 Acts, ch 1083, §6, 7; 2009 Acts, ch 41, §80; 2009 Acts, ch 133, §212; 2012 Acts, ch 1095, §94 – 98; 2023 Acts, ch 154, §6, 19; 2025 Acts, ch 105, §6, 7; 2026 Acts, ch 1139, §38, 44

Referred to in §203.3

Subsection 4 stricken and rewritten

203.16 Confidentiality of records.

Notwithstanding chapter 22, all financial statements of grain dealers under this chapter shall be kept confidential by the department and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.

2. In actions or administrative proceedings commenced under this chapter or chapter 203C.

3. Disclosure to the Iowa grain indemnity fund board in regard to licensees who present liability to the fund.

4. When required by subpoena or court order.

5. Disclosure to law enforcement agencies in regard to the detection and prosecution of public offenses.

6. When released to a bonding company approved by the department, or released to the United States department of agriculture or any of its divisions.

7. Where released at the request of the Iowa accountancy examining board for licensee review and discipline in accordance with chapters 272C and 542 and subject to the confidentiality requirements of section 272C.6.

[81 Acts, ch 180, §13]

C83, §542.16

83 Acts, ch 101, §1; 89 Acts, ch 143, §601

C93, §203.16

99 Acts, ch 106, §8; 2001 Acts, ch 55, §23, 38; 2024 Acts, ch 1170, §248

Referred to in §203D.4

203.17 Documents and records.

1. The department may adopt rules specifying the form, content, use, and maintenance of documents issued by a grain dealer under this chapter including but not limited to scale weight tickets, settlement sheets, daily position records, and credit-sale contracts. The department may adopt rules for both printed and electronic documents, including rules for

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the transmission, receipt, authentication, and archiving of electronically generated or stored documents.

2. All scale weight ticket forms in the possession of a grain dealer shall have been permanently and consecutively numbered at the time of printing. A grain dealer shall maintain an accurate record of all scale weight ticket numbers. The record shall include the disposition of each numbered form, whether issued, destroyed, or otherwise disposed of.

[81 Acts, ch 180, §14]
C83, §542.17
C93, §203.17
2003 Acts, ch 69, §12; 2008 Acts, ch 1083, §8; 2023 Acts, ch 154, §7, 19

203.18 Reserved.

203.19 Cooperative agreements.

1. Notwithstanding the other provisions of this chapter, the department may enter into cooperative agreements with other states for the purpose of making available to those states the information acquired under the bonding, licensing, and examination procedures of this chapter.

2. If a cooperative agreement is in effect under this section, the indemnification requirements of this chapter may be satisfied by filing with the department evidence of a bond or an irrevocable letter of credit on file with a state or of participation in an indemnity fund in a state with which Iowa has a cooperative agreement as provided for by this section.

3. *a.* Indemnification proceeds shall be copayable to the state of Iowa for the benefit of sellers of grain under this chapter.

b. Indemnification proceeds required by this chapter may be made copayable to any state with whom this state has entered into contracts or agreements as authorized by this section, for the benefit of sellers of grain in that state.

[81 Acts, ch 180, §16]
C83, §542.19
86 Acts, ch 1152, §11
C93, §203.19
2009 Acts, ch 41, §263; 2010 Acts, ch 1069, §25

203.20 Shrinkage adjustments — disclosures — penalties.

1. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The person who uses any rate of weight adjustment for moisture content other than the one prescribed by this subsection commits a fraudulent practice as defined in section 714.8. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content as prescribed by this subsection. The person who fails to make this disclosure commits a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. The person who fails to make this disclosure commits a simple misdemeanor.

3. A person who adjusts the scale weight of grain for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor

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that results from combining these factors. The person who fails to make this disclosure commits a simple misdemeanor.

[81 Acts, ch 180, §17]
C83, §542.20
C93, §203.20
2023 Acts, ch 154, §8, 19

203.21 Reserved.

203.22 Prioritization of inspections of grain dealers.

The department shall develop a system to prioritize the inspections of grain dealers provided in section 203.9. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of grain dealers, and especially grain dealers who execute credit-sale contracts. Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may use a risk rating produced by the statistical model as justification to inspect the grain dealer at any time. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on the statistical model shall be good cause.

92 Acts, ch 1239, §65
Referred to in §203.1, 203.9

CHAPTER 203A

GRAIN BARGAINING AGENTS

Repealed by 2003 Acts, ch 69, §50

CHAPTER 203B

RESERVED

CHAPTER 203C

WAREHOUSES FOR AGRICULTURAL PRODUCTS

Referred to in §22.7(12), 159.6, 189.16, 190.1, 203.5, 203.12A, 203.15, 203.16, 203D.4, 203D.5A, 554.7204, 579B.4, 669.14

This chapter not enacted as a part of this title;
transferred from chapter 543 in Code 1993

203C.1 Definitions.
203C.2 Duties and powers of the department — operator recordkeeping.
203C.3 Appointment of department as receiver.
203C.4 Powers and duties of receiver.
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203C.6 Issuance of license and financial responsibility.
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203C.12 Participation in fund required.
203C.12A Lien on warehouse operator assets.
203C.13 Form and amount of evidence of financial responsibility.
203C.14 Suit — claims — notice of revocation.
203C.15 Insurance required — exception.
203C.16 License required for the storage of bulk grain.
203C.17 Receiving bulk grain at licensed and unlicensed warehouses.
203C.18 Warehouse receipts — issuance, printing, and electronic filing.
203C.19 Rights and obligations with respect to warehouse receipts — lost receipts.
203C.20 Receipt by warehouse operator to self.
203C.21 and 203C.22 Reserved.
203C.23 Warehouse operator's obligation.
203C.24 Confidentiality of records.
203C.25 Shrinkage adjustments — disclosures — penalties.
203C.26 Reserved.
203C.27 Discrimination. Repealed by 2012 Acts, ch 1095, §117.
203C.28 Tariff rates.
203C.29 Reserved.
203C.30 Inspecting and grading.
203C.31 and 203C.32 Reserved.
203C.33 Fees.
203C.34 Display of license.
203C.35 Licensed warehouse operator to keep records. Repealed by 2003 Acts, ch 69, §22.
203C.36 Penalties — injunction.
203C.36A Civil penalties.
203C.37 Issuance of a license and payment of fees.
203C.38 No obligation of state.
203C.39 Grain stored in another warehouse.
203C.40 Prioritization of inspections of warehouse operators.

203C.1 Definitions.

As used in this chapter:

1. *"Agricultural product"* shall mean any product of agricultural activity suitable for storage in quantity, including refined or unrefined sugar and canned agricultural products and shall also mean any product intended for consumption in the production of other agricultural products, such as stock salt, binding twine, bran, cracked corn, soybean meal, commercial feeds, and cottonseed meal.

2. *"Bond"* means a bond issued by a surety company or an irrevocable letter of credit issued by a financial institution.

3. *"Bulk grain"* shall mean grain which is not contained in sacks.

4. *"Check"* means the same as defined in section 203.1.

5. *"Credit-sale contract"* means the same as defined in section 203.1.

6. *"Department"* means the department of agriculture and land stewardship.

7. *"Depositor"* means any person who deposits an agricultural product in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of an outstanding warehouse receipt, or who is lawfully entitled to possession of the agricultural product.

8. *"Electronic funds transfer"* means the same as defined in section 203.1.

9. *"Financial institution"* means the same as defined in section 203.1.

10. *"Good cause"* means that the department has cause to believe that the net worth or current asset to current liability ratio of a warehouse operator presents a danger to depositors with whom the warehouse operator does business, based on evidence of any of the following:

a. The making of a payment by use of a check or electronic funds transfer, and a financial institution refuses payment because of insufficient funds in the warehouse operator's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A quality or quantity shortage in the warehouse facility.

d. A high risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on a statistical model provided in section 203C.40.

11. *"Grain"* means the same as defined in section 203.1.

12. *"Grain bank"* means grain owned by a depositor and held temporarily by the warehouse operator for use in the formulation of feed or to be processed and returned to the depositor on demand.

13. *"Grain Standards Act"* means the United States Grain Standards Act, 7 U.S.C. ch. 3.

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14. *"Incidental warehouse operator"* means a person regulated under chapter 198 whose grain storage capacity does not exceed twenty-five thousand bushels which is used exclusively for grain owned or grain which will be returned to the depositor for use in a feeding operation or as an ingredient in a feed.

15. *"Incidental warehouse operator's obligation"* means a sufficient quantity and quality of grain to cover company owned grain and deposits of grain for which actual payment has not been made.

16. *"License"* means a license issued under this chapter.

17. *"Licensed warehouse"* shall mean a warehouse for the operation of which the department has issued a license in accordance with the provisions of section 203C.6.

18. *"Licensed warehouse operator"* shall mean a warehouse operator who has obtained a license for the operation of a warehouse under the provisions of section 203C.6.

19. *"Official grain standards"* means the standards of quality and condition of grain which establishes the grade, fixed and established by the secretary of agriculture under the Grain Standards Act.

20. *"Open storage"* means grain or agricultural products which are received by a warehouse operator from a depositor for which warehouse receipts have not been issued or a purchase made and the records documented accordingly.

21. *"Person"* means the same as defined in section 4.1 and includes a business association as defined in section 202B.102 or a joint or common venture regardless of whether it is organized under a chapter of the Code.

22. *"Receiving and loadout charge"* shall mean the charge made by the warehouse operator for receiving grain into and loading grain from the warehouse, exclusive of the warehouse operator's other charges.

23. *"Scale weight ticket"* means a load slip or other evidence, other than a receipt, given to a depositor by a warehouse operator licensed under this chapter upon initial delivery of the agricultural product to the warehouse.

24. *"Station"* means a warehouse located more than three miles from the central office of the warehouse.

25. *"Storage"* means any grain or other agricultural products that have been received and have come under care, custody or control of a warehouse operator either for the depositor for which a contract of purchase has not been negotiated or for the warehouse operator operating the facility.

26. *"United States Warehouse Act"* means the same as defined in section 203.1.

27. *"Unlicensed warehouse operator"* means a warehouse operator who retains grain in the warehouse not to exceed thirty days and is not licensed under the provisions of this chapter or the United States Warehouse Act.

28. *"Warehouse"* shall mean any building, structure, or other protected enclosure in this state used or usable for the storage of agricultural products. Buildings used in connection with the operation of the warehouse shall be deemed to be a part of the warehouse.

29. *"Warehouse operator"* means a person engaged in the business of operating or controlling a warehouse for the storing, shipping, handling or processing of agricultural products, but does not include an incidental warehouse operator.

30. *"Warehouse operator's obligation"* means a sufficient quantity and quality of grain or other products for which a warehouse operator is licensed including company owned grain and grain of depositors as the warehouse operator's records indicate. For an unlicensed warehouse operator it means a sufficient quantity and quality of grain to cover company owned grain and all deposits of grain for which actual payment has not been made.

[C24, 27, 31, §9719; C35, §9751-g1; C39, §**9751.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.1; 81 Acts, ch 180, §18]

86 Acts, ch 1006, §3; 86 Acts, ch 1152, §12, 13; 86 Acts, ch 1245, §671; 89 Acts, ch 143, §1002, 1101; 92 Acts, ch 1239, §66

C93, §203C.1

95 Acts, ch 28, §2; 99 Acts, ch 106, §9 – 11; 2003 Acts, ch 69, §13 – 16; 2008 Acts, ch 1083, §9; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1082, §2; 2012 Acts, ch 1095, §99 – 101

Referred to in §203.1, 203D.1

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203C.2 Duties and powers of the department — operator recordkeeping.

1. The department shall administer this chapter and may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products.

2. The department may inspect or cause to be inspected any warehouse including warehouse records as provided in this section. Inspections may be made at times and for purposes as the department determines. Except as provided in section 203C.6, the department shall inspect every licensed warehouse and its contents once every twelve months. The department shall prioritize inspections based on the system provided in section 203C.40. The department may require the filing of reports relating to a warehouse or its operation.

a. A licensed warehouse operator operating a licensed warehouse shall provide for complete and correct recordkeeping. The records shall account for the storage and withdrawal of all agricultural products handled in each warehouse which the warehouse operator is licensed to operate. The records shall include all original and duplicate receipts issued by, returned to, and canceled by the warehouse operator. A licensed warehouse operator shall keep records for the previous six years. If the licensed warehouse operator's records are incomplete or inaccurate, the department may reconstruct the warehouse operator's records in order to determine whether the warehouse operator is in compliance with the provisions of this chapter. The department may charge the licensed warehouse operator the actual cost for reconstructing the warehouse operator's records.

b. If upon inspection of a warehouse a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouse operator's books and records according to official grain standards, the department may require an employee of the department to remain at the licensed warehouse and supervise all operations involving agricultural products stored there under this chapter until the deficiency is corrected. The charge for the cost of maintaining an employee of the department at a warehouse to supervise the correction of a deficiency is one hundred fifty dollars per day.

3. The department may make available to the United States government, or any of its agencies, including the commodity credit corporation, the results of inspections made and inspection reports submitted to it by employees of the department, upon payment to it of charges as determined by the department, but the charges shall not be less than the actual cost of services rendered, as determined by the department. The department may enter into contracts and agreements for such purpose and shall keep a record of all money thus received.

4. The department may classify any warehouse in accordance with its suitability for the storage of agricultural products and shall specify in any license issued for the operation of a warehouse the only type or types and the quantity of agricultural products which may be stored in the warehouse. The department may prescribe, within the limitations of this chapter, the duties of licensed warehouse operators with respect to the care of and responsibility for the contents of licensed warehouses. Grain grades shall be determined under the official grain standards. The department may from time to time publish data in connection with the administration of this chapter as may be of public interest.

5. Moneys received by the department in administering this section shall be considered appropriated receipts as defined in section 8.2.

[C24, 27, 31, §9739, 9744, 9750; C35, §9751-g22, -g27, -g32; C39, §**9751.22, 9751.27, 9751.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.2; 81 Acts, ch 180, §19]

84 Acts, ch 1100, §3; 86 Acts, ch 1152, §14; 92 Acts, ch 1239, §67

C93, §203C.2

2003 Acts, ch 69, §17; 2024 Acts, ch 1185, §151

Referred to in §203C.36, 203C.40

203C.3 Appointment of department as receiver.

1. The department in its discretion may, following summary suspension of a license under section 203C.10, or following a suspension or revocation of a license as otherwise provided in section 203C.10 or 203C.11, file a verified petition in the district court requesting that the department be appointed as a receiver to take custody of commodities stored in the licensee's

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warehouse and to provide for the disposition of those assets in the manner provided in this chapter and under the supervision of the court. The petition shall be filed in the county in which the warehouse is located. The district court shall appoint the department as receiver. Upon the filing of the petition the court shall issue ex parte such temporary orders as may be necessary to preserve or protect the assets in receivership, or the value thereof, and the rights of depositors, until a plan of disposition is approved.

2. A petition filed by the department under subsection 1 shall be accompanied by the department's plan for disposition of stored commodities. The plan may provide for the pro rata delivery of part or all of the stored commodities to depositors holding warehouse receipts or unpriced scale weight tickets, or may provide for the sale under the supervision of the department of part or all of the stored commodities for the benefit of those depositors, or may provide for any combination thereof, as the department in its discretion determines to be necessary to minimize losses.

3. When a petition is filed by the department under subsection 1 the clerk of court shall set a date for hearing on the department's proposed plan of disposition at a time not less than ten nor more than fifteen days after the date the petition is filed. Copies of the petition, the notice of hearing, and the department's plan of disposition shall be served upon the licensee and upon the issuer of a deficiency bond or of an irrevocable letter of credit pursuant to section 203C.6 in the manner required for service of an original notice. A delay in effecting service upon the licensee or issuer is not cause for denying the appointment of a receiver and is not grounds for invalidating any action or proceeding in connection with the appointment.

4. The department shall cause a copy of each of the documents served upon the licensee under subsection 3 to be mailed by ordinary mail to every person holding a warehouse receipt or unpriced scale weight ticket issued by the licensee, as determined by the records of the licensee or the records of the department. The failure of any person referred to in this subsection to receive the required notification shall not invalidate the proceedings on the petition for the appointment of a receiver or any portion thereof. Persons referred to in this subsection are not parties to the action unless admitted by the court upon application therefor.

5. When appointed as a receiver under this chapter, the department shall cause notification of the appointment to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location, and in a newspaper of general circulation in this state.

6. The department may designate an employee of the department to appear on behalf of the department in any proceedings before the court with respect to the receivership, and to exercise the functions of the department as receiver under this section and section 203C.4, except that the department shall determine whether or not to petition for appointment as receiver, shall approve the proposed plan for disposition of stored commodities, shall approve the proposed plan for distribution of any cash proceeds, and shall approve the proposed final report.

7. The actions of the department in connection with petitioning for appointment as a receiver, and all actions pursuant to such appointment, shall not be subject to the provisions of the administrative procedure Act, chapter 17A.

8. A person employed or appointed by the department and carrying out the duties of the department acting as receiver under this chapter shall be deemed to be an employee of the state as defined in section 669.2. Chapter 669 is applicable to any claim as defined in section 669.2 against the person carrying out the duties of the department acting as receiver.

[C79, 81, §543.3]
86 Acts, ch 1152, §15; 89 Acts, ch 143, §501
C93, §203C.3
2014 Acts, ch 1026, §41
Referred to in §203.12A, 203.12B, 203C.12A, 203D.3, 602.8102(76)

203C.4 Powers and duties of receiver.

1. When the department is appointed as receiver under this chapter the issuer of a deficiency bond or of an irrevocable letter of credit pursuant to section 203C.6 shall be

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joined as a party defendant by the department. If required by the court, the issuer shall pay the indemnification proceeds or so much thereof as the court finds necessary into the court, and when so paid the issuer shall be absolutely discharged from any further liability under the bond or irrevocable letter of credit to the extent of the payment.

2. When appointed as receiver under this chapter the department is authorized to give notice in the manner specified by the court to persons holding warehouse receipts or other evidence of deposit issued by the licensee to file their claims within one hundred twenty days after the date of appointment. Failure to timely file a claim shall defeat the claim with respect to the issuer of a deficiency bond or of an irrevocable letter of credit, grain depositors and sellers indemnity fund created in chapter 203D, and any commodities or proceeds from the sale of commodities, except to the extent of any excess commodities or proceeds of sale remaining after all timely claims are paid in full.

3. When the court approves the sale of commodities, the department shall employ a merchandiser to effect the sale of those commodities. A person employed or appointed as a merchandiser is deemed to be an employee of the state as defined in section 669.2 and chapter 669 is applicable to any claim as defined in section 669.2 against the person acting as a merchandiser. A person employed as a merchandiser must meet the following requirements:

a. The person shall be experienced or knowledgeable in the operation of warehouses licensed under this chapter; and if the person has ever held a license issued under this chapter, the person shall never have had that license suspended or revoked.

b. The person shall be experienced or knowledgeable in the marketing of agricultural products.

c. The person shall not be the holder of a warehouse receipt or scale weight ticket issued by the licensee, and shall not have a claim against the licensee whether as a secured or unsecured creditor, and otherwise shall not have any pecuniary interest in the licensee or the licensee's business. The merchandiser shall be entitled to reasonable compensation as determined by the department, payable out of funds appropriated for operating expenses of the department. A sale of commodities shall be made in a commercially reasonable manner and under the supervision of the warehouse bureau of the department. The department shall provide for the payment out of appropriations to the department of all expenses incurred in handling and disposing of commodities. The department shall have authority to sell the commodities, any provision of chapter 554 to the contrary notwithstanding, and any commodities so sold shall be free of all liens and other encumbrances.

4. The plan of disposition, as approved by the court, shall provide for the distribution of the stored commodities, or the proceeds from the sale of commodities, or the proceeds from any insurance policy, deficiency bond, or irrevocable letter of credit, less expenses incurred by the department in connection with the receivership, to depositors as their interests are determined. Distribution shall be without regard to any setoff, counterclaim, or storage lien or charge.

5. The department may, with the approval of the court, continue the operation of all or any part of the business of the licensee on a temporary basis and take any other course of action or procedure which will serve the interests of the depositors.

6. The department is entitled to reimbursement out of commodities or proceeds held in receivership for all expenses incurred as court costs or in handling and disposing of stored commodities, and for all other costs directly attributable to the receivership. The right of reimbursement of the department is prior to any claims against the commodities or proceeds of sales of commodities, and constitutes a claim against a deficiency bond or irrevocable letter of credit.

7. If the approved plan of disposition requires a distribution of cash proceeds, the department shall submit to the court a proposed plan of distribution of those proceeds. Upon notice and hearing as required by the court, the court shall accept or modify the proposed plan. When the plan is approved by the court and executed by the department, the department shall be discharged and the receivership terminated.

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8. At the termination of the receivership the department shall file a final report containing the details of its actions, together with such additional information as the court may require.

[C79, 81, §543.4]

86 Acts, ch 1152, §16; 87 Acts, ch 147, §5; 89 Acts, ch 143, §101, 502

C93, §203C.4

Referred to in §203.12B, 203C.3

203C.5 Rules — documents and forms.

1. The department shall adopt rules as it deems necessary for the efficient administration of this chapter, and may designate an employee or officer of the department to act for the department in any details connected with administration, including the issuance of licenses and approval of deficiency bonds or irrevocable letters of credit in the name of the department, but not including matters requiring a public hearing or suspension or revocation of licenses.

2. *a.* The department may adopt rules specifying the form, content, and use of documents issued by a warehouse operator under this chapter including but not limited to scale weight tickets, warehouse receipts, settlement sheets, and daily position records. The department may adopt rules for both printed and electronic documents, including rules for the transmission, receipt, authentication, and archiving of electronically generated or stored documents.

b. All scale weight ticket forms and warehouse receipt forms in the possession of a warehouse operator shall have been permanently and consecutively numbered at the time of printing. A warehouse operator shall maintain an accurate record of the numbers of these documents. The record shall include the disposition of each form, whether issued, destroyed, or otherwise disposed of. The department may by rule require this use of prenumbered forms and recording for documents other than scale weight tickets and warehouse receipts.

[C24, 27, 31, §9721; C35, §9751-g3; C39, §**9751.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §543.3; C79, 81, §543.5; 81 Acts, ch 180, §20]

86 Acts, ch 1152, §17

C93, §203C.5

2008 Acts, ch 1083, §10; 2023 Acts, ch 154, §9, 19

Referred to in §203C.6

203C.6 Issuance of license and financial responsibility.

1. The department, upon application to it, may issue to a warehouse operator or to a person about to become a warehouse operator a license for the operation of a warehouse in accordance with this chapter and the rules adopted by the department under section 203C.5. A single license to operate two or more warehouses located anywhere within the state may be issued.

2. The type of license required shall be determined as follows:

a. A class 1 license is required if the storage capacity of a warehouse is more than one hundred thousand bushels.

b. A class 2 license is required for a warehouse that is not required to have a class 1 license.

3. An application for a warehouse license shall be accompanied by a complete financial statement of the applicant setting forth the assets, liabilities and net worth of the applicant. The financial statement must be prepared according to generally accepted accounting principles. Assets shall be shown at original cost less depreciation. Upon written request, the department may allow asset valuations in accordance with a competent appraisal. Unpriced contracts shall be shown as a liability and valued at the applicable current market price of grain as of the date the financial statement is prepared.

4. In order to receive and retain a class 1 license, the following conditions must be satisfied:

a. The warehouse operator shall have and maintain a net worth of at least twenty-five cents per bushel of warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction

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thereof of net worth deficiency. However, a person shall not be licensed as a class 1 warehouse operator if the person has a net worth of less than twenty-five thousand dollars.

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause. A warehouse operator shall submit financial statements to the department in addition to those required in this paragraph if the department determines that it is necessary to verify the warehouse operator's financial status or compliance with this subsection.

5. In order to receive and maintain a class 2 license, the following conditions must be satisfied:

a. The warehouse operator shall have and maintain a net worth of at least twenty-five cents per bushel of warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be licensed as a class 2 warehouse operator if the person has a net worth of less than ten thousand dollars.

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause. A warehouse operator shall submit financial statements to the department in addition to those required in this paragraph if the department determines that it is necessary to verify the warehouse operator's financial status or compliance with this subsection.

6. The department may adopt rules governing the timing and form of financial statements to be submitted to it. The department may require additional information or verification with respect to the financial resources of the applicant or licensee and the applicant's or licensee's ability to maintain the quantity and quality of stored grain.

7. The department may deny a license to an applicant if the applicant has had a license issued under chapter 203 or this chapter revoked within the past three years, the applicant has been convicted of a felony involving violations of chapter 203 or this chapter, or the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted.

8. The department may deny a license to an applicant if any of the following apply:

a. The applicant has caused liability to the grain depositors and sellers indemnity fund through operations under a license issued under this chapter or chapter 203, and the liability has not been discharged, settled, or satisfied.

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b. The applicant is owned or controlled by a person who has caused liability to the fund through operations under a license issued under this chapter or chapter 203, and the liability has not been discharged, settled, or satisfied.

9. A deficiency bond or irrevocable letter of credit filed with the department pursuant to this section shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the department and the principal.

[C24, 27, 31, §9722; C35, §9751-g4; C39, §**9751.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §543.4; C79, 81, §543.6; 81 Acts, ch 180, §21]

86 Acts, ch 1152, §18, 19; 87 Acts, ch 147, §6, 7; 88 Acts, ch 1134, §98; 89 Acts, ch 143, §303, 304, 702, 801, 802; 92 Acts, ch 1239, §69, 70

C93, §203C.6

2003 Acts, ch 69, §48; 2007 Acts, ch 22, §49; 2008 Acts, ch 1083, §11, 12; 2012 Acts, ch 1095, §102; 2023 Acts, ch 154, §10, 19; 2025 Acts, ch 105, §8, 9; 2026 Acts, ch 1139, §39, 40, 44

Referred to in §203C.1, 203C.2, 203C.3, 203C.4, 203C.7, 203C.11, 203C.36, 203C.39

Subsection 4, paragraph b stricken and rewritten

Subsection 5, paragraph b stricken and rewritten

203C.7 Application for the issuance or renewal of a license.

1. Each application for the issuance of a license shall be in writing on a form prescribed by the department, subscribed and sworn to by the applicant or a duly authorized representative of the applicant. In addition to any other information required by rule of the department the application shall include all of the following:

a. The name of the person making the application, the names of all partners if the applicant is a partnership, and the names and titles of the principal officers or managers if the applicant is a legal entity including but not limited to a limited partnership, limited liability partnership, limited liability company, corporation, or cooperative association.

b. The principal office or place of business of the applicant.

c. A general description of each warehouse as to storage capacity, type of construction, mechanical equipment, if any, and condition.

d. The approximate location of each warehouse.

e. The type and quantity of agricultural product, or products intended to be stored in each warehouse.

f. A complete financial statement for use of the department in the administration of this chapter, as required by section 203C.6.

g. A tariff on a form to be prescribed by the department for storage, receiving, and loadout charges.

2. Each application for the renewal of a license shall be in writing and include information required by the department, including changes to information required in subsection 1.

[C24, 27, 31, §9722; C35, §9751-g4; C39, §**9751.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §543.5; C79, 81, §543.7]

89 Acts, ch 143, §803

C93, §203C.7

2010 Acts, ch 1082, §3

Referred to in §203C.9, 203C.37, 203D.3A, 203D.5

203C.8 License to specify type and quantity of products which may be stored.

The department shall determine with respect to each application for a license whether the warehouse or warehouses described in the application is or are suitable for the proper and safe storage of the particular agricultural product or products intended to be stored therein in the quantities specified in the application, provided that no warehouse shall be found to be suitable and safe for the storage of bulk grain unless such warehouse is equipped with a fixed or portable mechanical device of a type in common use as an adjunct to the movement of bulk grain. Each license issued for the operation of a single warehouse shall specify the type or types and quantities of agricultural products which may be stored in such warehouse. Each license issued to a warehouse operator for the operation of two or more warehouses shall specify with respect to each warehouse the type or types and quantities of agricultural product which may be stored in such warehouse. It shall be unlawful for any

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licensed warehouse operator to accept for storage or to store in any licensed warehouse any agricultural product or products other than the type or types and quantities specified in the license for the operation of such warehouse.

[C24, 27, 31, §9722; C35, §9751-g4; C39, §**9751.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §543.6; C79, 81, §543.8; 81 Acts, ch 180, §22]

C93, §203C.8

Referred to in §203D.5

203C.9 Amendment of license.

The department is authorized, upon its own motion, or upon receipt of written application, to amend any license previously issued by it, to change or modify the provisions as to the type and quantity of agricultural products which may be stored in the warehouse or warehouses in respect to which the license was originally issued. Application for amendments to licenses shall include the same information, except as to the financial condition of the applicant, as required by section 203C.7 to be included in an original application. Applications for amendments of licenses shall be considered by the department on the same basis as applications for original licenses, and except as otherwise provided in this chapter, a license when amended shall have the same status, as of the date of the amendment, as though originally issued as amended.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §543.8; C79, 81, §543.9]

C93, §203C.9

203C.10 Action affecting a license.

1. The cessation of a warehouse operator's license occurs from any of the following:

a. The revocation of the license by the department as provided in subsection 2.

b. The cancellation of the license as provided in section 203C.37.

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter pursuant to chapter 17A.

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted in accordance with this chapter pursuant to chapter 17A.

3. The department may suspend or revoke the license of a warehouse operator for failing to consent to a departmental inspection or cooperate with the department during an inspection as provided by this chapter.

[C24, 27, 31, §9747; C35, §9751-g29; C39, §**9751.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.10]

89 Acts, ch 143, §101

C93, §203C.10

98 Acts, ch 1202, §34, 46; 2003 Acts, ch 69, §18; 2012 Acts, ch 1095, §103; 2013 Acts, ch 90, §34; 2014 Acts, ch 1092, §37

Referred to in §203.12A, 203C.3, 203D.6

203C.11 Suspension or revocation for insufficient evidence of financial responsibility — notice.

1. The department shall proceed under section 203C.15 if it has cause to believe that a licensed warehouse operator does not provide for and carry an insurance policy as required in that section.

2. If the department determines that the net worth of a licensed warehouse operator is not in compliance with the requirements of section 203C.6, the department shall issue a notice to the warehouse operator and shall suspend the warehouse operator's license if the warehouse operator does not provide evidence of compliance within thirty days of the issuance of the notice. The department shall inspect the warehouse at the end of the thirty-day period. If evidence of compliance is not provided within sixty days of the issuance of the notice, the department shall revoke the warehouse operator's license, and shall again inspect the warehouse. If a license is revoked, the department shall give notice of the revocation to each holder of an outstanding warehouse receipt and to all known persons who have grain retained in open storage. The revocation notice shall state that the grain

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must be removed from the warehouse not later than the thirtieth day after the issuance of the revocation notice. The revocation notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection. The department shall conduct a final inspection of the warehouse at the end of the thirty-day period following the issuance of the revocation notice.

3. When the department receives notice that a deficiency bond or irrevocable letter of credit is being canceled by the issuer, and determines that upon the cancellation the warehouse operation will not be in compliance with section 203C.6, the department shall suspend the warehouse operator's license if a new deficiency bond or irrevocable letter of credit is not received by the department within sixty days of receipt by the department of the notice of cancellation. If a new deficiency bond or irrevocable letter of credit is not received by the department within thirty days following suspension, the warehouse operator's license shall be revoked. When a license is revoked, the department shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation, and shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.

[C24, 27, 31, §9748; C35, §9751-g30; C39, §**9751.30;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.11; 81 Acts, ch 180, §23; 82 Acts, ch 1093, §2]

86 Acts, ch 1006, §4; 86 Acts, ch 1152, §20, 21

C93, §203C.11

2012 Acts, ch 1095, §104

Referred to in §203C.3

203C.12 Participation in fund required.

A person licensed to operate a warehouse under this chapter shall participate in and comply with the grain depositors and sellers indemnity fund provided in chapter 203D.

[C24, 27, 31, §9723; C35, §9751-g5; C39, §**9751.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.12]

86 Acts, ch 1152, §22

C93, §203C.12

203C.12A Lien on warehouse operator assets.

1. A statutory lien is imposed on all warehouse operator assets in favor of depositors possessing warehouse receipts covering grain stored by the warehouse operator and depositors with written evidence of ownership other than warehouse receipts disclosing a storage obligation of a warehouse operator.

2. *"Warehouse operator assets"* includes proceeds received or due a warehouse operator upon the sale, including exchange, collection, or other disposition, of grain sold by the warehouse operator. As used in this section, *"proceeds"* means noncash and cash proceeds as defined in section 554.9102. *"Warehouse operator assets"* also includes storage payments received or due to a warehouse operator, grain owned by the warehouse operator, and any other funds or property of the warehouse operator which can be directly traced as being from the sale of grain by the warehouse operator, or which were utilized in the business operation of the warehouse operator. A court, upon petition by an affected party, may order that claimed warehouse operator assets are not warehouse operator assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not warehouse operator assets as defined in this section.

3. The lien shall arise at the commencement of the storage obligation, and shall terminate when the liability of the warehouse operator to the depositor has been discharged. The lien of all depositors is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed on or after

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the date of suspension but not later than sixty days after the incurrence date as provided in section 203D.6. The lien statement shall disclose the name of the warehouse operator, the address of the warehouse operator's principal place of business, a description of identifiable warehouse operator assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing the grain depositors and sellers indemnity fund for the payment of claims made against the fund resulting from the breach of the warehouse operator's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board shall upon written demand of the warehouse operator file a termination statement with the secretary of state, if after one hundred eighty days from the date that the lien is perfected the warehouse operator's license has not ceased by revocation, cancellation, or expiration. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the warehouse operator.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9322.

8. In the event the department is appointed as a receiver under section 203C.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. *a.* The Iowa grain indemnity fund board may enforce the lien in the manner provided in chapter 554, article 9, part 6, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the warehouse operator assets, the remaining assets shall be returned to the warehouse operator or, if there are competing claims to those remaining assets by other creditors, those assets shall be placed in the custody of the district court and the known creditors impleaded.

b. For purposes of enforcement of the lien, the board is deemed to be the secured party and the warehouse operator is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 6. If a right or duty under chapter 554, article 9, part 6, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the warehouse operator's primary place of business is located or in Polk county.

92 Acts, ch 1239, §71; 2000 Acts, ch 1149, §164, 187; 2009 Acts, ch 41, §263; 2012 Acts, ch 1095, §105

Referred to in §203D.5A

203C.13 Form and amount of evidence of financial responsibility.

1. A warehouse operator who stores only agricultural products other than bulk grain shall have and maintain a net worth of at least ten percent of the value of the warehouse capacity, or maintain a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of net worth deficiency. However, a person shall not be eligible for a license to store only agricultural products other than bulk grain if the person has a net worth of less than ten thousand dollars.

2. If the agricultural product or products intended to be stored by the warehouse operator, as specified in the application for a license or amended license, are other than bulk grain, the quantity of such product intended to be stored shall be valued at the fair market price on the date of filing the application, and the minimum amount of bond shall be determined with reference to such value as follows:

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a. For intended storage of such products of a value less than twenty thousand dollars the minimum amount of the bond shall be three thousand dollars, plus one thousand dollars for each two thousand dollars, or fraction thereof, of value in excess of six thousand dollars up to twenty thousand dollars.

b. For intended storage of such products of a value not less than twenty thousand dollars and not more than fifty thousand dollars the minimum amount of the bond shall be ten thousand dollars plus one thousand dollars for each three thousand dollars, or fraction thereof, of value in excess of twenty thousand dollars up to fifty thousand dollars.

c. For intended storage of such products of a value not less than fifty thousand dollars the minimum amount of the bond shall be twenty thousand dollars plus one thousand dollars for each five thousand dollars, or fraction thereof, of value in excess of fifty thousand dollars.

3. A bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the department and the principal. When the department receives notice from an issuer that it has canceled the bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain of a warehouse operator, the department shall suspend the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain if a new bond, deficiency bond, or irrevocable letter of credit is not received by the department within sixty days of the issuance of the notice of cancellation. The department shall conduct an inspection of the licensee's warehouse immediately at the end of the sixty-day period. If a new bond, deficiency bond, or irrevocable letter of credit is not provided within ninety days of the issuance of the notice of cancellation, the department shall revoke the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain. The department shall conduct a further inspection of the licensee's warehouse after the ninety-day period. When an authorization to store or accept for storage agricultural products other than bulk grain is revoked, the department shall give notice of the revocation to all known persons who have agricultural products other than bulk grain in storage, and shall notify them that the agricultural products other than bulk grain must be removed from the warehouse not later than one hundred twenty days after the issuance of the notice of cancellation. The revocation notice shall be sent by ordinary mail to the last known address of each person having agricultural products other than bulk grain in storage. The department shall cause a final inspection of the licensee's warehouse after the end of the one hundred twenty-day period.

[C24, 27, 31, §9725; C35, §9751-g6; C39, §**9751.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.13]

86 Acts, ch 1006, §5; 86 Acts, ch 1152, §23, 24

C93, §203C.13

2012 Acts, ch 1095, §106

203C.14 Suit — claims — notice of revocation.

1. A person injured by the breach of an obligation of a warehouse operator, for the performance of which a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit has been given under any of the provisions of this chapter, may sue on the bond on agricultural products other than bulk grain, deficiency bond, or irrevocable letter of credit in the person's own name in a court of competent jurisdiction to recover any damages the person has sustained by reason of the breach.

2. *a.* Upon the cessation of a warehouse operator's license due to revocation, cancellation, or expiration, a claim against the warehouse operator arising under this chapter shall be made in writing with the warehouse operator, with the issuer of a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit, and, if the claim relates to bulk grain, with the department. The claim must be made within one hundred twenty days after the cessation of the license. The failure to make a timely claim relieves the issuer and, if the claim relates to bulk grain, the grain depositors and sellers indemnity fund provided in chapter 203D of all obligations to the claimant.

b. Upon revocation of a warehouse license, the department shall cause notice of the

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revocation to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location and in a newspaper of general circulation within the state. The notice shall state the name and address of the warehouse operator and the effective date of revocation. The notice shall also state that any claims against the warehouse operator shall be made in writing and sent by ordinary mail to the warehouse operator, to the issuer of a bond on agricultural products other than bulk grain, deficiency bond, or an irrevocable letter of credit, and to the department within one hundred twenty days after revocation, and the notice shall state that the failure to make a timely claim does not relieve the warehouse operator from liability to the claimant.

c. This subsection does not apply if a receiver is appointed as provided in this chapter pursuant to a petition which is filed by the department prior to the expiration of one hundred twenty days after cessation of warehouse operator's license.

[C24, 27, 31, §9749; C35, §9751-g31; C39, §**9751.31;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.14]

86 Acts, ch 1152, §25

C93, §203C.14

2012 Acts, ch 1095, §107; 2012 Acts, ch 1138, §56

Referred to in §203D.6

203C.15 Insurance required — exception.

1. A warehouse operator shall maintain insurance coverage as provided in this section. In order to maintain insurance coverage, all agricultural products in storage in a licensed warehouse and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator as provided in this section for the current value of the agricultural products against loss by fire, inherent explosion, windstorm, or any other similar catastrophe designated by rules which may be adopted by the department.

2. The insurance coverage required in subsection 1 shall be carried by one or more insurance companies. Such an insurance company must be all of the following:

a. Organized or operating under the laws of this state or authorized by the laws of this state to do business in this state.

b. An insurer of agricultural products in this state as provided in subsection 1.

3. Insurance coverage may be terminated by its expiration without renewal, or canceled by the insurance company on its own volition or as a result of an action or inaction by the insured licensed warehouse operator.

4. A licensed warehouse operator shall be responsible for providing the department with all of the following:

a. Evidence of insurance coverage as required in subsection 2 that is an insurance policy or other document approved by the department which evidences property and casualty insurance.

b. Proof of insurance which verifies that evidence of insurance coverage submitted by a licensed warehouse operator complies with subsection 1.

5. A warehouse operator must submit evidence of insurance coverage with the department as required by the department. The department must approve the evidence of insurance coverage before the department files it. A warehouse operator shall not be issued a license or retain a license unless evidence of insurance coverage is on file with the department.

6. The department may demand proof of insurance coverage by the licensed warehouse operator, regardless of whether the department has previously approved proof of insurance or approved or filed evidence of insurance coverage. The demand must be in writing and must explain the department's enforcement action resulting from the warehouse operator's noncompliance.

a. The licensed warehouse operator may comply with the demand by doing any of the following:

(1) Assuring the department that existing evidence of insurance coverage filed with the department complies with the requirements of this section.

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(2) Obtaining additional or new insurance coverage. The licensed warehouse operator must submit and the department must approve and file the supplemental or new evidence of insurance coverage necessary to comply with the requirements of this section.

b. If the licensed warehouse operator fails to comply with the requirements of the demand letter as set out in paragraph *"a"*, the department shall take enforcement action as follows:

(1) Thirty days after delivering the demand letter to the licensed warehouse operator, the department shall suspend the warehouse license.

(2) Forty days after delivering the demand letter to the licensed warehouse operator, the department shall revoke the warehouse license.

c. The department may inspect a licensed warehouse at any time.

d. The department shall terminate an enforcement action as provided in paragraph *"b"*, if the licensed warehouse operator submits any proof of insurance or supplemental or new evidence of insurance which the department approves. However, this paragraph *"d"* applies only if the licensed warehouse operator submits the proof of insurance or evidence of insurance prior to the effective date of the revocation.

7. An insurance company shall not cancel insurance coverage unless any of the following applies:

a. The insurance company provides the department and the licensed warehouse operator with at least ninety days' notice of cancellation by mail.

b. The insurance coverage is renewed or replaced by the licensed warehouse operator, and the department has approved and filed the evidence of insurance coverage at the time that the department would have received the mailed notice of cancellation.

8. The department shall take enforcement action against a licensed warehouse whose insurance coverage has been terminated by cancellation or expiration.

a. The department shall suspend the warehouse license. The suspension shall take effect on the date that the insurance coverage terminates. However, the department shall terminate the suspension if the licensed warehouse operator submits proof of insurance or any renewed or new evidence of insurance coverage to the department. In addition, all of the following requirements apply:

(1) The department must receive the proof of insurance or evidence of insurance coverage within ten days after the effective date of the suspension.

(2) The department must approve the proof of insurance or evidence of insurance coverage.

b. The department shall revoke the warehouse license. The revocation shall take effect eleven days after the effective date of the suspension, unless the suspension is terminated as provided in paragraph *"a"*.

9. When a license is revoked, the department shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the revocation. The department shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following the revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.

10. Claimants against the insurance have precedence in the following order:

a. Holders of warehouse receipts other than the warehouse operator and owners of bulk grain other than the warehouse operator.

b. Owners of all other agricultural products as their interests appear.

c. Warehouse operators who have warehouse receipts.

d. Warehouse operators who are the owners of bulk grain.

11. However, notwithstanding the insurance requirements set forth in this section, a licensed warehouse may exclude from the insurance coverage stored grain to which title is fully vested in the United States government or any of its subdivisions or agencies, provided that the licensed warehouse has on file with the United States government or any of its subdivisions or agencies a current and accepted uninsured storage rate under the provisions of their uniform grain storage agreement. The licensed warehouse shall file a copy of the

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current uninsured tariff rate with the department immediately upon acceptance of the uninsured rate by the United States government or any of its subdivisions or agencies.

[C24, 27, 31, §9725; C35, §9751-g7; C39, §**9751.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.15]

86 Acts, ch 1006, §6; 86 Acts, ch 1103, §1; 86 Acts, ch 1152, §26; 89 Acts, ch 143, §804

C93, §203C.15

2009 Acts, ch 41, §217; 2012 Acts, ch 1095, §108 – 110; 2013 Acts, ch 30, §42; 2014 Acts, ch 1092, §38

Referred to in §203C.11

203C.16 License required for the storage of bulk grain.

A person other than a licensed warehouse operator shall not place in storage or accept for storage any bulk grain. A person shall not place bulk grain in storage in a warehouse other than a licensed warehouse. This section shall not apply to any of the following:

1. The acceptance and storage of bulk grain by a person bonded and licensed under the United States Warehouse Act.

2. The storage of bulk grain by a person who owns all the stored bulk grain.

3. *a.* The storage of bulk grain by more than one person, if all of the following apply:

(1) The bulk grain was jointly produced by all persons storing the grain.

(2) The bulk grain is stored on the property owned or leased by one of the persons jointly producing the grain.

(3) No person other than persons jointly producing the grain owns the stored bulk grain.

b. As used in this subsection, *"jointly produced"* includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.

[C24, 27, 31, §9722, 9724; C35, §9751-g2; C39, §**9751.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.16]

C93, §203C.16

94 Acts, ch 1113, §1; 2012 Acts, ch 1095, §111; 2013 Acts, ch 90, §35

203C.17 Receiving bulk grain at licensed and unlicensed warehouses.

1. Grain deposited with a licensed warehouse operator for which the actual sale price has not been fixed and either proper documentation has not been furnished or payment has not been made shall be considered stored grain and may be retained in open storage or placed under warehouse receipt. The licensed warehouse operator shall issue a warehouse receipt to the depositor upon request by the depositor. The warehouse operator's tariff shall apply to any grain that is retained in open storage or placed under warehouse receipt as provided in section 203C.18.

2. Bulk grain deposited with a licensed warehouse operator for processing, cleaning, drying, shipping for the account of the depositor, or any other purpose shall be removed within thirty days from the date of deposit or such grain shall be considered stored grain. The warehouse operator's tariff shall apply to the bulk grain as provided in section 203C.28.

3. Grain deposited and subject to a scale weight ticket that fails to have the price fixed and properly documented on the records of the licensed warehouse operator shall be retained in open storage.

4. All bulk grain whether retained in open storage and deposited subject to a scale weight ticket or placed under warehouse receipt is covered by the grain depositors and sellers indemnity fund as provided in chapter 203D.

5. An unlicensed warehouse operator shall not retain deposited bulk grain, if its actual sale price has not been fixed, and payment for the bulk grain has not been made within thirty days from its date of deposit, unless purchased by credit-sale contract. An unlicensed warehouse operator who retains deposited bulk grain under any other circumstance must either return the bulk grain to the depositor, or dispose of the bulk grain by order of the depositor, within thirty days from date of the deposit of the bulk grain.

6. If the depositor of bulk grain in an unlicensed warehouse fails to sell the grain or orders other disposition of the grain, the warehouse operator may purchase the grain, if otherwise

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allowed by law, on the thirtieth day after deposit at not less than the local market price at the close of business on the thirtieth day or return the grain to the depositor by the thirtieth day.

7. A licensed warehouse operator who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department shall not purchase grain on credit-sale contract to correct the shortage of grain. A licensed warehouse operator shall not issue a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased by credit-sale contract and is unpaid for by the warehouse operator.

8. *a.* At least once each year, a licensed warehouse operator shall send a statement to each holder of a warehouse receipt covering grain stored at the licensed warehouse operator's licensed warehouse for more than one year. The statement shall be delivered in person or mailed to the holder's last known address. The statement shall show the amount of all grain stored pursuant to a warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain.

b. The failure to prepare a statement required by this subsection is a simple misdemeanor.

c. A violation of this section shall not constitute grounds for the suspension or revocation of a warehouse operator's license.

[C24, 27, 31, §9730; C35, §9751- g12; C39, §**9751.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.17; 81 Acts, ch 180, §24]

86 Acts, ch 1152, §27; 92 Acts, ch 1239, §72, 73

C93, §203C.17

99 Acts, ch 106, §12; 2007 Acts, ch 30, §45, 46, 80; 2009 Acts, ch 41, §218; 2012 Acts, ch 1095, §112; 2023 Acts, ch 154, §11, 19

203C.18 Warehouse receipts — issuance, printing, and electronic filing.

1. For all agricultural products that become storage in a licensed warehouse, warehouse receipts signed by the licensed warehouse operator or the operator's authorized agent shall be issued by the licensed warehouse operator. Such warehouse receipts shall be in the form required or permitted by uniform commercial code, sections 554.7202 and 554.7204, provided, however, that each receipt issued for agricultural products, in addition to the matters specified in uniform commercial code, section 554.7202, shall embody in its written or printed terms:

a. The receiving and loadout charges which will be made by the warehouse operator.

b. The grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made; provided that such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated; provided, further, that until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the secretary of agriculture of the United States.

c. A statement that the receipt is issued subject to this chapter.

d. Such other terms and conditions as may be required by rules of the department.

2. Warehouses that are not licensed pursuant to this chapter or by the United States government shall not issue warehouse receipts for agricultural products.

3. A form for a warehouse receipt shall only be printed by a person approved by the department. A form for a warehouse receipt shall be printed in accordance with specifications set forth by the department. A warehouse operator shall surrender to the department all forms for warehouse receipts that are unused at the time that the warehouse operator's license is suspended or ceases due to revocation, cancellation, or expiration. The warehouse operator shall surrender the warehouse receipts in a manner required by the department.

4. The department may adopt rules to allow for the issuance of electronic warehouse receipts by a provider who is a person approved by the department to maintain a secure

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electronic central filing system of electronic records including warehouse receipts and who is independent of an outside influence or bias in action or appearance.

[C24, 27, 31, §9736, 9737; C35, §9751-g17, 9751-g18; C39, §**9751.17, 9751.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.18; 81 Acts, ch 180, §25]

86 Acts, ch 1152, §28

C93, §203C.18

2007 Acts, ch 30, §45, 46, 81; 2009 Acts, ch 133, §77; 2012 Acts, ch 1095, §113, 114

Referred to in §203C.17, 203C.20

203C.19 Rights and obligations with respect to warehouse receipts — lost receipts.

1. Insofar as not inconsistent with the provisions of this chapter, original or duplicate receipts issued by licensed warehouse operators shall be deemed to have been issued under the provisions of uniform commercial code, chapter 554, article 7.

2. Duplicates and releases for lost, destroyed, or stolen warehouse receipts may be issued only in accordance with the provisions of sections 554.7601 and 554.7601A.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.19]

C93, §203C.19

2007 Acts, ch 30, §45, 46, 82

Referred to in §203C.20

203C.20 Receipt by warehouse operator to self.

A licensed warehouse operator may issue a warehouse receipt for agricultural products owned by the warehouse operator and dispose of the title to or interest in such products through the medium of such receipt. Such receipt shall be of the same standing as though it had been issued to a person other than the licensed warehouse operator upon a rightful deposit of the products by such other person. Sections 203C.18 and 203C.19 shall be applicable to any such receipt.

[C71, 73, 75, 77, 79, 81, §543.20]

C93, §203C.20

203C.21 and 203C.22 Reserved.

203C.23 Warehouse operator's obligation.

1. A warehouse operator shall maintain at all times sufficient quantity and quality of grain or other agricultural products to cover the warehouse operator's obligation. A warehouse operator shall not at any time have less grain or other agricultural products in the warehouse than the obligations to depositors, as determined by an investigation of the warehouse operator's records.

2. An incidental warehouse operator shall maintain at all times sufficient quantity and quality of grain to cover the incidental warehouse operator's obligation. An incidental warehouse operator shall not at any time have less grain in a warehouse than the obligations to depositors, as determined by an investigation of the incidental warehouse operator's records.

[81 Acts, ch 180, §29]

C83, §543.23

C93, §203C.23

99 Acts, ch 106, §13

203C.24 Confidentiality of records.

Notwithstanding the provisions of chapter 22, all financial statements of warehouse operators under this chapter shall be kept confidential by the department and its agents and employees and are not subject to disclosure except as follows:

1. Upon waiver by the licensee.
2. In actions or administrative proceedings commenced under this chapter or chapter 203.
3. Disclosure to the Iowa grain indemnity fund board in regard to licensees who present liability to the fund.
4. When required by subpoena or other court orders.

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5. Disclosure to law enforcement agencies in regards to the detection and prosecution of public offenses.

6. Where released to a bonding company approved by the department or to the United States department of agriculture or any of their divisions.

7. Where released at the request of the Iowa accountancy examining board for licensee review and discipline in accordance with chapters 272C and 542 and subject to the confidentiality requirements of section 272C.6.

[81 Acts, ch 180, §30]
C83, §543.24
83 Acts, ch 104, §2; 89 Acts, ch 143, §602
C93, §203C.24
99 Acts, ch 106, §14; 2001 Acts, ch 55, §24, 38; 2024 Acts, ch 1170, §249
Referred to in §203D.4

203C.25 Shrinkage adjustments — disclosures — penalties.

1. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the scale weight of the grain to compensate for the moisture content of the grain shall compute the amount of the adjustment by multiplying the scale weight of the grain by that factor which results in a rate of adjustment of one and eighteen hundredths percent of weight per one percent of moisture content. The person who uses any rate of weight adjustment for moisture content other than the one prescribed by this subsection commits a fraudulent practice as defined in section 714.8. The person shall post on the business premises in a conspicuous place notice of the rate of adjustment for moisture content as prescribed by this subsection. The person who fails to make this disclosure commits a simple misdemeanor.

2. A person who, in connection with the receipt of grain for storage, processing, or sale, adjusts the quantity of the grain received to compensate for losses to be incurred during the handling, processing, or storage of the grain shall post on the business premises in a conspicuous place notice of the rate of adjustment to be made for this shrinkage. The person who fails to make this disclosure commits a simple misdemeanor.

3. A person who adjusts the scale weight of grain for moisture content and for handling, processing, or storage losses may combine the two adjustment factors into a single factor and may use this resulting factor to compute the amount of weight adjustment in connection with storage, processing, or sale transactions, provided that the person shall post on the business premises in a conspicuous place a notice that discloses the moisture shrinkage factor prescribed by subsection 1, the handling shrinkage factor to be imposed, and the single factor that results from combining these factors. The person who fails to make this disclosure commits a simple misdemeanor.

[81 Acts, ch 180, §31]
C83, §543.25
C93, §203C.25
2023 Acts, ch 154, §12, 19

203C.26 Reserved.

203C.27 Discrimination. Repealed by 2012 Acts, ch 1095, §117.

203C.28 Tariff rates.

1. A warehouse operator shall, at the time of application for a license, file a tariff with the department which shall contain rates to be charged for receiving, storage, and load-out of grain. The tariff shall be posted in a conspicuous place at the place of business of the licensee in a form prescribed by the department and shall become effective at the time the license becomes effective.

2. Storage charges shall commence on the date of delivery to the warehouse. Storage, receiving, or load-out charges other than those specified in the tariff may be made if the charge is required by the terms of a written contract with the United States government or any of its subdivisions or agencies.

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3. Grain deposited with the warehouse for the sole purpose of processing and redelivery to the depositor is subject only to the charges listed under the grain bank section of the tariff. Drying and cleaning of grain shall not be construed as processing.

4. A tariff may be amended at any time and is effective immediately, except that grain in store on the effective date of a storage charge increase does not assume the increased rate until the subsequent anniversary date of deposit. Any decrease in storage rates shall be effective immediately and shall be applicable to all grain in store on the effective date of the decrease.

5. A warehouse operator may file with the department and publish the supplemental tariff applicable only to grain meeting special descriptive standards or characteristics as set forth in the supplemental tariff. A supplemental tariff shall be in a form prescribed by the department and be posted adjacent to the warehouse tariff.

6. All tariff charges shall be nondiscriminatory within classes.

[C24, 27, 31, §9737; C35, §9751-g18; C39, §**9751.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.28]

86 Acts, ch 1103, §2

C93, §203C.28

2014 Acts, ch 1026, §42

Referred to in §203C.17

203C.29 Reserved.

203C.30 Inspecting and grading.

Grain or any other fungible agricultural product stored in a warehouse licensed under this chapter for which no separate compartment is provided, and its identity preserved, shall be inspected and graded.

[C24, 27, 31, §9733; C35, §9751-g14; C39, §**9751.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.30]

C93, §203C.30

2012 Acts, ch 1095, §115

203C.31 and 203C.32 Reserved.

203C.33 Fees.

1. The department shall charge the following fees for deposit in the general fund:

a. For the issuance or renewal of a warehouse license, the fee shall be determined on the basis of the storage capacity in bushels of grain as follows:

(1) If the total storage capacity is one hundred thousand bushels or less, the fee is fifty-eight dollars.

(2) If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is one hundred twenty-five dollars.

(3) If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred ninety-one dollars.

(4) If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is two hundred forty-nine dollars.

(5) If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is three hundred seven dollars.

(6) If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is three hundred seventy-four dollars.

(7) If the total storage capacity is more than nine million five hundred thousand bushels, the fee is four hundred forty dollars.

b. For the issuance or renewal of a warehouse license for the storage of products other than bulk grain, the fee shall be determined as follows:

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(1) For intended storage of products of a value of one hundred thousand dollars or less, a fee of sixty dollars.

(2) For intended storage of products of a value greater than one hundred thousand dollars but not greater than three hundred thousand dollars, a fee of one hundred dollars.

(3) For intended storage of products of a value in excess of three hundred thousand dollars, a fee of two hundred dollars.

c. For each inspection of a warehouse or station for the purpose of licensing, a fee of twenty-five dollars, and for each additional warehouse or station under the same license, a fee of ten dollars.

d. For each amendment of a license, a fee of ten dollars.

e. For each amendment of a tariff, a fee of ten dollars.

f. For a duplicate license, a fee of five dollars.

g. For the reinstatement of a license, a fee of fifty dollars.

2. Fees for new licenses issued for less than a year shall be prorated from the date of application.

[C24, 27, 31, §9726; C35, §9751-g9; C39, §**9751.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.33; 81 Acts, ch 180, §26, 32]

83 Acts, ch 175, §3, 4; 84 Acts, ch 1100, §4; 92 Acts, ch 1239, §74

C93, §203C.33

2009 Acts, ch 133, §213

Referred to in §203C.37, 203D.3A

Indemnity fees, see §203D.3A

203C.34 Display of license.

Every warehouse operator's license issued under this chapter shall be conspicuously displayed in the office of the warehouse for the operation of which the license has been issued.

[C24, 27, 31, §9728; C35, §9751-g10; C39, §**9751.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.34]

86 Acts, ch 1152, §29

C93, §203C.34

203C.35 Licensed warehouse operator to keep records. Repealed by 2003 Acts, ch 69, §22.

203C.36 Penalties — injunction.

1. A person who knowingly withholds information from or knowingly submits false information to the department or any of its employees in a record required to be maintained or submitted to the department under this chapter commits a fraudulent practice as provided in chapter 714.

2. *a.* Except as provided in paragraph *"b"*, a person commits a serious misdemeanor if the person does any of the following:

(1) Engages in business as a warehouse operator without a license as required in section 203C.6.

(2) Obstructs the inspection of the person's business premises or records required to be kept by a licensed warehouse operator pursuant to section 203C.2.

(3) Uses a scale weight ticket, warehouse receipt, or other document in violation of this chapter or requirements established by the department under this chapter.

b. A person who commits an offense specified in paragraph *"a"* after having been found guilty of the same offense commits an aggravated misdemeanor.

3. Except as provided in subsections 1 and 2, a person who violates any provision of this chapter commits a simple misdemeanor. With respect to a continuing violation, each day that the violation continues is a separate offense.

4. A person in violation of this chapter, or in violation of chapter 714 or 715A, which violation involves the business of a warehouse operator, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days, and upon request by the department, the

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attorney general may initiate and carry out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by injunction in an action brought by the department or the attorney general upon request by the department.

[C24, 27, 31, §9751; C35, §9751-g33; C39, §**9751.33;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §543.36; 81 Acts, ch 180, §27]

92 Acts, ch 1239, §75

C93, §203C.36

2003 Acts, ch 69, §19; 2023 Acts, ch 154, §13, 19

203C.36A Civil penalties.

1. The department shall establish, by rule, civil penalties which may be administratively or judicially assessed against a warehouse operator for a violation of this chapter.

2. The amount of a civil penalty shall not exceed one thousand five hundred dollars. Each day that a violation continues shall constitute a separate violation. Moneys collected in civil penalties by the department or the attorney general shall be deposited in the general fund of the state.

3. A civil penalty may be administratively assessed only after an opportunity for a contested case hearing under chapter 17A. The department may be represented in an administrative hearing or judicial proceeding by the attorney general. A civil penalty shall be paid within thirty days from the date that an order or judgment for the penalty becomes final. When a person against whom a civil penalty is administratively assessed under this section seeks timely judicial review of an order imposing the penalty as provided under chapter 17A, the order is not final until all judicial review processes are completed. When a person against whom a civil penalty is judicially assessed under this section seeks a timely appeal of judgment, the judgment is not final until the right of appeal is exhausted.

4. A person who fails to timely pay a civil penalty as provided in this section shall pay, in addition to the penalty, interest at the rate of one and one-half percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid.

99 Acts, ch 106, §15; 2024 Acts, ch 1170, §250

203C.37 Issuance of a license and payment of fees.

1. *a.* Upon the filing of an application pursuant to section 203C.7 and compliance with the terms and conditions of this chapter including rules of the department, the department shall issue the applicant a warehouse operator's license. The license expires at the end of the third calendar month following the close of the warehouse operator's fiscal year. A warehouse operator's license may be renewed annually by the filing of a renewal application on a form prescribed by the department pursuant to section 203C.7. An application for renewal must be received by the department on or before the end of the third calendar month following the close of the warehouse operator's fiscal year.

b. The department shall not approve an application for the issuance or renewal of a warehouse operator's license unless the applicant pays all of the following fees:

(1) For the issuance of a license, all of the following:

(a) A license fee imposed under section 203C.33.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee imposed under a previous license as provided in that section.

(2) For the renewal of a license, all of the following:

(a) A renewal fee imposed under section 203C.33.

(b) A participation fee imposed under section 203D.3A, and any delinquent participation fee as provided in that section.

2. The failure of a warehouse operator to file a renewal application and to pay a renewal fee as provided for in section 203C.33 and any delinquent participation fee as provided in section 203D.3A, on or before the end of the third calendar month following the close of the licensee's fiscal year shall cause a license to expire.

3. A warehouse license that has expired may be reinstated by the department upon receipt of a proper renewal application, the renewal fee and the reinstatement fee as provided for in section 203C.33, and any delinquent participation fee as provided in section 203D.3A. The

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applicant must file the renewal application and pay the fees to the department within thirty days from the date that the warehouse license expires.

4. The department may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

5. *a.* The department shall refund a fee paid by a person to the department under this section if the department does not issue the person a license or renew the person's license.

b. The department shall prorate a fee paid by a person to the department under this section for the issuance or renewal of a license for less than a full year.

[C71, 73, 75, 77, 79, 81, §543.37; 81 Acts, ch 180, §28]
84 Acts, ch 1100, §5; 92 Acts, ch 1239, §76
C93, §203C.37
2010 Acts, ch 1082, §4; 2011 Acts, ch 34, §159, 170
Referred to in §203C.10, 203D.3A, 203D.5

203C.38 No obligation of state.

Nothing in this chapter shall be construed to imply any guarantee or obligation on the part of the state of Iowa, or any of its agencies, employees or officials, either elective or appointive, in respect of any agreement or undertaking to which the provisions of this chapter relate.

[C71, 73, 75, 77, 79, 81, §543.38]
C93, §203C.38

203C.39 Grain stored in another warehouse.

A licensed warehouse operator may store grain in an alternative warehouse located in Iowa or another state as provided in this section.

1. *a.* The alternative warehouse located in Iowa must be another licensed warehouse or a warehouse licensed pursuant to the United States Warehouse Act.

b. The alternative warehouse located in another state must be licensed pursuant to the applicable laws of the state in which the alternative warehouse is located or the United States Warehouse Act. A warehouse operator shall not store grain in an alternative warehouse located in another state, unless approved in writing by the department in a manner required by the department.

2. In storing grain in an alternative warehouse under subsection 1, all of the following requirements apply:

a. The warehouse operator must obtain from such warehouse operator a nonnegotiable warehouse receipt and such receipt must show clearly the following notation:

> Held in trust for depositors of (name of original receiving warehouse).

b. When the licensed warehouse operator begins to use the alternative warehouse, the licensed warehouse operator must have sufficient net worth under section 203C.6 or provide a deficiency bond or an irrevocable letter of credit to cover the increase in the licensed warehouse operator's gross capacity.

3. A licensed warehouse operator may transfer grain for storage to another licensed warehouse operator while the warehouse operator receiving such grain has grain stored elsewhere under the provisions of this section.

[C71, 73, 75, 77, 79, 81, §543.39]
86 Acts, ch 1152, §30; 89 Acts, ch 143, §1102
C93, §203C.39
2003 Acts, ch 69, §20; 2012 Acts, ch 1095, §116

203C.40 Prioritization of inspections of warehouse operators.

The department shall develop a system to prioritize the inspections of warehouse operators provided in section 203C.2. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of warehouse operators.

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Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may inspect a warehouse operator at any time based on a risk of loss to the fund according to the risk rating. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on the statistical model shall be good cause.

92 Acts, ch 1239, §77
Referred to in §203C.1, 203C.2

CHAPTER 203D

GRAIN DEPOSITORS AND SELLERS INDEMNIFICATION

Referred to in §159.6, 189.16, 190.1, 203.4, 203.12, 203C.4, 203C.12, 203C.14, 203C.17, 554.7204, 669.14

This chapter not enacted as a part of this title;
transferred from chapter 543A in Code 1993

203D.1 Definitions.
203D.2 Grain depositors and sellers indemnity fund — participation by licensees.
203D.3 Grain depositors and sellers indemnity fund — creation and management.
203D.3A Indemnity fees — collection of remitted participation fees and per-bushel fees.
203D.4 Iowa grain indemnity fund board — establishment and duties.
203D.5 Indemnity fees — imposition, adjustment of rates, or waiver.
203D.5A Lien on licensee's assets.
203D.6 Indemnification of eligible claims — grain depositors and sellers indemnity fund.
203D.6A Indemnification of eligible repayment claims — grain depositors and sellers indemnity fund.
203D.7 No obligation of state.

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203D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the Iowa grain indemnity fund board created in section 203D.4.
2. *"Credit-sale contract"* means the same as defined in section 203.1.
3. *"Deferred-payment contract"* means the same as defined in section 203.1.
4. *"Deferred-pricing contract"* means the same as defined in section 203.1.
5. *"Department"* means the department of agriculture and land stewardship.
6. *"Depositor"* means a person who deposits grain in a licensed warehouse for storage, handling, or shipment, or who is the owner or legal holder of an outstanding warehouse receipt issued by a licensed warehouse, or who is lawfully entitled to possession of the grain.
7. *"First point of sale"* means the initial transfer of title to grain from a person who has produced the grain or caused the grain to be produced to the first purchaser of the grain for consideration, conditional or otherwise, in any manner or by any means.
8. *"Fund"* means the grain depositors and sellers indemnity fund created in section 203D.3.
9. *"Grain"* means the same as defined in section 203.1.
10. *"Grain dealer"* means the same as defined in section 203.1.
11. *"Indemnity fees"* or *"fees"* means a participation fee and per-bushel fee as provided in sections 203D.3 and 203D.3A.
12. *"Licensed grain dealer"* means a person who has obtained a license to engage in the business of a grain dealer pursuant to section 203.3.
13. *"Licensed warehouse"* means the same as defined in section 203C.1.
14. *"Licensed warehouse operator"* means the same as in section 203C.1.
15. *"Licensee"* means a licensed grain dealer or licensed warehouse operator.
16. *"Loss"* means the amount of a claim held by a seller or depositor against a grain dealer

or warehouse operator which has not been recovered through other legal and equitable remedies including the liquidation of assets.

17. *a.* *"Purchased grain"* means any of the following:

(1) Grain entered in the company-owned paid position as evidenced on the grain dealer's daily position record.

(2) Grain purchased by deferred-pricing contract.

b. *"Purchased grain"* does not include grain that is subject to an exempt transaction based on documentation satisfactory to the department showing that the grain dealer did any of the following:

(1) Purchased the grain from the United States government or any of its subdivisions or agencies.

(2) Purchased the grain from a person licensed as a grain dealer in any jurisdiction.

(3) Purchased the grain by deferred-payment contract.

(4) Entered the grain in the company-owned paid position as a cancellation of a collateral warehouse receipt.

(5) Entered the grain in the company-owned paid position as an intra-company location transfer.

18. *"Repayment loss"* means the part of a repayment claim filed with the department by a seller that includes the dollar value loss incurred by the seller resulting from the seller receiving an amount from the sale of grain to a purchasing grain dealer that the seller has paid back to the grain dealer's bankruptcy estate subject to the requirements and limitations in sections 203D.6 and 203D.6A.

19. *"Scale weight ticket"* means the same as defined in section 203C.1.

20. *a.* *"Seller"* means a person who sells grain that the person has produced or caused to be produced to a licensed grain dealer.

b. *"Seller"* does not include any of the following:

(1) A person licensed as a grain dealer in any jurisdiction who sells grain to a licensed grain dealer.

(2) A person who sells grain that is not produced in this state unless such grain is delivered to a licensed grain dealer at a location in this state as the first point of sale.

(3) A person who sells grain by deferred-payment contract.

21. *"Warehouse operator"* means the same as defined in section 203C.1.

86 Acts, ch 1152, §31
C87, §543A.1
87 Acts, ch 147, §8 – 10; 89 Acts, ch 143, §901, 902
C93, §203D.1
2008 Acts, ch 1083, §13, 14; 2009 Acts, ch 41, §81; 2009 Acts, ch 133, §78; 2010 Acts, ch 1082, §5; 2011 Acts, ch 34, §39; 2012 Acts, ch 1095, §118; 2015 Acts, ch 103, §12; 2023 Acts, ch 154, §14, 19; 2025 Acts, ch 105, §10, 11; 2026 Acts, ch 1040, §33
Subsection 20, paragraph a amended

203D.2 Grain depositors and sellers indemnity fund — participation by licensees.

All licensed grain dealers and licensed warehouse operators shall participate in the fund.

86 Acts, ch 1152, §32
C87, §543A.2
87 Acts, ch 147, §11
C93, §203D.2

203D.3 Grain depositors and sellers indemnity fund — creation and management.

1. The grain depositors and sellers indemnity fund is created in the state treasury as a separate account. The general fund of the state is not liable for claims presented against the fund under sections 203D.6 and 203D.6A.

2. The fund consists of all of the following:

a. Participation fees paid to the department by licensed grain dealers and persons applying to be issued a grain dealer's license as provided in section 203D.3A.

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b. Participation fees paid to the department by licensed warehouse operators and persons applying to be issued a warehouse operator's license as provided in section 203D.3A.

c. Per-bushel fees paid to the department by licensed grain dealers as provided in section 203D.3A.

d. Delinquency penalties.

e. Amounts collected by the state pursuant to legal action on behalf of the fund.

f. Interest, earnings on investments, property, or securities acquired through the use of moneys in the fund.

3. The assessment year of the fund begins September 1 and ends on August 31. Assessment quarters of the fund begin September 1, December 1, March 1, and June 1. The finances of the fund shall be calculated on an accrual basis in accordance with generally accepted accounting principles.

4. The moneys collected under this section and deposited in the fund shall be expended by the board exclusively to do all of the following:

a. Indemnify depositors and sellers who have submitted eligible claims to the department as provided in sections 203D.6 and 203D.6A.

b. Pay the department, the board, or the office of attorney general for actual and necessary costs incurred by any of the following:

(1) The department for acting as receiver if appointed by a court pursuant to section 203.12B or 203C.3.

(2) (a) The office of attorney general for representing the department, the board, or the office in a legal or administrative proceeding involving moneys required to be deposited or expended from the fund.

(b) Outside counsel for representing the department, the board, or the office of attorney general in a legal or administrative proceeding involving moneys required to be deposited or expended from the fund.

5. All disbursements from the fund shall be paid by the treasurer of state pursuant to vouchers authorized by the department.

6. The administrative costs of this chapter shall be paid from the fund after approval of the costs by the board.

86 Acts, ch 1152, §33
C87, §543A.3
87 Acts, ch 147, §12 – 15; 88 Acts, ch 1148, §3; 89 Acts, ch 143, §903 – 905
C93, §203D.3
2008 Acts, ch 1083, §15; 2009 Acts, ch 133, §79; 2010 Acts, ch 1082, §6, 7; 2023 Acts, ch 154, §15, 19; 2025 Acts, ch 105, §12
Referred to in §203.2A, 203D.1, 203D.3A, 203D.5

203D.3A Indemnity fees — collection of remitted participation fees and per-bushel fees.

The department shall collect indemnity fees, including participation fees and per-bushel fees as provided in this section, if imposed by the board pursuant to section 203D.5, at rates determined by the board as provided in that section. A licensee shall remit indemnity fees and forms to the department as required by the department.

1. *a.* A person who applies for the issuance of a new license as a grain dealer pursuant to section 203.5 or a warehouse operator pursuant to sections 203C.7 and 203C.33 shall pay the department an initial participation fee as part of the application.

(1) In calculating the amount of the initial participation fee, an applicant for a new license shall be deemed a licensee paying the full annual amount of the participation fee owing on the licensee's first anniversary date. The department must be satisfied that the applicant is calculating the amount due in good faith and using the best information available.

(a) For a licensed grain dealer, the anniversary date is the last date to apply for the renewal of the grain dealer's license before the license expires as provided in section 203.5.

(b) For a licensed warehouse operator, the anniversary date is the last date to apply for the renewal of the warehouse operator's license before the license expires as provided in section 203C.37.

(2) If the department issues the license, the licensee shall recalculate the participation fee

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when making a payment on the licensee's first installment date as provided in paragraph *"b"*. The licensee may notify the department of any overpayment and shall notify the department of any underpayment by the licensee's first installment date in a manner and according to procedures required by the department. The department shall refund any overpayment to the licensee and the licensee shall pay any additional amount resulting from an underpayment.

b. A licensee shall remit a participation fee in one installment as part of a license renewal application in the same manner provided in paragraph *"a"*. However, the licensee may elect to remit the participation fee on four successive installment dates, with each installment date occurring in the month succeeding the last assessment quarter as provided in section 203D.3, on a date determined by rules adopted by the department. The licensee shall remit twenty-five percent of the total participation fee assessed on each installment date.

c. A licensee is delinquent if the licensee fails to submit the payment when due or if, upon examination, an underpayment of the fee is found by the department.

d. A licensee shall not pass on the cost of a participation fee to sellers. The department may suspend or revoke the license of a grain dealer for passing on the cost, as provided in chapter 203.

2. *a.* A licensed grain dealer shall remit a per-bushel fee on all purchased grain.

b. The licensed grain dealer shall remit the per-bushel fee to the department on a quarterly basis in the manner and using a form prescribed by the department. The licensed grain dealer shall remit the per-bushel fee and form on four successive installment dates, with each installment date occurring in the month succeeding the last assessment quarter as provided in section 203D.3, on December 15, March 15, June 15, and September 15.

c. A licensed grain dealer is delinquent if the grain dealer fails to remit the full quarterly per-bushel fee and form when due or if, upon examination, an underpayment of the fee is found by the department. The licensed grain dealer is subject to a penalty of ten dollars for each day the licensed grain dealer is delinquent or an amount equal to the amount of the deficiency, whichever is less. However, a licensed grain dealer who fails to remit the full quarterly per-bushel fee or form when due is subject to a minimum payment of ten dollars. The department may establish and apply a margin of error in determining whether a licensed grain dealer is delinquent.

d. The per-bushel fee shall not be collected more than once on each bushel of grain. A licensed grain dealer may pass on the cost of a per-bushel fee to the sellers by an itemized discount noted on the settlement sheet. However, if the per-bushel fee is not in effect, a licensed grain dealer shall not make such a discount on the purchase of grain. A discount made nominally for the per-bushel fee while the per-bushel fee is not in effect is grounds for a license suspension or revocation under chapter 203.

e. (1) If the per-bushel fee is passed on to a seller, the per-bushel fee shall occur at the time of payment.

(2) As used in subparagraph (1), *"payment"* means the same as defined in section 203.8.

2010 Acts, ch 1082, §8; 2015 Acts, ch 103, §13; 2023 Acts, ch 154, §16, 19; 2025 Acts, ch 105, §13 – 16; 2026 Acts, ch 1139, §41, 44

Referred to in §203.5, 203C.37, 203D.1, 203D.3, 203D.5

A grain dealer licensed under chapter 203 who is a party to a credit-sale contract shall owe any indemnity fees assessed on grain purchased under the credit-sale contract beginning on September 1, 2025, pursuant to this section; 2025 Acts, ch 105, §24

Subsection 2, NEW paragraph e

203D.4 Iowa grain indemnity fund board — establishment and duties.

1. The Iowa grain indemnity fund board is established to advise the department on matters relating to the fund and to perform the duties provided it in this chapter. The board is composed of the secretary of agriculture or a designee who shall serve as president; the state treasurer or a designee who shall serve as treasurer; a representative of the banking industry appointed by the governor, who shall be selected from a list of three nominations made by the secretary of agriculture; and four representatives of the grain industry appointed by the governor, subject to confirmation by the senate, two of whom shall be representatives of producers and who shall be actively participating producers, and two of whom shall be representatives of licensed grain dealers and licensed warehouse operators and who shall be actively participating licensed grain dealers and licensed warehouse operators, each of

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whom shall be selected from a list of three nominations made by the secretary of agriculture. The term of membership of the banking industry representative and the grain industry representatives is three years, and the representatives are eligible for reappointment. However, of the grain industry representatives, only actively participating producers, and grain dealers and warehouse operators are eligible for reappointment. The banking industry representative and the grain industry representatives are entitled to a per diem as specified in section 7E.6 for each day spent in the performance of the duties of the board, plus actual expenses incurred in the performance of those duties. Four members of the board constitute a quorum, and the affirmative vote of four members is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board.

2. The duties of the board include the review and determination of claims, and the review and approval of administrative costs of the fund. To carry out these duties, the board has the power to adopt rules regarding its organization and procedures for determining claims. Further, the board shall approve rules proposed by the department for the administration of the per-bushel fee prior to their adoption by the department. The board may provide comment and advice to the department in regard to the department's administration of chapters 203 and 203C where the department's policies and rules may affect the exposure of the fund to liability. However, the board shall not become actively involved in a determination by the department as to whether disciplinary action is to be taken against a particular licensee. The board is not a forum for review or appeal in regard to any particular action taken by the department against a licensee.

3. The department through the grain warehouse bureau shall perform the administrative functions necessary for the operation of the board and the fund. Administrative costs approved by the board shall be paid from the fund. The rules of the department shall contain the rules of the board adopted for its organization and its procedures. The department shall adopt rules for the administration of the per-bushel fee upon the board's approval of the rules proposed by the department. The secretary of agriculture, as president of the board as well as head of the department of agriculture and land stewardship, shall administer the department so as to minimize the risk of loss to the fund while protecting interests of depositors and sellers of grain. Policies and rules for the administration of chapters 203 and 203C which, as determined by the secretary of agriculture, may affect the exposure of the fund, shall be presented to the board for comment prior to their adoption by the department. The department shall make reports to the board in regard to licensee investigations which may result in disciplinary action against a licensee and exposure of the fund. The reports may be discussed by the board in closed session pursuant to section 21.5, and are confidential. In making the report, the department shall make available to the board records of licensees which are otherwise confidential under section 22.7, 203.16, or 203C.24. However, a determination to take disciplinary action against a particular licensee shall be made exclusively by the department. A report to the board is not a prerequisite to disciplinary action against a licensee. Review of any action against a licensee, whether or not relating to the fund, shall be made exclusively through the department.

86 Acts, ch 1152, §34
C87, §543A.4
87 Acts, ch 147, §16; 89 Acts, ch 143, §906; 90 Acts, ch 1256, §49
C93, §203D.4
2008 Acts, ch 1083, §16; 2010 Acts, ch 1121, §2
Referred to in §203D.1
Confirmation, see §2.32

203D.5 Indemnity fees — imposition, adjustment of rates, or waiver.

1. The board shall annually review the debits of and credits to the grain depositors and sellers indemnity fund created in section 203D.3 and shall determine whether to impose the indemnity fees as provided in section 203D.3A, make adjustments to the indemnity fees effective on the previous September 1, or waive the indemnity fees as necessary to comply

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with this section. The board shall make the determination not later than May 1 of each year. The board shall impose the indemnity fees or adjust the indemnity fees effective on the previous September 1 in accordance with chapter 17A. The imposition or adjustment of the indemnity fees shall become effective as follows:

a. For the participation fee, on the following September 1. However, the licensee shall continue to pay the participation fee at the rate in effect on the prior September 1, until the licensee has paid the amount owing.

b. For a per-bushel fee, on the following September 1.

2. *a.* Except as provided in paragraph "*b*", the rate of a participation fee owed by a licensee shall be calculated as follows:

(1) For a licensed grain dealer, not more than fourteen thousandths of a cent per bushel assessed on all purchased grain during the grain dealer's last fiscal year at each location at which records are maintained for transactions of the grain dealer, as determined according to information submitted by the grain dealer to the department for the issuance or renewal of a license as provided in section 203.5.

(2) For a licensed warehouse operator, not more than fourteen thousandths of a cent per bushel of bulk grain storage capacity for each warehouse licensed pursuant to section 203C.8 or five hundred dollars, whichever is less. The participation fee shall be determined using information provided to the department by the warehouse operator applying for the issuance or renewal of a license as provided in sections 203C.7 and 203C.37.

b. A licensee shall pay a participation fee of at least fifty dollars.

3. The rate of the per-bushel fee shall not exceed one-quarter cent per bushel assessed on all purchased grain.

4. If on the last date of the fund's assessment year as provided in section 203D.3 the assets of the fund exceed sixteen million dollars, less any encumbered balances or pending or unsettled claims, all of the following apply:

a. The participation fee as provided in section 203D.3A shall be waived and shall not be assessable or owing for the following assessment year of the fund. However, the licensee shall continue to remit any owing participation fee that was in effect on the prior September 1.

b. The per-bushel fee as provided in section 203D.3A shall be waived and shall not be assessable or owing for the following assessment year. The waiver shall also apply to purchased grain that is unpriced on the last date of the fund's assessment year. However, the licensed grain dealer shall remit any per-bushel fee that is owing on that date.

5. The board shall reinstate the indemnity fees as provided in this section if the assets of the fund, less any unencumbered balances or pending or unsettled claims, are eight million dollars or less.

86 Acts, ch 1152, §35
C87, §543A.5
87 Acts, ch 147, §17; 88 Acts, ch 1148, §4; 89 Acts, ch 143, §907
C93, §203D.5
2009 Acts, ch 17, §1, 6; 2009 Acts, ch 133, §229; 2010 Acts, ch 1082, §9; 2015 Acts, ch 103, §14, 15; 2023 Acts, ch 154, §17 – 19; 2025 Acts, ch 105, §17, 18
Referred to in §203D.3A

203D.5A Lien on licensee's assets.

The board may enforce a lien attached to assets held by a licensee under chapter 203 or 203C. The lien shall be perfected and enforced pursuant to section 203.12A or 203C.12A.

92 Acts, ch 1239, §78

203D.6 Indemnification of eligible claims — grain depositors and sellers indemnity fund.

1. *Person who may file a claim.*

a. A depositor or seller may file a claim with the department for the indemnification of dollar value losses from the grain depositors and sellers indemnity fund. A claim shall be filed by a depositor or seller in the manner prescribed by rules adopted by the department.

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b. The department may identify each claim and associated claimant by a unique number which may be a federal tax identification number.

2. *Time of filing claim.*

a. As used in this subsection, an incurrence date is when either of the following occurs:

(1) The cessation of the license of the grain dealer as described in section 203.10 or warehouse operator as described in section 203C.10.

(2) The filing of a petition in bankruptcy by a licensed grain dealer or licensed warehouse operator.

b. To be timely, a claim must be filed within a claim period beginning on either incurrence date and ending one hundred twenty days after that incurrence date, regardless of whether a previous claim period has expired.

3. *Notice.* The department shall cause notice of the opening of the claim period to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location and in a newspaper of general circulation within the state. The notice shall state the name and address of the licensee and the claim incurrence date. The notice shall also state that any claims against the fund on account of the licensee shall be sent by ordinary mail to the department within one hundred twenty days after the incurrence date, and that the failure to make a timely claim relieves the fund from liability to the claimant. This notice may be incorporated by the department with a notice required by section 203.12 or 203C.14.

4. *Determination of eligible claim.* The board shall determine a claim to be eligible for indemnification from the fund if the board finds all of the following:

a. That the claim was timely filed.

b. That the incurrence date was on or after May 15, 1986.

c. That the claimant qualifies as a depositor or seller.

d. (1) That the claim derives from a covered transaction. For purposes of this paragraph, a claim derives from a covered transaction if the claimant incurred a dollar value loss as any of the following:

(a) A depositor who delivered the grain to a licensed warehouse operator.

(b) (i) A seller who transferred title to the grain to a licensed grain dealer within six months of the incurrence date for a claim period as provided in subsection 2.

(ii) A seller described in subparagraph subdivision (i) who incurred a repayment loss against a grain dealer as provided in section 203D.6A.

(2) The dollar value losses incurred by a depositor or seller described in subparagraph (1) for all eligible claims are subject to the indemnification limit described in subsection 8.

(a) The department shall segregate that part of a claim that includes a dollar value loss incurred by a seller who sold grain to a licensed grain dealer pursuant to a credit-sale contract, including by deferred-pricing contract and deferred-payment contract.

(b) The part of the segregated claim that includes a dollar value loss incurred by a seller who sold grain to a licensed grain dealer pursuant to a deferred-payment contract is ineligible for indemnification.

e. That there is adequate documentation to establish the existence of a claim and to determine the amount of the loss.

f. A claim has not been paid for the same loss.

5. *Dollar value loss — depositor.*

a. (1) The board shall determine an eligible claim's dollar value loss incurred by a depositor holding a warehouse receipt or a scale weight ticket for grain that the depositor delivered for storage to the licensed warehouse operator.

(a) If the department has been appointed by the court as receiver of the grain assets of the warehouse operator, the dollar value loss shall be presumed to be as stated in the plan of disposition approved by the court.

(b) If the warehouse operator has filed a petition in bankruptcy, the dollar value loss shall be presumed to be based upon the fair market price, free-on-board from the site of the warehouse operator, being paid to producers for grain by the grain terminal operator nearest the warehouse operator on the date the petition was filed.

(c) If there is neither a department receivership nor a bankruptcy filing, the dollar value

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loss shall be presumed to be based upon the fair market price, free-on-board from the site of the warehouse operator, being paid to producers for grain by the grain terminal operator nearest the warehouse operator on the incurrence date. If more than one incurrence date applies to a claim, the board may choose between the two.

(d) The board may accept an alternative dollar value loss upon a showing of just cause by the depositor or department.

(2) The dollar value loss of priced or unpriced grain shall not exceed the price of that grain if the grain were U.S. No. 2 grain according to standards adopted by the federal grain inspection service of the United States department of agriculture. The price of the grain shall be determined in accordance with the relevant date used to determine the price described in subparagraph (1). The department may adjust the price of the grain if necessary to better account for the condition of the grain when stored.

b. A depositor filing a claim for a dollar value loss under this subsection shall be bound by the dollar value loss determined by the board. The dollar value loss is the outstanding balance on the validated claim at the time the claimant is indemnified from the fund.

6. *Dollar value loss — seller.*

a. (1) The board shall determine an eligible claim's dollar value loss incurred by a seller who has sold grain or delivered grain for sale or exchange and who is a creditor of the licensed grain dealer based on the amount stated on the obligation on the date of the sale.

(a) If the sold grain was unpriced, the dollar value loss shall be presumed to be based upon the fair market price, free-on-board from the site of the grain dealer, being paid to producers for grain by the grain terminal operator nearest the grain dealer on the incurrence date. If more than one incurrence date applies to a claim, the board may choose between the two.

(b) The board may accept an alternative dollar value loss upon a showing of just cause by the seller or department.

(2) The dollar value loss of priced or unpriced grain shall not exceed the price of that grain if the grain were U.S. No. 2 grain according to standards adopted by the federal grain inspection service of the United States department of agriculture. The price of the grain shall be determined in accordance with the relevant date used to determine the price described in subparagraph (1). The department may adjust the price of the grain if necessary to better account for the condition of the grain when purchased.

b. A seller filing a claim for a dollar value loss under this subsection shall be bound by the dollar value loss determined by the board. The dollar value loss is the outstanding balance on the validated claim at the time the claimant is indemnified from the fund.

7. *Procedure — appeal.* The board, through the department, shall provide for notice to each depositor and seller upon its determination of eligibility and value of loss. Within twenty days of the notice, the depositor or seller may request a hearing for the review of either determination. The request shall be made in the manner provided by the board. The hearing and any further appeal shall be conducted as a contested case subject to chapter 17A. A depositor or seller whose claim has been refused by the board may appeal the refusal to either the district court of Polk county or the district court of the county in which the depositor or seller resides.

8. *Indemnification of a claimant.*

a. Upon a determination by the board that an eligible claim satisfies the requirements in subsection 4, the board shall indemnify the claimant as a depositor under subsection 5, and a seller under subsection 6. Upon a determination by the board that an eligible repayment claim was filed by that seller under section 203D.6A, the board shall indemnify the claimant subject to the requirements of this section.

b. Subject to the indemnification limit described in paragraph "*c*", the board shall indemnify a claimant ninety percent of the combined dollar value losses, including any repayment loss, incurred by the claimant as described in paragraph "*a*", except for a segregated dollar value loss incurred from the sale of grain by credit-sale contract. The board shall indemnify the seller seventy-five percent of the dollar value loss, including any repayment loss, incurred from the sale of grain by deferred-pricing contract and zero percent of the dollar value loss for the sale of grain, including any repayment loss, by

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deferred-payment contract. The full indemnity amount paid to a claimant shall be calculated as the sum of the following:

(1) Ninety cents for each dollar value loss, including any repayment loss, incurred by the claimant other than a dollar value loss for the sale of grain by credit-sale contract.

(2) For the sale of grain by credit-sale contract, all of the following:

(a) Seventy-five cents for each dollar value loss, including any repayment loss, incurred by the claimant other than a dollar value loss for the sale of grain by deferred-pricing contract.

(b) Zero cents for each dollar value loss incurred by the claimant by deferred-payment contract.

c. The board shall not indemnify any claimant for more than four hundred thousand dollars for an eligible claim for all dollar value losses described in paragraphs "*a*" and "*b*", including any repayment loss.

d. (1) If at any time the board determines that there are insufficient moneys in the fund to fully indemnify all eligible claims, the board shall order that the eligible claims be indemnified according to the following order:

(a) First, by indemnifying all claims for dollar value losses other than segregated dollar value losses arising from the sale of grain by credit-sale contract as provided in subsection 4.

(b) Second, by indemnifying all claims for segregated dollar value losses arising from the sale of grain by deferred-pricing contract as provided in subsection 4.

(2) The board may establish one or more eligible claim indemnification periods required to fully indemnify all eligible claims. The department shall hold those claims that have not been fully indemnified until a later period or periods for the full indemnification of those claims as moneys in the fund are available.

9. *Subrogation of fund.* In the event of the indemnification of a dollar value loss under this section, the fund is subrogated to the extent of the amount of any payments to all rights, powers, privileges, and remedies of the depositor or seller against any person regarding the dollar value loss. The depositor or seller shall render all necessary assistance to aid the department and the board in securing the rights granted in this section. An action or claim initiated by a depositor or seller and pending at the time of indemnification from the fund shall not be compromised or settled without the consent of the board.

10. *Time limitation on claims.*

a. A claim shall expire if five years after the board determines that the claim is eligible, the claimant has failed to do any of the following:

(1) Provide for the fund's subrogation or has failed to render all necessary assistance to aid the department and the board in securing the department's rights of subrogation as required in this section.

(2) Failed to provide necessary documentation or information required by the board in order to process the claim.

b. The fund shall not be liable for the indemnification of an expired claim.

86 Acts, ch 1152, §36

C87, §543A.6

87 Acts, ch 147, §18, 19; 89 Acts, ch 143, §908

C93, §203D.6

2008 Acts, ch 1083, §17 – 19; 2009 Acts, ch 17, §2 – 6; 2012 Acts, ch 1095, §119; 2025 Acts, ch 105, §19 – 21, 26; 2026 Acts, ch 1040, §34; 2026 Acts, ch 1139, §42, 44

Referred to in §203.12A, 203C.12A, 203D.1, 203D.3, 203D.6A

Process established in this section and section 203D.6A, providing for the indemnification of a repayment claim filed by a seller with the department of agriculture and land stewardship that includes a repayment loss incurred by the seller against a grain dealer, applies only if the grain dealer is a debtor in bankruptcy under the protections provided in Tit. 11 of the United States Code on or after October 24, 2022; 2025 Acts, ch 105, §26

Subsection 5, paragraph b amended

Subsection 8, paragraph a amended

203D.6A Indemnification of eligible repayment claims — grain depositors and sellers indemnity fund.

1. A separate process is established to provide for the fund's indemnification of a repayment claim that includes a repayment loss incurred by a seller against a grain dealer,

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if the grain dealer is a debtor in bankruptcy under the protections provided in Tit. 11 of the United States Code.

a. A repayment claim that includes the repayment loss shall be filed with the department in the manner prescribed by the department.

b. A seller may file an eligible claim for a dollar value loss under section 203D.6 and an eligible repayment claim for a repayment loss under this section.

c. The department may reconcile a repayment claim filed under this subsection with a claim filed by the same claimant that is part of the same covered transaction under the claim period as provided in section 203D.6.

2. To be timely, a seller must file a repayment claim with the department not later than sixty days after the amount of the seller's loss is finalized by a bankruptcy court, whether by an order issued, judgment entered, or settlement agreement approved. However, if a seller's loss is based upon a bankruptcy court's default judgment, to be timely, the seller must file a repayment claim with the department not later than sixty days after the bankruptcy court's default judgment is entered or a subsequent settlement agreement is approved and entered, whichever is later.

3. The department may provide notice of the repayment claim process to a seller that may become or has become subject to an order issued, judgment entered, or settlement agreement approved by a bankruptcy court in the grain dealer's bankruptcy proceeding that requires the seller to pay back the amount previously received for grain purchased by the grain dealer. If the department chooses to provide a notice to the seller, it shall have discretion to determine any reasonable method and manner of providing such notice. A failure by the department to provide a notice or a failure by a seller to receive a notice under this subsection does not relieve the seller of the requirement to timely file a repayment claim.

4. The board shall determine that a repayment claim is eligible for indemnification from the fund if the board finds all of the following:

a. The repayment claim was timely filed.

b. The repayment claimant qualifies as a seller.

c. The repayment claim derives from a covered transaction. For purposes of this paragraph, a repayment claim derives from a covered transaction if the claimant is a seller who transferred title to the grain to a licensed grain dealer within six months of the incurrence date as provided in section 203D.6, subsection 2.

d. The seller submits adequate proof to establish the repayment claim and the amount of the repayment loss.

e. A claim has not been paid for the same loss.

5. A seller is not entitled to indemnify a claim for a repayment loss if the repayment loss is incurred as a result of a fraudulent transfer or conveyance by the seller.

6. The dollar value loss of a repayment claim is the amount the seller has paid back to a grain dealer's bankruptcy estate that the seller previously received from the grain dealer's purchase of the grain, if paying back the amount was the result of an order issued, judgment entered, or settlement agreement approved by a bankruptcy court, and which has not been recovered through other legal or equitable remedies including the liquidation of the grain dealer's assets.

7. The department acting on behalf of the board shall deliver a notice to a seller filing a repayment claim under this section. The notice must include the board's determination of the seller's eligibility and the dollar value of the seller's repayment loss. Within twenty days of delivering the notice, the seller may request a hearing for the review of either determination. The request shall be made in the manner provided by the board. The hearing and any further appeal shall be conducted as a contested case subject to chapter 17A. A seller whose repayment claim has been refused by the board may appeal the refusal to either the district court of Polk county or the district court of the county in which the seller resides.

8. Upon a determination that the repayment claim is eligible for indemnification, the board shall provide for indemnification of the repayment loss, as required in section 203D.6. If at any time the board determines that there are insufficient moneys in the fund to fully indemnify all eligible claims under section 203D.6 and all eligible repayment claims under

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this section, the board shall order that the eligible claims be fully indemnified during one or more indemnification periods as provided in section 203D.6.

9. In the event of the indemnification of a repayment loss under this section, the fund is subrogated to the extent of the amount of any payments to all rights, powers, privileges, and remedies of the seller against any person regarding the repayment loss. The seller shall render all necessary assistance to the department and the board in securing the rights granted in this section. An action or claim initiated by a seller and pending at the time of indemnification from the fund shall not be compromised or settled without the consent of the board.

10. *a.* A repayment claim shall expire if five years after the board determines that the repayment claim is eligible, the claimant has failed to do any of the following:

(1) Provide for the fund's subrogation or render all necessary assistance to the department and the board in securing the department's rights of subrogation as required in this section.

(2) Provide necessary documentation or information required by the board in order to process the indemnification claim.

b. The fund is not liable for the indemnification of an expired repayment claim.

2025 Acts, ch 105, §22, 26; 2026 Acts, ch 1139, §43, 44

Referred to in §203D.1, 203D.3, 203D.6

Process established in section 203D.6 and this section, providing for the indemnification of a repayment claim filed by a seller with the department of agriculture and land stewardship that includes a repayment loss incurred by the seller against a grain dealer, applies only if the grain dealer is a debtor in bankruptcy under the protections provided in Tit. 11 of the United States Code on or after October 24, 2022; 2025 Acts, ch 105, §26

Subsection 2 amended

203D.7 No obligation of state.

This chapter does not imply any guarantee or obligation on the part of the state of Iowa, or any of its agencies, employees, or officials, either elective or appointive, in respect of any agreement or undertaking to which this chapter relates.

86 Acts, ch 1152, §37

C87, §543A.7

C93, §203D.7

CHAPTER 204

HEMP AND HEMP PRODUCTS

Referred to in §80.5, 124.204, 124.401, 204A.4, 453B.17

Production and transportation of hemp, see chapter 204A

204.1 Short title. Transferred to §204A.1; 2024 Acts, ch 1177, §45.
204.2 Definitions.
204.3 State plan — implementing rules. Repealed by 2024 Acts, ch 1177, §44, 55.
204.4 Hemp license — requirements. Repealed by 2024 Acts, ch 1177, §44, 55.
204.5 Hemp fees. Repealed by 2024 Acts, ch 1177, §44, 55.
204.6 Hemp fund. Repealed by 2024 Acts, ch 1177, §44, 55.
204.7 Regulations — exemption for certain criminal offenses.
204.8 Hemp — testing requirements and certificate of analysis.
204.9 Right of access. Repealed by 2024 Acts, ch 1177, §44, 55.
204.10 Order of disposal. Repealed by 2024 Acts, ch 1177, §44, 55.
204.11 Disciplinary action. Repealed by 2024 Acts, ch 1177, §44, 55.
204.12 Civil penalties.
204.13 Injunctive relief. Repealed by 2024 Acts, ch 1177, §44, 55.
204.14 Criminal offense — falsified permit or certificate. Transferred to §204A.7; 2024 Acts, ch 1177, §45.
204.14A Criminal offense — inhalation.
204.14B Sale of consumable hemp product — failure to register — civil penalty.
204.14C Sale of consumable hemp product — failure to register — criminal penalty.
204.14D Persons under legal age — criminal offense.

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204.14E	Persons under legal age — scheduled violation and community service.	204.15	Negligent violation program. Transferred to §204A.8; 2024 Acts, ch 1177, §45.
204.14F	Persons under legal age — exception — cooperation with department of public safety or local law enforcement agency.	204.15A	Hemp products — order of confiscation and disposal.
		204.16	Waivers or variances. Repealed by 2024 Acts, ch 1177, §44, 55.
		204.17	Statutory construction.

204.1 Short title. Transferred to §204A.1; 2024 Acts, ch 1177, §45.

204.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Advertise"* means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.

2. *"Consumable hemp product"* means a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body.

a. A consumable hemp product may be introduced into the human body by ingestion or absorption by any device including but not limited to an electronic device.

b. A consumable hemp product may exist in a solid or liquid state.

c. A hemp product is deemed to be a consumable hemp product if all of the following apply:

(1) It is any of the following:

(a) Designed by the processor, including the manufacturer, to be introduced into the human body.

(b) Advertised as an item to be introduced into the human body.

(c) Distributed, exported, imported, offered for sale, or sold to be introduced into the human body.

(2) Its maximum total tetrahydrocannabinol concentration is less than or equal to the lesser of the following:

(a) Three-tenths of one percent on a dry weight basis.

(b) Four milligrams per serving and ten milligrams per container on a dry weight basis.

d. *"Consumable hemp product"* includes but is not limited to any of the following:

(1) A noncombustible form of hemp that may be digested, such as food; internally absorbed, such as chew or snuff; or absorbed through the skin, such as a topical application.

(2) Hemp processed or otherwise manufactured, marketed, sold, or distributed as food, a food additive, a dietary supplement, or a drug.

e. *"Consumable hemp product"* does not include a hemp product if the intended use of the hemp product is introduction into the human body by any method of inhalation, as prohibited under section 204.14A.

3. *"Controlled substance"* means the same as defined in section 124.101.

4. *"Department of health and human services"* or *"department"* means the principal central department established in section 7E.5, subsection 1, paragraph *"i"*.

5. *"Distribute"* means to transfer possession.

6. *"Federal Food, Drug, and Cosmetic Act"* means the Act so entitled as codified in 21 U.S.C. §301 et seq., including regulations adopted pursuant to that Act by the United States food and drug administration under the Code of Federal Regulations, Title 21.

7. *"Federal hemp law"* means that part of Tit. X of the Agriculture Improvement Act of 2018, Pub. L. No. 115-334, that authorizes hemp production according to a state plan approved by the United States department of agriculture, as provided in §10113 of that Act, amending the Agricultural Marketing Act of 1946, 7 U.S.C. §1621 et seq., including by adding §297A through 297E.

8. *"Hemp"* means the same as defined in section 204A.2.

9. *a.* *"Hemp product"* means an item derived from or made by processing hemp or parts of hemp, including but not limited to any item manufactured from hemp, including but not

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limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastic, hemp seed, seed meal, or seed oil.

b. "Hemp product" does not include any of the following:

(1) (a) An item or part of an item that exceeds the maximum total tetrahydrocannabinol concentration allowed for a hemp product under section 124.204, subsection 7.

(b) An item or part of an item that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body and that exceeds the maximum total tetrahydrocannabinol concentration allowed for a consumable hemp product.

(2) Hemp seed that is capable of germination.

10. *"Local law enforcement agency"* means an office of county sheriff or a municipal police department.

11. *"Registrant"* means a person who is registered with the department of health and human services pursuant to section 204.7.

2019 Acts, ch 130, §2, 18, 19; 2020 Acts, ch 1065, §2, 3, 19; 2020 Acts, ch 1121, §107 – 109; 2021 Acts, ch 93, §37, 38; 2022 Acts, ch 1030, §1, 3; 2024 Acts, ch 1176, §1 – 3; 2024 Acts, ch 1177, §28 – 30, 55

204.3 State plan — implementing rules. Repealed by 2024 Acts, ch 1177, §44, 55.

204.4 Hemp license — requirements. Repealed by 2024 Acts, ch 1177, §44, 55.

204.5 Hemp fees. Repealed by 2024 Acts, ch 1177, §44, 55.

204.6 Hemp fund. Repealed by 2024 Acts, ch 1177, §44, 55.

204.7 Regulations — exemption for certain criminal offenses.

1. Except as provided in subsection 6, a consumable hemp product shall not be manufactured, sold, or consumed in this state unless all of the following conditions are met:

a. The consumable hemp product is manufactured in this state in compliance with this chapter.

b. The hemp contained in the consumable hemp product was produced exclusively in this state in compliance with this chapter.

c. The consumable hemp product complies with packaging and labeling requirements, which shall be established by rules adopted by the department of health and human services. Each container storing a consumable hemp product shall be affixed with a notice advising consumers regarding the risks associated with its use. The department of health and human services shall adopt rules regarding the language of the notice and its display on the container.

d. The consumable hemp product complies with restrictions upon the sale or other distribution of a consumable hemp product established by rules adopted by the department of health and human services.

2. *a.* A person is engaged in the retail sale of a consumable hemp product, if any of the following apply:

(1) The person offers to distribute a consumable hemp product to a consumer in exchange for consideration.

(2) The person is an owner of a business that distributes consumable hemp products to consumers in exchange for consideration.

(3) The person is a business that distributes consumable hemp products to consumers in exchange for consideration and presents a consumable hemp product to a consumer in the form of a gift.

b. A person, including a business, is engaged in the sale of a consumable hemp product regardless of whether the person is registered with the department of health and human services as provided in this section.

3. A person manufacturing a consumable hemp product in this state shall register with the department of health and human services on a form prescribed by the department of health and human services by rule. The department of health and human services may impose a

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fee, established by the department of health and human services by rule, on a registrant not to exceed the cost of processing the registration. The department of health and human services shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with this chapter.

4. A person selling a consumable hemp product in this state shall register with the department of health and human services on a form prescribed by the department of health and human services by rule and shall keep on the premises of the person's business a copy of the certificate of analysis issued pursuant to section 204.8 for the hemp contained in the consumable hemp products sold by the person. The department of health and human services may impose a fee, established by the department of health and human services by rule, on a registrant not to exceed the cost of processing the registration. The department of health and human services shall adopt rules for the revocation of a registration issued to a person who sells a consumable hemp product not in compliance with this section.

5. Except as otherwise provided in this section, a political subdivision of the state shall not adopt any ordinance, rule, or regulation regarding the manufacture, sale, or consumption of a consumable hemp product.

6. A consumable hemp product manufactured in another jurisdiction pursuant to a state or tribal plan approved by the United States department of agriculture pursuant to the federal hemp law may be imported for use by a consumer or sale by a retailer to a consumer if the state has substantially similar testing requirements as those provided in section 204.8.

7. A consumable hemp product manufactured, sold, or consumed in compliance with this section is not a controlled substance under chapter 124 or 453B regardless of whether the consumable hemp product has been approved by the United States food and drug administration.

2019 Acts, ch 130, §7, 18, 19; 2020 Acts, ch 1065, §5 – 11, 19; 2020 Acts, ch 1121, §107 – 109; 2023 Acts, ch 19, §281, 282; 2024 Acts, ch 1154, §14; 2024 Acts, ch 1176, §4 – 6; 2024 Acts, ch 1177, §31, 55

Referred to in §204.2, 204.14A, 204.14B, 204.14C, 204.15A, 204.17

204.8 Hemp — testing requirements and certificate of analysis.

For purposes of this chapter, requirements for testing hemp and the issuance of a certificate of analysis for hemp are governed by chapter 204A.

2019 Acts, ch 130, §8, 18, 19; 2020 Acts, ch 1065, §12, 13, 19; 2020 Acts, ch 1121, §107 – 109; 2021 Acts, ch 80, §99; 2024 Acts, ch 1177, §32, 55

Referred to in §204.7

204.9 Right of access. Repealed by 2024 Acts, ch 1177, §44, 55.

204.10 Order of disposal. Repealed by 2024 Acts, ch 1177, §44, 55.

204.11 Disciplinary action. Repealed by 2024 Acts, ch 1177, §44, 55.

204.12 Civil penalties.

1. Unless another civil penalty is otherwise provided in this chapter, a person who violates a provision of this chapter is subject to a civil penalty of not less than five hundred dollars and not more than two thousand five hundred dollars. The department shall impose, assess, and collect the civil penalty. Each day that a continuing violation occurs may be considered a separate offense.

2. All civil penalties collected under this section shall be deposited into the general fund of the state.

2019 Acts, ch 130, §12, 18, 19; 2024 Acts, ch 1176, §7; 2024 Acts, ch 1177, §33, 55

Referred to in §204.14B, 204.14E

204.13 Injunctive relief. Repealed by 2024 Acts, ch 1177, §44, 55.

204.14 Criminal offense — falsified permit or certificate. Transferred to §204A.7; 2024 Acts, ch 1177, §45.

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204.14A Criminal offense — inhalation.

1. A person shall not possess, use, manufacture, market, transport, deliver, or distribute harvested hemp or a hemp product if the intended use of the harvested hemp or hemp product is introduction into the body of a human by any method of inhalation, including any of the following:

a. Smoke produced from combustion.

b. A type of article that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical process.

c. A device, including but not limited to a cigarette, cigar, cigarillo, or pipe, regardless of whether such device produces smoke or vapor.

2. A person shall not use, market, or distribute a raw or dried flower form of hemp for the purposes of inhalation as described in subsection 1, paragraph *"b"* or *"c"*. Any raw or dried flower form of hemp marketed or distributed within this state shall contain the following notice on the raw or dried product container:

> This is a raw or dried agricultural commodity not suitable or intended for human consumption in conjunction with Iowa Code section 204.14A, subsection 1, paragraph *"b"* or *"c"*.

3. A person required to be registered to manufacture or sell a consumable hemp product under section 204.7 shall not manufacture, produce, distribute, market, or sell a synthetic consumable hemp product, as defined by rules adopted by the department of health and human services.

4. A person who violates this section is guilty of a serious misdemeanor.

5. This section does not apply to the extent that federal law, including the Federal Food, Drug, and Cosmetic Act, authorizes as its intended use the introduction of harvested hemp or a hemp product into the body of a human by a method of inhalation.

2020 Acts, ch 1065, §17, 19; 2020 Acts, ch 1121, §107 – 109; 2024 Acts, ch 1154, §15; 2024 Acts, ch 1176, §8, 9; 2025 Acts, ch 30, §105

Referred to in §204.2

204.14B Sale of consumable hemp product — failure to register — civil penalty.

1. A person engaged in the retail sale of a consumable hemp product in this state without being registered with the department of health and human services as required in section 204.7 shall be subject to a civil penalty of not more than ten thousand dollars. The department of health and human services shall impose, assess, and collect the civil penalty. Each day that a continuing violation occurs may be considered a separate offense.

2. All civil penalties collected under this section shall be deposited into the general fund of the state.

3. A person in violation of this section is not also subject to a civil penalty as provided in section 204.12.

2024 Acts, ch 1176, §10

204.14C Sale of consumable hemp product — failure to register — criminal penalty.

1. *a.* A person engaged in the retail sale of a consumable hemp product who is not registered with the department of health and human services as required in section 204.7 commits a serious misdemeanor.

b. A person engaged in the retail sale of an item advertised as a consumable hemp product that is not a consumable hemp product commits a serious misdemeanor.

2. This section shall be presumed not to be in conflict with or limit a prosecution for a violation of any other provision of law, including but not limited to chapter 124 or 21 U.S.C. ch. 13.

2024 Acts, ch 1176, §11

204.14D Persons under legal age — criminal offense.

1. A person shall not sell, give, or otherwise distribute a consumable hemp product to a person under twenty-one years of age.

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2. A person who violates subsection 1 is guilty of a simple misdemeanor.

2024 Acts, ch 1176, §12
Referred to in §204.14F

204.14E Persons under legal age — scheduled violation and community service.

1. A person under twenty-one years of age shall not consume, possess, purchase, or attempt to purchase a consumable hemp product.

2. A person who violates subsection 1 shall be subject to a scheduled violation in the form of a civil penalty pursuant to section 805.8C, subsection 3, paragraph *"d"*.

3. In addition to the imposition of a civil penalty as provided in subsection 2, a person who violates subsection 1 shall be subject to a court appearance as provided in section 805.10. The court shall sentence the person to perform a specified number of hours of unpaid community service as deemed appropriate by the court subject to the following:

a. For a first violation, eight hours, unless waived by the court.

b. For a second offense, twelve hours.

c. For a third or subsequent offense, sixteen hours.

4. A person who violates this section is not subject to a civil penalty as provided in section 204.12.

5. A person does not violate subsection 1 by possessing a consumable hemp product if the person is employed by a registrant and the person is possessing the consumable hemp product as part of the person's employment.

2024 Acts, ch 1176, §13; 2025 Acts, ch 30, §34
Referred to in §204.14F, 805.8C(3)(d), 805.10

204.14F Persons under legal age — exception — cooperation with department of public safety or local law enforcement agency.

1. *a.* A person who would otherwise act to commit an offense under section 204.14D is not guilty of that offense if the person acts under the direction or consent of the department of public safety or a local law enforcement agency as part of an enforcement investigation.

b. A person who would otherwise act to commit a violation under section 204.14E is not subject to that offense if the person acts under the direction or consent of the department of public safety or a local law enforcement agency as part of an enforcement investigation.

2. In enforcing this section, the department of public safety or a local law enforcement agency shall take all measures necessary to ensure that a consumable hemp product is not introduced into the body of a person under the age of twenty-one.

3. Notwithstanding chapter 22, any personal information identifying the person committing an offense or violation as described in this section shall be confidential.

2024 Acts, ch 1176, §14

204.15 Negligent violation program. Transferred to §204A.8; 2024 Acts, ch 1177, §45.

204.15A Hemp products — order of confiscation and disposal.

1. The department of health and human services may order the confiscation and disposal of a hemp product based on any of the following:

a. It is falsely advertised, sold, or distributed as a consumable hemp product.

b. It exceeds the maximum tetrahydrocannabinol concentration allowed under section 124.204, subsection 7, or this chapter.

c. It is a consumable hemp product manufactured, sold, or distributed by a person who is not registered with the department of health and human services as is required in section 204.7.

2. The department of health and human services shall act in consultation with the department of public safety. The department of health and human services may request assistance from the department of public safety or a local law enforcement agency as necessary to carry out the provisions of this section. The department of health and human services, upon request, shall deliver any sample of the item to the department of public safety or a local law enforcement agency.

3. A person required to be registered with the department of health and human services

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as provided in section 204.7 shall pay the department of health and human services all actual and reasonable costs of the destruction of the item. If that department assumes any amount of the costs, it may charge that amount to the person.

2024 Acts, ch 1176, §15

204.16 Waivers or variances. Repealed by 2024 Acts, ch 1177, §44, 55.

204.17 Statutory construction.

1. Nothing in this chapter shall be construed or applied to be in conflict with any of the following:

a. Applicable federal law and related regulations.

b. Other laws of this state, including any administrative rules, relating to product development, product manufacturing, consumer safety, or public health so long as the state law is compatible with applicable federal law.

c. Local law relating to product development, product manufacturing, consumer safety, or public health so long as the local law is consistent with federal and state law, except as provided in section 204.7.

2. Except as provided in section 204.7, nothing in this chapter shall be construed or applied to prohibit a person from possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing a hemp product.

3. Nothing in this chapter shall be construed or applied to authorize a person to manufacture, recommend, possess, use, dispense, deliver, transport, or administer medical cannabidiol pursuant to chapter 124E.

4. Nothing in this chapter shall be construed or applied to infringe upon the ability of the department of public safety or a local law enforcement agency to obtain a search warrant issued by a court, or enter onto any premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

5. Nothing in this chapter shall be construed or applied to affect a statute or rule which applies to an article under this chapter, if it would apply in the same manner as to other articles subject to the same general regulation in other chapters.

2019 Acts, ch 130, §17 – 19; 2020 Acts, ch 1065, §18, 19; 2020 Acts, ch 1121, §107 – 109; 2024 Acts, ch 1177, §36, 37, 55

CHAPTER 204A

IOWA HEMP ACT

Referred to in §124.204, 124.401, 124.401G, 204.8, 317.1D, 453B.17, 453B.18

For other provisions relating to hemp and hemp products, see chapter 204

204A.1	Short title.	204A.6	Hemp transportation.
204A.2	Definitions.	204A.7	Criminal offense — falsified permit or certificate.
204A.3	Administration — rules.		
204A.4	Criminal offenses.	204A.8	Negligent violation program.
204A.5	Hemp production.	204A.9	Statutory construction.

204A.1 Short title.

This chapter shall be known as the *"Iowa Hemp Act"*.

2019 Acts, ch 130, §1, 18, 19
C2020, §204.1
2024 Acts, ch 1177, §45, 55
C2025, §204A.1

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204A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Acceptable hemp THC level"* means the same as defined in 7 C.F.R. §990.1.
2. *"Cannabis"* means the same as defined in 7 C.F.R. §990.1.
3. *"Controlled substance"* means the same as defined in section 124.101.
4. *"Delta-9 tetrahydrocannabinol"* or *"THC"* means the same as defined in 7 C.F.R. §990.1.
5. *"Department"* means the department of agriculture and land stewardship.
6. *"Federal hemp law"* means 7 U.S.C. §1639o, 1639q, and 1639r, together with the domestic hemp production program as provided in 7 C.F.R. pt. 990.
7. *"Hemp"* means the same as defined in 7 C.F.R. §990.1.
8. *"Local law enforcement agency"* means an office of county sheriff or a municipal police department.
9. *"Lot"* means the same as defined in 7 C.F.R. §990.1.
10. *"Total THC"* means the same as defined in 7 C.F.R. §990.1.
11. *"USDA licensee"* means the same as defined in 7 C.F.R. §990.1.

2024 Acts, ch 1177, §38, 55
Referred to in §124.201A, 124.204, 204.2, 453B.17, 716.14

204A.3 Administration — rules.

The department may adopt rules that it deems necessary to administer and enforce this chapter. The rules shall comply with the federal hemp law, or requirements of the United States department of agriculture acting under the federal hemp law.

2024 Acts, ch 1177, §39, 55

204A.4 Criminal offenses.

A criminal offense involving hemp includes but is not limited to production, use, harvest, transportation, delivery, distribution, or sale of cannabis as a controlled substance except as otherwise provided in this chapter and chapter 204.

2024 Acts, ch 1177, §40, 55

204A.5 Hemp production.

1. Except to the extent otherwise provided in the federal hemp law, or by the United States department of agriculture acting under the federal hemp law, this chapter does not affect the powers and duties of the state, including the department of public safety or a local law enforcement agency, to investigate or prosecute a person for a violation of a criminal offense, including an act in violation of chapter 124 or 453B.

2. *a.* Except to the extent otherwise provided in the federal hemp law, or by the United States department of agriculture acting under the federal hemp law, the department of public safety may require a USDA licensee to submit to the department of public safety any of the following:

(1) A notice that the United States department of agriculture's lot includes cannabis that exceeds the acceptable hemp THC level and a description of the noncompliant plant's disposal as required in 7 C.F.R. §990.27.

(2) A corrective action plan filed with the United States department of agriculture to cure the negligent violation as required in 7 C.F.R. §990.27.

(3) A notice of the United States department of agriculture's license suspension under 7 C.F.R. §990.30 or United States department of agriculture's license revocation under 7 C.F.R. §990.31.

(4) A report or record required to be submitted to the United States department of agriculture as part of participation in the domestic hemp program as provided in 7 C.F.R. §990.32.

b. Any data or business information designated as confidential by the United States department of agriculture under this subsection and received by a government body as defined in section 22.1 shall be a confidential record under chapter 22 and subject to any restrictions imposed by the United States department of agriculture.

2024 Acts, ch 1177, §41, 55

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204A.6 Hemp transportation.

Except to the extent otherwise provided in the federal hemp law, including 7 C.F.R. §990.25, or by the United States department of agriculture acting under the federal hemp law, a person transporting hemp seed or harvested hemp in this state, on an intrastate or interstate basis, is subject to all of the following public safety requirements:

1. If the person is licensed under 7 C.F.R. ch. 990, subpt. B or C, the person must carry a copy of that license.
2. The person must carry a certificate of analysis.
3. The person must carry a bill of lading under all of the following circumstances:

a. The person is in possession of the hemp in transit to transfer ownership.

b. The person is delivering cannabis seed for planting and the seed is not of the licensee's own production.

c. A person brings hemp produced in another state into or through this state.

2024 Acts, ch 1177, §42, 55

204A.7 Criminal offense — falsified permit or certificate.

A person is subject to criminal penalties provided under the applicable provisions in chapter 124 or 453B, if all of the following apply:

1. The person commits an offense under one of the applicable provisions of chapter 124 or 453B by possessing, handling, using, manufacturing, marketing, transporting, delivering, or distributing the plant cannabis, regardless of whether the plant was produced in compliance with the provisions of this chapter.
2. The person is required to hold a certificate of analysis to possess, handle, use, manufacture, market, transport, deliver, or distribute hemp that has been harvested under this chapter.
3. The person knowingly or intentionally does any of the following:

a. Falsifies a certificate of analysis.

b. Acquires a certificate of analysis that the person knows has been falsified.

2019 Acts, ch 130, §14, 18, 19
C2020, §204.14
2020 Acts, ch 1065, §16, 19; 2020 Acts, ch 1121, §107 – 109; 2024 Acts, ch 1177, §34, 45, 55
C2025, §204A.7

204A.8 Negligent violation program.

A USDA licensee who is participating in or has successfully completed the program for negligent violations as provided in 7 C.F.R. §990.29 shall not be subject to a criminal offense under chapter 124 or 453B for committing an act that otherwise would constitute the offense.

2019 Acts, ch 130, §15, 18, 19
C2020, §204.15
2020 Acts, ch 1063, §73; 2024 Acts, ch 1177, §35, 45, 55
C2025, §204A.8

204A.9 Statutory construction.

1. Nothing in this chapter shall be construed or applied to be less stringent than required under the federal hemp law.
2. Nothing in this chapter shall be construed or applied to be in conflict with applicable federal law and related regulations.
3. Nothing in this chapter shall be construed or applied to infringe upon the ability of the department of public safety or a local law enforcement agency to obtain a search warrant issued by a court, or enter onto any premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.
4. Nothing in this chapter shall be construed or applied to affect a statute or rule which applies to an article under this chapter, if it would apply in the same manner as to other articles subject to the same general regulation in other chapters.

2024 Acts, ch 1177, §43, 55

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CHAPTER 205

SALE AND DISTRIBUTION OF POISONS

Referred to in §155A.7, 155A.13A, 155A.13C, 155A.17, 155A.17A, 155A.26, 155A.42, 159.6

205.1 Sale of abortifacients.
205.2 Exception.
205.3 Prescriptions.
205.4 Wood or denatured alcohol.
205.5 Regulations as to sales of certain poisons.
205.6 Poison register.
205.7 Labeling poisons.
205.8 Certain sales excepted.
205.9 Prohibited sales.
205.10 False representations.
205.11 Enforcement.
205.12 Chemical analysis of drugs.
205.13 Applicability of other statutes.

205.1 Sale of abortifacients.

No person shall sell, offer or expose for sale, deliver, give away, or have in the person's possession with intent to sell, except upon the original written prescription of a licensed physician, dentist, or veterinarian, any cotton root, ergot, oil of tansy, oil of savin, or derivatives of any of said drugs.

[C51, §2728; R60, §4374; C73, §4038; C97, §2593; S13, §2593, 2596-a; C24, 27, 31, 35, 39, §**3170;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.1]

Referred to in §205.2

205.2 Exception.

The requirements of section 205.1 that certain drugs shall be furnished only upon written prescription, shall not apply to the sale of such drugs to persons who wholesale or retail the same, nor to any licensed physician, dentist, or veterinarian for use in the practice of that person's profession.

[S13, §2596-a; C24, 27, 31, 35, 39, §**3171;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.2]

205.3 Prescriptions.

A person shall not fill a prescription for a drug required by chapter 124 or this chapter to be furnished only upon written prescription unless the prescription is ordered for a medical, dental, or veterinary purpose only.

[S13, §2596-a; C24, 27, 31, 35, 39, §**3172;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.3]

85 Acts, ch 73, §1

205.4 Wood or denatured alcohol.

No person shall have in the person's possession or dispose of in any manner any article intended for use of humans or domestic animals, for internal or external use, for cosmetic purposes, for inhalation, or for perfumes, which contains methyl (wood) alcohol, crude or refined, or completely denatured alcohol. Nothing in this section shall be construed to apply to specially denatured alcohols the formula of which has been approved and the manufacture and use regulated by the federal government.

[S13, §4999-a36; C24, 27, 31, 35, 39, §**3173;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.4]

205.5 Regulations as to sales of certain poisons.

It shall be unlawful for any person except a licensed pharmacist to sell at retail any of the poisons enumerated in this section: Ammoniated mercury, mercury bichloride, red mercuric iodide, and other poisonous salts and compounds of mercury; salts and compounds of arsenic; salts of antimony; salts of barium except the sulphate; salts of thallium; hydrocyanic acid and its salts; chromic, glacial acetic, and picric acids; chloral hydrate, croton oil, creosol, chloroform, dinitrophenol, ether, oil of bitter almonds, phenol, phosphorus and sodium fluoride; aconitine, arecoline, atropine, brucine, homatropine,

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hyoscyamine, nicotine, strychnine, and the salts of these alkaloids; aconite, belladonna, cantharides, digitalis, nux vomica, veratrum, and the preparations of these poisonous drugs.

[C51, §2728; R60, §4374; C73, §4038; C97, §2593; S13, §2593; C24, 27, 31, 35, 39, §**3174;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.5]

2001 Acts, ch 24, §37

Referred to in §205.6, 205.7, 205.8, 205.9, 205.10

205.6 Poison register.

It shall be unlawful for any pharmacist to sell at retail any of the poisons enumerated in section 205.5 unless the pharmacist ascertains that the purchaser is aware of the character of the drug and the purchaser represents that it is to be used for a proper purpose and every sale of any poison enumerated in section 205.5 shall be entered in a book kept for that purpose, to be known as a "Poison Register" and the same shall show the date of the sale, the name and address of the purchaser, the name of the poison, the purpose for which it was represented to be purchased, and the name of the natural person making the sale, which book or books shall be open for inspection by the board of pharmacy, or any magistrate or peace officer of this state, and preserved for at least five years after the date of the last sale therein recorded.

[C97, §2593; S13, §2593; C24, 27, 31, 35, 39, §**3175;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.6]

2007 Acts, ch 10, §160

Referred to in §205.8, 205.9

205.7 Labeling poisons.

Except as otherwise provided, it shall be unlawful to vend, sell, dispense, or give away any poison enumerated in section 205.5, or sodium chlorate or crude carbolic acid, or any other potent poisons, without affixing to the bottle, box, vessel, or package containing the same, a label containing the name of the poison either printed or plainly written, and the word "Poison" printed in red ink, and the name and place of business of the distributor, manufacturer, wholesaler or dealer; and every package or container which contains ammonia water, concentrated lye, denatured alcohol, formaldehyde, benzol, carbon tetrachloride, commercial hydrochloric, nitric, sulphuric or oxalic acids, shall be labeled with the name of the poison, which label shall bear the name and place of business of the distributor, manufacturer, wholesaler, or dealer, the most available antidote and the word "Poison" printed in red ink in a conspicuous place thereon.

[C51, §2728; R60, §4374; C73, §4038; C97, §2588, 2593, 4976; S13, §2593; SS15, §2588; C24, 27, 31, 35, 39, §**3176;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.7]

Referred to in §205.8

205.8 Certain sales excepted.

Nothing in sections 205.5 through 205.7 shall apply:

1. To proprietary medicines, provided they are not in themselves poisonous and are sold in original unbroken packages.

2. To the filling of prescriptions from or the sale to licensed physicians, dentists, or veterinarians or sales to another pharmacist or to hospitals; or to drugs dispensed by licensed physicians, dentists, or veterinarians, as an incident to the practice of their professions.

3. To insecticides and fungicides as defined in chapter 206 and commercial feeds as defined in section 198.3, provided same be labeled in accordance with said section and sold in original unbroken packages, provided, however, that stock dips and fly sprays may be sold in bulk or otherwise and the vessel or container need not have printed on the label the most available antidote.

4. To any proprietary preparation intended for use in destroying mice, rats, gophers or other lower animals, provided same is sold in original unbroken packages and bears the word "Poison", the most available antidote, and the name of the manufacturer.

[C97, §2593; S13, §2593; C24, 27, 31, 35, 39, §**3177;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.8]

2021 Acts, ch 80, §100

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205.9 Prohibited sales.

It shall be unlawful for any person in this state to sell or deliver any poison to any person known to be of unsound mind or under the influence of intoxicants, and it shall likewise be unlawful for any person in this state to sell or deliver any poison enumerated in section 205.5 to any minor under sixteen years of age except upon a written order signed by some responsible person known to the person selling or delivering the same, which said written order shall contain all of the information required to be entered in the poison register under the provisions of section 205.6.

[C27, 31, 35, §3177-b1; C39, §**3177.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.9]

205.10 False representations.

Any person who obtains any poison enumerated in section 205.5 under a false name or statement shall be guilty of a fraudulent practice.

[C51, §2728; R60, §4374; C73, §4038; C97, §2593; S13, §2593; C24, 27, 31, 35, 39, §**3178;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.10]

205.11 Enforcement.

The provisions of this chapter and chapters 124 and 126 shall be administered and enforced by the board of pharmacy. In discharging any duty or exercising any power under those chapters, the board of pharmacy shall be governed by all the provisions of chapter 189, which govern the department of agriculture and land stewardship when discharging a similar duty or exercising a similar power with reference to any of the articles dealt with in this subtitle, to the extent that chapter 189 is not inconsistent with this chapter and chapters 124 and 126.

[C24, 27, 31, 35, 39, §**3179;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.11]

89 Acts, ch 197, §27; 2007 Acts, ch 10, §161

205.12 Chemical analysis of drugs.

Any chemical analysis deemed necessary by the board of pharmacy in the enforcement of this chapter and chapters 124 and 126 shall be made by the department of agriculture and land stewardship when requested by the board of pharmacy.

[C24, 27, 31, 35, 39, §**3180;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.12]

89 Acts, ch 197, §28; 2007 Acts, ch 10, §162

205.13 Applicability of other statutes.

Insofar as applicable, the provisions of chapter 189 shall apply to the articles dealt with in this chapter and chapters 124 and 126. The powers vested in the department of agriculture and land stewardship by chapter 189 shall be deemed for the purpose of this chapter and chapters 124 and 126 to be vested in the board of pharmacy.

[C24, 27, 31, 35, 39, §**3181;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §205.13]

89 Acts, ch 197, §29; 2007 Acts, ch 10, §163

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CHAPTER 206

PESTICIDES

Referred to in §200.7, 205.8, 455B.390, 455B.491

206.1 Title.
206.2 Definitions.
206.3 Examination and orders.
206.4 Classification of licenses.
206.5 Certification requirements — rules.
206.6 License for commercial applicators.
206.7 Certified applicators.
206.7A Discharge of pesticides into natural lakes — civil penalty.
206.8 Pesticide dealer license.
206.9 Cooperative agreements.
206.10 License renewals — delinquent fee.
206.11 Distribution or sale of pesticides.
206.12 Registration.
206.13 Evidence of financial responsibility required by commercial applicator.
206.14 Reports of pesticide accidents, incidents or loss.
206.15 Licensee to keep records.
206.16 Confiscation.
206.17 Reciprocal agreement.
206.18 Exception to penalties.
206.19 Rules.
206.20 Restricted use pesticides classified.
206.21 Secretary of agriculture — duties.
206.22 Penalties.
206.23 Advisory committee created — duties.
206.23A Commercial pesticide applicator peer review panel. Repealed by 2024 Acts, ch 1170, §368.
206.23B Private pesticide applicator peer review panel. Repealed by 2024 Acts, ch 1170, §368.
206.24 Agricultural initiative.
206.25 Pesticide containers disposal.
206.26 through 206.30 Reserved.
206.31 Application of pesticides for structural pest control.
206.32 Chlordane — prohibition.
206.33 Daminozide — prohibition.
206.34 Local legislation — prohibition.

206.1 Title.

This chapter shall be known and may be cited as the "*Pesticide Act of Iowa*".

[C66, 71, 73, 75, 77, 79, 81, §206.1]

206.2 Definitions.

When used in this chapter:

1. *"Active ingredient"* means:

a. In the case of a pesticide that is not a plant growth regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.

b. In the case of a plant growth regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.

c. In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.

d. In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

2. *"Adulterated"* shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

3. *"Antidote"* means the most practical immediate treatment in case of poisoning and includes first aid treatment.

4. "*Certified applicator*" means any individual who is certified under this chapter as authorized to use any pesticide.

5. "*Certified commercial applicator*" means a pesticide applicator or individual who applies or uses a pesticide or device on any property of another for compensation.

6. *"Certified private applicator"* means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than

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trading of personal services between producers of agricultural commodities, on the property of another person.

7. *"Chlordane"* means 1,2,4,5,6,7,8,8-octachloro-4,7-methano-3a,4,7,7a-tetrahydroindane; Octa klor: 1068; Velsicol 1068; Dowklor.

8. *"Commercial applicator"* means a person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide but does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation.

9. *"Department"* means the department of agriculture and land stewardship.

10. *"Device"* means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects, birds, or rodents or destroying, repelling, or mitigating fungi, nematodes, weeds, or such other pests as may be designated by the secretary, but not including equipment used for the application of pesticides when sold separately therefrom.

11. *"Distribute"* means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

12. *"Financial institution"* means a bank or savings association authorized by the laws of the United States, which is a member of the federal deposit insurance corporation or the federal savings and loan insurance corporation.

13. *"Hazard"* means a probability that a given pesticide will have an adverse effect on humans or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

14. *"Inert ingredient"* means an ingredient which is not an active ingredient.

15. *"Ingredient statement"* means either:

a. A statement of the name and percentage by weight of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide.

b. When the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic.

16. *"Label"* means the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

17. *"Labeling"* means all labels and other written, printed, or graphic matter:

a. Upon the pesticide or device or any of its containers or wrappers.

b. Accompanying the pesticide or device at any time.

c. To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the United States department of agriculture or interior, the United States public health service, the state agricultural experiment stations, the Iowa state university, the department of health and human services, the department of natural resources, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of pesticides.

18. *"Misbranded"* shall apply:

a. To any pesticide or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

b. To any pesticide:

(1) If it is an imitation of or is offered for sale under the name of another pesticide.

(2) If its labeling bears any reference to registration under this chapter, when not so registered.

(3) If the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public.

(4) If the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living persons and other vertebrate animals.

(5) If the label does not bear an ingredient statement on that part of the immediate

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container and on the outside container or wrapper, if there is to be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase.

(6) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or graphic matter in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(7) If in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living persons or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such pesticide.

(8) If in the case of a plant growth regulator, defoliant, or desiccant when used as directed it shall be injurious to living humans or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant growth regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

19. *"Permit"* means a written certificate, issued by the secretary or the secretary's agent under rules adopted by the department authorizing the use of certain state restricted use pesticides.

20. *"Person"* means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

21. *"Pesticide"* means any of the following:

a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest.

b. Any substances intended for use as a plant growth regulator, defoliant, or desiccant.

22. *"Pesticide dealer"* means any person who distributes restricted use pesticides, pesticide for use by commercial or public pesticide applicators, or general use pesticides labeled for agricultural or lawn and garden use with the exception of dealers whose gross annual pesticide sales are less than ten thousand dollars for each business location owned or operated by the dealer.

23. *"Plant growth regulator"* means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

24. *a. "Public applicator"* means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

b. "Public applicator" does not include an employee who works only under the direct supervision of a public applicator.

25. *"Registrant"* means the person registering any pesticide or device or who has obtained a certificate of license from the department pursuant to the provisions of this chapter.

26. *"Restricted use pesticide"* means any pesticide restricted as to use by rule of the secretary as adopted under section 206.20.

27. *"Secretary"* means the secretary of agriculture.

28. *"State restricted use pesticide"* means a pesticide which is restricted for sale, use, or distribution under section 206.20.

29. *"Toxic to humans"* means not generally recognized as safe as provided by the United States food and drug administration pursuant to 21 C.F.R. pt. 182.

30. *"Under the direct supervision of"* means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator or a state licensed commercial applicator who is available if and when

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needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

31. *"Unreasonable adverse effects on the environment"* means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

[C24, 27, 31, 35, 39, §**3182;** C46, 50, 54, 58, 62, §206.1; C66, 71, 73, 75, 77, 79, 81, §206.2]

83 Acts, ch 101, §34; 86 Acts, ch 1245, §643; 87 Acts, ch 225, §209 – 213; 87 Acts, ch 177, §1; 88 Acts, ch 1197, §1; 91 Acts, ch 124, §2; 92 Acts, ch 1020, §1; 92 Acts, ch 1112, §1; 95 Acts, ch 172, §1; 2003 Acts, ch 86, §1, 3; 2012 Acts, ch 1017, §56; 2012 Acts, ch 1095, §120, 131; 2014 Acts, ch 1092, §39 – 45; 2015 Acts, ch 29, §31; 2016 Acts, ch 1073, §64; 2017 Acts, ch 159, §43; 2018 Acts, ch 1041, §54, 55; 2023 Acts, ch 19, §283; 2023 Acts, ch 66, §43

Referred to in §202.1, 206.31, 455B.491, 570A.1, 579B.1, 716.11

Further definitions, see §189.1

206.3 Examination and orders.

The examination of pesticides and those products to which pesticides have been applied for the content of pesticide residues shall be made under the direction of the secretary, or the secretary's authorized representative, for the purpose of determining whether they comply with the requirements of this chapter and rules adopted under this chapter. If it shall appear from such examination that a pesticide fails to comply with the provisions of this chapter, and the secretary, or the secretary's authorized representative, contemplates instituting criminal proceedings against any person, the secretary or representative shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present the person's views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the secretary, or authorized representative, it shall appear that the provisions of the chapter have been violated by such person, then the secretary or authorized representative may refer the facts to the county attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing in this chapter shall be construed as requiring the secretary or representative to report for prosecution or for the institution of proceedings in minor violations of the chapter whenever the secretary or representative believes that the public interests will be best served by a suitable notice of warning in writing.

[C66, 71, 73, §206.7; C75, 77, 79, 81, §206.3]

206.4 Classification of licenses.

1. The secretary may classify or subclassify certifications or licenses to be issued under this chapter. Each classification shall be subject to separate testing procedures and requirements. However, no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the secretary under the authority of this section.

2. The secretary in promulgating rules under this chapter shall prescribe standards for the certification of applicators of pesticides. In determining these standards the secretary shall take into consideration standards of the United States environmental protection agency and is authorized to adopt by rule these standards.

[C75, 77, 79, 81, §206.4]

206.5 Certification requirements — rules.

1. A commercial or public applicator shall not apply any pesticide and a person shall not apply any restricted use pesticide without first complying with the certification requirements of this chapter and such other restrictions as determined by the secretary.

2. *a.* A commercial applicator shall pay a seventy-five dollar fee for a three-year certification. A public applicator or a private applicator shall pay a fifteen dollar fee for a three-year certification.

b. To be initially certified as a commercial, public, or private applicator, a person must complete an educational program which shall consist of an examination required to be passed by the person. After initial certification the commercial, public, or private applicator

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must renew the certification by completing the educational program which shall consist of either an examination or continuing instructional courses. The commercial, public, or private applicator must pass the examination each third year following initial certification or may elect to attend two hours of continuing instructional courses each year.

3. A commercial, public, or private applicator is not required to be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, *"under the direct supervision of"* means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised person.

4. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator.

5. A person employed by a farmer not solely as a pesticide applicator who applies restricted use pesticides as an incidental part of the person's general duties or a person who applies restricted use pesticides as an incidental part of a custom farming operation is required to meet the certification requirements of a private applicator.

6. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. However, an employee exempt from the certification requirements of this section shall not apply restricted use pesticides. The secretary shall adopt rules to administer the provisions of this subsection.

7. *a.* The secretary shall adopt, by rule, requirements for the examination, reexamination, and certification of applicants.

b. The department shall adopt rules providing for the program requirements which may include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater.

(1) The department may adopt by rule criteria for allowing a person required to be certified to complete either a written or oral examination.

(2) The department shall administer the instructional courses, by either teaching the courses or selecting persons to teach the courses, according to criteria as provided by rules adopted by the department. The department shall, to the extent possible, select persons to teach the courses in each county. The department is not required to compensate persons selected to teach the courses. In selecting persons, the department shall rely upon organizations interested in the application of pesticides, including associations representing pesticide applicators and associations representing agricultural producers.

(3) The Iowa cooperative extension service in agriculture and home economics of Iowa state university of science and technology shall cooperate with the department in administering the instructional courses. The Iowa cooperative extension service may teach courses, train persons selected to teach courses, or distribute informational materials to persons teaching the courses.

c. The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person's duties.

[C75, 77, 79, 81, §206.5]

87 Acts, ch 225, §214; 88 Acts, ch 1169, §2; 88 Acts, ch 1197, §2; 89 Acts, ch 296, §20; 92 Acts, ch 1112, §2; 93 Acts, ch 176, §35, 36; 95 Acts, ch 172, §2; 2009 Acts, ch 41, §83; 2012 Acts, ch 1095, §121 – 123; 2021 Acts, ch 28, §1; 2025 Acts, ch 134, §28

Referred to in §206.6, 206.10

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206.6 License for commercial applicators.

1. *Commercial applicator.* No person shall engage in the business of applying pesticides to the lands or property of another at any time without being licensed by the secretary. The secretary shall require an annual license fee of not more than twenty-five dollars for each license. Application for a license shall be made in writing to the department on a designated form obtained from the department. Each application for a license shall contain information regarding the applicant's qualifications and proposed operations, license classification or classifications for which the applicant is applying.

2. *Nonresident applicator.* Any nonresident applying for a license under this chapter to operate in the state shall file a written power of attorney designating the secretary of state as the agent of such nonresident upon whom service of process may be had in the event of any suit against said nonresident person, and such power of attorney shall be so prepared and in such form as to render effective the jurisdiction of the courts of this state over such nonresident applicants. A nonresident who has a duly appointed resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees as provided by law for designating resident agents. The secretary shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.

3. *Examination for commercial applicator license.* The secretary of agriculture shall not issue a commercial applicator license until the individual engaged in or managing the pesticide application business and employed by the business to apply pesticides is certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications. The applicant successfully completing the certification requirement shall be a licensed commercial applicator.

4. *Renewal of applicant's license.* The secretary of agriculture shall renew any applicant's license under the classifications for which such applicant is licensed, provided that all of the applicant's personnel who apply pesticides are certified commercial applicators.

5. *Issue commercial applicator license.*

a. The secretary shall approve an application and issue a commercial applicator license to the applicant as follows:

(1) The applicant is qualified as found by the secretary to apply pesticides in the classifications for which the applicant has applied.

(2) The applicant must furnish to the department evidence of financial responsibility as required under section 206.13.

(3) An applicant applying for a license to engage in aerial application of pesticides must demonstrate compliance with the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

b. The secretary shall adopt by rule, additional requirements for issuing a license to a person who is a nonresident of this state engaged in the aerial application of pesticides, which may include but is not limited to conditions for the operation of the aircraft and the application of the pesticides under the supervision of a person who is a resident of this state and licensed as a commercial applicator under this section or as a pesticide dealer under section 206.8. The secretary shall not adopt rules concerning the operation of aircraft when a nonresident person is not engaged in the commercial application of pesticides.

c. The secretary shall issue a commercial applicator license limited to the classifications for which the applicant is qualified, which shall expire as provided in section 206.5, unless it has been revoked or suspended by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons.

6. *Public applicator.*

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a. All state agencies, counties, municipal corporations, and any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides.

b. Public applicators for agencies listed in this subsection shall be subject to certification requirements as provided for in this section. The public applicator license shall be valid only when such applicator is acting as an applicator applying pesticides used by such entities. Government research personnel shall be exempt from this licensing requirement when applying pesticides only to experimental plots. Public agencies or municipal corporations licensed pursuant to this section shall be licensed public applicators.

c. Such agencies and municipal corporations shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

[C66, 71, 73, §206.5; C75, 77, 79, 81, §206.6]

83 Acts, ch 101, §35, 36; 87 Acts, ch 225, §215 – 217; 2008 Acts, ch 1045, §1 – 3; 2009 Acts, ch 133, §80; 2012 Acts, ch 1095, §124, 126

Referred to in §206.13, 206.17, 206.18, 558A.4

206.7 Certified applicators.

1. *Requirement for certification.* A commercial or public applicator shall not apply any pesticide without first complying with the certification standards.

2. *Certification standards.* Certification standards shall be adopted by the secretary to determine the individual's competence with respect to the application and handling of the restricted use pesticides. In determining these standards, the secretary shall take into consideration the standards of the United States environmental protection agency.

3. *Reasons for not qualifying.* If the secretary does not qualify the applicator under this section the secretary shall inform the applicant in writing of the reasons therefor.

[C75, 77, 79, 81, §206.7]

87 Acts, ch 225, §218

Referred to in §206.17

206.7A Discharge of pesticides into natural lakes — civil penalty.

1. A person shall not intentionally spray, place, discharge, or otherwise put a pesticide off label into a natural lake, or an artificial lake connected to a natural lake, that is used as a source water for public or private water supplies.

2. This section does not apply to a commercial, public, or private applicator who is certified pursuant to this chapter.

3. A person who violates this section shall be subject to a civil penalty in the amount of one thousand dollars.

2018 Acts, ch 1085, §1; 2019 Acts, ch 59, §58

Referred to in §206.22

206.8 Pesticide dealer license.

1. It shall be unlawful for any person to act in the capacity of a pesticide dealer, or advertise as, or assume to act as a pesticide dealer at any time without first having obtained a license from the secretary which shall expire at the end of the calendar year of issue. A license shall be required for each location or outlet located within this state from which such pesticides are distributed. Any manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for the manufacturer's, registrant's, or distributor's principal out-of-state location or outlet.

2. The annual license fee for a pesticide dealer is due and payable by June 30 of each year to the department. The annual license fee is based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. (1) A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall pay a license fee according to the following schedule:

(a) Ten dollars, if the annual gross retail pesticide sales are less than ten thousand dollars.

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(b) Twenty-five dollars, if the annual gross retail pesticide sales are ten thousand dollars or more but less than twenty-five thousand dollars.

(c) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

(d) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

(e) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of twenty-five dollars.

b. (1) A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of five percent of the license fee calculated in subparagraph (1).

3. Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund created in section 455E.11.

4. Application for a license required for manufacturers and distributors who are not engaged in the retail sale of pesticides shall be accompanied by a twenty-five dollar fee for each business location within the state required to be licensed, and shall be on a form prescribed by the secretary.

5. This section does not apply to either of the following:

a. A pesticide applicator who applies pesticides which are owned and furnished to the pesticide applicator by another person, if the pesticide applicator does not charge for the sale of the pesticides.

b. A federal, state, county, or municipal governmental entity which provides pesticides only for its own programs.

[C75, 77, 79, 81, §206.8]

87 Acts, ch 225, §219, 220; 88 Acts, ch 1156, §1; 91 Acts, ch 89, §1; 93 Acts, ch 176, §37; 2009 Acts, ch 41, §84; 2012 Acts, ch 1095, §127; 2017 Acts, ch 159, §44; 2023 Acts, ch 64, §29

Referred to in §206.6, 206.10, 206.12, 455E.11

206.9 Cooperative agreements.

The secretary may cooperate, receive grants-in-aid, and enter into agreements with any agency of the federal government, of this state or its subdivisions, or with any agency of another state, or trade associations to obtain assistance in the implementation of this chapter and to do all of the following:

1. Secure uniformity of regulations.

2. Cooperate in the enforcement of the federal pesticide control laws through the use of state or federal personnel and facilities and to implement cooperative enforcement programs.

3. Contract for monitoring pesticides for the national plan.

4. Prepare and submit state plans to meet federal certification standards.

5. Regulate certified applicators.

6. Develop, in conjunction with the Iowa cooperative extension service in agriculture and home economics, courses available to the public regarding pesticide best management practices.

[C66, 71, 73, §206.11; C75, 77, 79, 81, §206.9]

87 Acts, ch 225, §221

206.10 License renewals — delinquent fee.

1. If the application for renewal of a license provided for in this chapter is not filed prior to the first of January in any year, a delinquent fee of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license is issued. A delinquent fee does not apply if the applicant furnishes an affidavit certifying that

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the applicant has not applied pesticides after the expiration of the applicant's license. All licenses issued under this chapter expire December 31 each year.

2. Subsection 1 does not apply to any of the following:

a. A license issued to a pesticide dealer that expires as provided in section 206.8.

b. A certificate issued to a certified applicator that expires as provided in section 206.5.

[C75, 77, 79, 81, §206.10]

91 Acts, ch 89, §2; 2012 Acts, ch 1095, §128

206.11 Distribution or sale of pesticides.

1. It shall be unlawful for any person to distribute, give, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

a. Any pesticide which has not been registered pursuant to the provisions of section 206.12.

b. Any pesticide, if any of the claims made for it, or if any of the directions for its use, differ in substance from the representations made in connection with its registration.

c. Any pesticide if the composition thereof differs from its composition as represented in connection with its registration, unless within the discretion of the secretary, or the secretary's authorized representative, a change in the labeling or formula of a pesticide within a registration period, has been authorized, without requiring a reregistration of the product.

d. Any pesticide, unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing the following:

(1) The name and address of the manufacturer, registrant, or person for whom manufactured.

(2) The name, brand, or trademark of said article.

(3) The net weight or measure of the contents subject, however, to such reasonable variations as the secretary may permit.

(4) An ingredient statement as required in section 206.12.

(5) The date of manufacture of products found by the secretary to be subject to deterioration because of age.

e. Any pesticide which contains any substance or substances in quantities highly toxic to humans; determined as provided in section 206.12, unless the label shall bear, in addition to any other matter required by this chapter:

(1) The skull and cross-bones.

(2) The word "poison" prominently, in red, on a background of distinctly contrasting color.

(3) A statement of an antidote for the pesticide.

(4) Instructions for safe disposal of the container when the used container is found by the secretary after public hearing to be hazardous to humans or other vertebrate animals.

f. Any standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate and barium fluosilicate unless such pesticides have been distinctly colored or discolored as provided by regulations issued in accordance with this chapter, or any other white powder which the secretary, or the secretary's authorized representatives, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the secretary, or authorized representative, may exempt any pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if the secretary or representative determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health or safety.

g. Any pesticide which is adulterated or misbranded.

2. It shall be unlawful:

a. For any person to detach, alter, deface, or destroy in whole or in part, any label or

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labeling provided for in this chapter or the rules promulgated hereunder, or to add any substance to, or take any substance from a pesticide in a manner that may defeat the purpose of this chapter.

b. For any person to use for the person's own advantage or to reveal, other than to the secretary, or officials or employees of the state or officials or employees of the United States department of agriculture, or other federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, in accordance with such directions as the secretary may prescribe, any information relative to formulae of products acquired by authority of section 206.12.

c. For any person to interfere in any way with the secretary or the secretary's duly authorized agents in carrying out the duties imposed by this chapter.

3. It shall be unlawful:

a. To distribute any restricted use pesticide to any person who is required by law or rules promulgated under such law to be certified to use or purchase such restricted pesticides unless such person or the person's agent, to whom distribution is made, is certified to use or purchase such restricted pesticide. Subject to conditions established by the secretary such certification may be obtained immediately prior to distribution from any person designated by the secretary.

b. For any person to use or cause to be used any pesticide contrary to its labeling or to rules of the state of Iowa if those rules differ from or further restrict the usage.

c. For any person to handle, transport, store, display, or distribute pesticides in such a manner as to endanger human beings and their environment or to endanger food, feed, or any other products that may be transported, stored, displayed or distributed with such pesticides.

d. For any person to dispose of, discard, or store any pesticides or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any water supply or waterway.

4. The secretary may suspend an applicator's license pending inquiry, and, after opportunity for a hearing, to be held within ten days, may deny, suspend, revoke or modify any provision of any license, permit or certification issued under this chapter, if the secretary finds that the applicant or the holder of a license, permit or certification has committed any of the following acts, each of which is declared to be a violation of this chapter. However, any licensed or unlicensed person shall be subject to the penalties provided for by section 206.22.

a. Made a pesticide recommendation or application inconsistent with the labeling.

b. Applied known ineffective or improper materials.

c. Operated faulty or unsafe equipment.

d. Operated in a faulty, careless or negligent manner.

e. Neglected or, after notice, refused to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the secretary.

f. Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required.

g. Made false or fraudulent records, invoice or reports.

h. Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification.

i. Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license, permit or certification to be used by another person.

j. Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land.

k. Impersonated any federal, state, county or city inspector or official.

[C97, §2588; SS15, §2588; C24, 27, 31, 35, 39, §**3183, 3184;** C46, 50, 54, 58, 62, §206.2, 206.3; C66, 71, 73, §206.3; C75, 77, 79, 81, §206.11]

2012 Acts, ch 1095, §132

Referred to in §206.18, 206.22

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206.12 Registration.

1. Every pesticide which is distributed, sold, or offered for sale for use within this state or delivered for transportation or transported in intrastate commerce between points within the state through any point outside this state shall be registered with the department of agriculture and land stewardship. All registration of products shall expire on the thirty-first day of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; provided that:

a. For the purpose of this chapter, a fertilizer in a mixed fertilizer-pesticide formulation or a beneficial substance in a beneficial substance-pesticide formulation shall be considered as an inert ingredient.

b. Within the discretion of the secretary, or the secretary's authorized representative, a change in the labeling or formulae of a pesticide may be made within the current period of registration, without requiring a reregistration of the product, provided the name of the item is not changed.

c. The secretary shall provide for a three-month grace period for registration.

2. The registrant shall file with the department a statement containing:

a. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

b. The name of the pesticide.

c. A complete copy of the labeling accompanying the pesticide and a statement of all claims made and to be made for it including directions for use.

d. A full description of the tests made and results thereof upon which the claims are based, if requested by the secretary. In the case of renewal or reregistration, a statement may be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered.

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary. The secretary shall set the registration fee annually at three hundred dollars for each and every brand and grade to be offered for sale in this state. The secretary shall adopt by rule exemptions to the fee. Fifty dollars of each fee collected shall be deposited in the general fund of the state and shall be used only for the purpose of enforcing the provisions of this chapter. The remainder of each fee collected shall be deposited in the agriculture management account of the groundwater protection fund created in section 455E.11.

4. The secretary, whenever the secretary deems it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the secretary that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this chapter, the secretary shall register the article.

5. If it does not appear to the secretary that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, the secretary shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this chapter so as to afford the registrant an opportunity to make the necessary corrections.

6. Notwithstanding any other provisions of this chapter, registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

7. *a.* Each licensee under section 206.8 shall file an annual report at the time of application for licensure with the secretary of agriculture in a form specified by the secretary of agriculture and which includes the following information:

(1) The gross retail sales of all pesticides sold at retail for use in this state by a licensee with one hundred thousand dollars or more in gross retail sales of the pesticides sold for use in this state.

(2) The individual label name and dollar amount of each pesticide sold at retail for which gross retail sales of the individual pesticide are three thousand dollars or more.

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b. A person who is subject to the household hazardous materials permit requirements, and whose gross annual retail sales of pesticides are less than ten thousand dollars for each business location owned or operated by the person, shall report annually, the individual label name of an individual pesticide for which annual gross retail sales are three thousand dollars or more. The information shall be submitted on a form provided to household hazardous materials permittees by the department of natural resources, and the department of natural resources shall remit the forms to the department of agriculture and land stewardship.

c. Notwithstanding the reporting requirements of this section, the secretary of agriculture may, upon recommendation of the advisory committee created pursuant to section 206.23, and if the committee declares a pesticide to be a pesticide of special concern, require the reporting of annual gross retail sales of a pesticide.

d. A person who sells feed which contains a pesticide as an integral part of the feed mixture shall not be subject to the reporting requirements of this section. However, a person who manufactures feed which contains a pesticide as an integral part of the feed mixture shall be subject to the licensing requirements of section 206.8.

e. The information collected and included in the report required under this section shall remain confidential. Public reporting concerning the information collected shall be performed in a manner which does not identify a specific brand name in the report.

[C66, 71, 73, §206.4; C75, 77, 79, 81, §206.12]

87 Acts, ch 225, §222, 223; 88 Acts, ch 1156, §2 – 4; 90 Acts, ch 1133, §1; 91 Acts, ch 89, §3; 91 Acts, ch 124, §3; 91 Acts, ch 260, §1218; 93 Acts, ch 131, §9; 94 Acts, ch 1107, §49; 2000 Acts, ch 1066, §41; 2009 Acts, ch 41, §85; 2012 Acts, ch 1095, §133 – 135; 2022 Acts, ch 1152, §10; 2023 Acts, ch 64, §30; 2024 Acts, ch 1185, §153; 2025 Acts, ch 134, §21

Referred to in §206.11, 206.16, 206.22, 455E.11

206.13 Evidence of financial responsibility required by commercial applicator.

1. The department shall not issue a commercial applicator's license as required in section 206.6 until the applicant has furnished evidence of financial responsibility with the department. The evidence of financial responsibility shall consist of a surety bond, a liability insurance policy, or an irrevocable letter of credit issued by a financial institution. The department may accept a certification of the evidence of financial responsibility. The evidence of financial responsibility shall pay the amount that the beneficiary is legally obligated to pay as damages caused by the pesticide operations of the applicant. However, the evidence of financial responsibility does not apply to damages or an injury which is expected or intended from the standpoint of the beneficiary. A liability insurance policy shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance. The evidence of financial responsibility need not apply to damages or injury to agricultural crops, plants, or land being worked upon by the applicant.

2. The amount of the evidence of financial responsibility as provided for in this section shall be not less than one hundred thousand dollars for property damage and public liability insurance, each separately, or liability insurance with limits of one hundred thousand dollars per occurrence and three hundred thousand dollars annual aggregate. The evidence of financial responsibility shall be maintained at not less than that amount at all times during the licensed period. The department shall be notified ten days prior to any reduction in the surety bond or liability insurance made at the request of the applicant or cancellation of the surety bond by the surety or the liability insurance by the insurer. The department shall be notified ninety days prior to any reduction of the amount of the irrevocable letter of credit at the request of the applicant or the cancellation of the irrevocable letter of credit by the financial institution. The total and aggregate liability of the surety, insurer, or financial institution for all claims shall be limited to the face of the surety bond, liability insurance policy, or irrevocable letter of credit.

[C75, 77, 79, 81, §206.13]

2003 Acts, ch 86, §2, 3; 2012 Acts, ch 1095, §129; 2013 Acts, ch 15, §10, 11

Referred to in §206.6

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206.14 Reports of pesticide accidents, incidents or loss.

1. The secretary may by rule require the reporting of significant pesticide accidents or incidents to a designated state agency.

2. Any person claiming damages from a pesticide application shall have filed with the secretary on a form prescribed by the secretary a written statement claiming that the person has been damaged.

a. This report shall have been filed within sixty days after the alleged date that damages occurred. If a growing crop is alleged to have been damaged, the report must be filed prior to the time that twenty-five percent of the crop has been harvested. Such statement shall contain, but shall not be limited to the name of the person allegedly responsible for the application of said pesticide, the name of the owner or lessee of the land on which the crop is grown and for which damage is alleged to have occurred, and the date on which the alleged damage occurred.

b. The secretary shall prepare a form to be furnished to persons to be used in such cases and such form shall contain such other requirements as the secretary may deem proper. The secretary shall, upon receipt of such statement, notify the licensee and the owner or lessee of the land or other person who may be charged with the responsibility of the damages claimed, and furnish copies of such statements as may be requested. The secretary shall inspect damages whenever possible and when the secretary determines that the complaint has sufficient merit the secretary shall make such information available to the person claiming damage and to the person who is alleged to have caused the damage.

3. The filing of such a report or failure to give notice shall not preclude recovery in an action for damages and shall not affect the limitations of actions set forth in chapter 614. Nothing herein shall prohibit an action for damages for bodily injury or death to any person.

a. The filing of such report or the failure to file such a report shall not be a violation of this chapter. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the secretary may, when in the public interest, refuse to hold a hearing for the denial, suspension or revocation of a license or permit issued under this chapter until such report is filed.

b. Where damage is alleged to have occurred, the claimant shall permit the secretary, the licensee and the licensee's representatives, such as surety or insurer, to observe within reasonable hours the lands or nontarget organism alleged to have been damaged in order that such damage may be examined. Failure of the claimant to permit such observation and examination of the damaged lands shall automatically bar the claim against the licensee.

4. The secretary shall require, by rule, that veterinarians licensed and practicing veterinary medicine in the state promptly report to the department a case of domestic livestock poisoning or suspected poisoning by agricultural chemicals.

[C73, §206.13, 455B.102; C75, 77, §206.14, 455B.102; C79, §206.14, 455B.132; C81, §206.14]

Referred to in §139A.21

206.15 Licensee to keep records.

The secretary shall require commercial applicators and certified commercial applicators to maintain records with respect to application of pesticides. Such relevant information as the secretary may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the secretary shall, upon request in writing, be furnished with a copy of such records forthwith.

[C75, 77, 79, 81, §206.15]

206.16 Confiscation.

1. Any pesticide or device that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any district court in any county of the state where it may be found and seized for confiscation by condemnation.

a. In the case of a pesticide:

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(1) If it is adulterated or misbranded.
(2) If it has not been registered under the provisions of section 206.12.
(3) If it fails to bear on its label the information required by this chapter.
(4) If it is a white powder pesticide and is not colored as required under this chapter.

b. In the case of a device, if it is misbranded.

2. If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds if such article is sold, less legal costs, shall be paid to the state treasurer; provided, that the article shall not be sold contrary to the provisions of this chapter; and, provided further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

3. When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

4. When the secretary has reasonable cause to believe a pesticide or device is being distributed, stored, transported, or used in violation of any of the provisions of this chapter, or of any of the prescribed rules under this chapter, the secretary may issue and serve a written "stop sale, use, or removal" order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order, the secretary may attach the order to the pesticide or device and notify the registrant. The pesticide or device shall not be sold, used, or removed until the provisions of this chapter have been complied with and the pesticide or device has been released in writing under conditions specified by the secretary or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

[C66, 71, 73, §206.10; C75, 77, 79, 81, §206.16]
Referred to in §206.19

206.17 Reciprocal agreement.

The secretary may waive all or part of the examination requirements provided for in sections 206.6 and 206.7 on a reciprocal basis with any other state which has substantially the same standards.

[C75, 77, 79, 81, §206.17]

206.18 Exception to penalties.

1. The penalties provided for violations of section 206.11, subsection 1, shall not apply to:

a. Any carrier while lawfully engaged in transporting a pesticide within this state, if such carrier shall, upon request, permit the secretary or the secretary's designated agent to copy all records showing the transactions in and movement of the articles.

b. Public officials of this state and the federal government engaged in the performance of their official duties.

c. The manufacturer or shipper of a pesticide for experimental use only:

(1) By or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides.

(2) By others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only — not to be sold", together with the manufacturer's name and address; provided, however, that if a written permit has been obtained from the secretary, pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

2. No article shall be deemed in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this chapter shall apply.

3. The provisions of section 206.6 relating to licenses and requirements for their issuance shall not apply to any farmer applying pesticides for the farmer or with ground equipment or manually for the farmer's neighbors; provided, that:

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a. The farmer operates farm property and operates and maintains pesticide application equipment primarily for the farmer's own use;

b. The farmer is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation and that the farmer shall not publicly claim to be a pesticide applicator;

c. The farmer operates the pesticide application equipment only in the vicinity of the farmer's own property and for the accommodation of the farmer's neighbors.

4. The licensing requirements of section 206.6 shall not apply to persons using hand-powered or self-propelled equipment not exceeding seven and one-half horsepower as determined by rules promulgated by the department to apply pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of taking care of household lawns and yards provided, that such persons shall not publicly hold themselves out as being in the business of applying pesticides, and that such persons do not apply restricted use pesticides or state restricted use pesticides, restricted to use only by certified applicators.

5. The provisions of section 206.6 relating to licenses and requirements for their issuance shall not apply to a doctor of veterinary medicine applying pesticides to animals during the normal course of veterinary practice; provided that the veterinarian is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or does not publicly claim to be a pesticide applicator; and that the veterinarian does not apply restricted use pesticides, or state restricted use pesticides, restricted to use by certified applicators only.

[C66, 71, 73, §206.8; C75, 77, 79, 81, §206.18]

206.19 Rules.

The department shall, by rule, after public hearing following due notice:

1. Declare as a pest any form of plant or animal life or virus which is unduly injurious to plants, humans, domestic animals, articles, or substances.

2. Determine the proper use of pesticides including but not limited to their formulations, times and methods of application, and other conditions of use.

3. Determine in cooperation with municipalities, the proper notice to be given by a commercial or public applicator to occupants of adjoining properties in urban areas prior to or after the exterior application of pesticides, and establish a schedule to determine the periods of application least harmful to living beings. The rules shall provide that a commercial or public applicator must provide notice only if an occupant requests that the commercial or public applicator provide the occupant notice in a timely manner prior to the application. The request shall include the name and address of the occupant, a telephone number of a location where the occupant may be contacted during normal business hours and evening hours, and the address of each property that adjoins the occupant's property. The notification shall expire on December 31 of each year, or the date when the occupant no longer occupies the property, whichever is earlier. Municipalities shall cooperate with the department by reporting infractions and in implementing this subsection.

4. Adopt rules providing guidelines for public bodies to notify adjacent property occupants regarding the application of herbicides to noxious weeds or other undesirable vegetation within highway rights-of-way.

5. *a.* Establish, assess, and collect civil penalties for a violation of a provision in this chapter or a rule adopted pursuant to this chapter by a commercial applicator or private applicator. In determining the amount of a civil penalty to be assessed for a violation, the department shall consider all of the following factors:

(1) The willfulness of the violation.

(2) The actual or potential danger of injury to the public health or safety, or damage to the environment caused by the violation.

(3) The actual or potential cost of the injury or damage caused by the violation to the public health or safety, or to the environment.

(4) The actual or potential cost incurred by the department in enforcing this chapter and rules adopted pursuant to this chapter against the violator.

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(5) The remedial action required of the violator.

(6) The violator's previous history of complying with orders or decisions of the department.

b. The amount of the civil penalty shall not exceed five hundred dollars for each offense.

c. (1) A person subject to a civil penalty pursuant to this subsection may submit an appeal to the department. The appeal shall be referred to an administrative law judge for hearing as a contested case pursuant to chapter 17A.

(2) This paragraph does not apply to a license revocation proceeding. This paragraph does not require the department to delay the prosecution of a case if immediate action is necessary to reduce the risk of harm to the environment or public health or safety. This section also does not require a review or response if the department refers a violation of this chapter for criminal prosecution, or for an action involving a stop order issued pursuant to section 206.16.

(3) An available response by the department may be used as evidence in an administrative hearing, or a civil or criminal case, except to the extent that information is considered confidential pursuant to section 22.7.

[C66, §206.6; C71, §206.6, 206.12; C73, §206.12, 455B.102; C75, 77, §206.19, 455B.102; C79, §206.19, 455B.132; C81, §206.19]

87 Acts, ch 177, §2; 87 Acts, ch 225, §224; 88 Acts, ch 1118, §2; 93 Acts, ch 130, §1; 95 Acts, ch 172, §3; 2009 Acts, ch 41, §263; 2021 Acts, ch 28, §2; 2022 Acts, ch 1152, §11; 2024 Acts, ch 1170, §251

206.20 Restricted use pesticides classified.

The secretary shall determine, by rule, the pesticides to be classified as restricted use pesticides. In determining these rules the secretary shall take into consideration the pesticides classified as restricted use by the United States environmental protection agency and is authorized to adopt by reference these classifications.

[C75, 77, 79, 81, §206.20]

87 Acts, ch 177, §3; 88 Acts, ch 1118, §3

Referred to in §206.2

206.21 Secretary of agriculture — duties.

1. The secretary is authorized, after public hearing following due notice, to make appropriate rules for carrying out the provisions of this chapter, including rules providing for the collection and chemical examination of samples of pesticides or devices.

2. *a.* The secretary, including the secretary's authorized agents, inspectors, or employees, may enter into or upon any place during reasonable business hours in order to do any of the following:

(1) Take periodic random samples for chemical examinations of pesticides and devices.

(2) Open any bundle, package or other container containing or believed to contain a pesticide in order to determine whether the pesticide or device complies with the requirements of this chapter.

(3) Monitor the use of or review the pesticide application.

b. Methods of analysis shall be those currently used by the association of official agricultural chemists.

3. The secretary of agriculture, in cooperation with the advisory committee created pursuant to section 206.23, shall designate areas with a history of concerns regarding nearby pesticide applications as pesticide management areas. The secretary shall adopt rules for designating pesticide management areas.

[C66, 71, 73, §206.6; C75, 77, 79, 81, §206.21]

87 Acts, ch 225, §225; 2012 Acts, ch 1095, §136

206.22 Penalties.

1. Any person violating section 206.11, subsection 1, paragraph "*a*", shall be guilty of a simple misdemeanor.

2. Any person violating any provision of this chapter other than section 206.11, subsection

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1, paragraph *"a"*, or section 206.7A shall be guilty of a serious misdemeanor; provided, that any offense committed more than five years after a previous conviction shall be considered a first offense; and provided, further, that in any case where a registrant was issued a warning by the secretary pursuant to the provisions of this chapter, such registrant shall upon conviction of a violation of any provision of this chapter other than section 206.11, subsection 1, paragraph *"a"*, or section 206.7A, be guilty of a serious misdemeanor; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article, the registration of which has been terminated, may not again be registered unless the article, its labeling, and other material required to be submitted appear to the secretary to comply with all the requirements of this chapter.

3. Notwithstanding any other provisions of the section, in case any person, with intent to defraud, uses or reveals information relative to formulae of products acquired under authority of section 206.12, the person shall be guilty of a serious misdemeanor.

[C66, 71, 73, §206.9; C75, 77, 79, 81, §206.22]

92 Acts, ch 1112, §3; 95 Acts, ch 172, §4; 2018 Acts, ch 1085, §2; 2019 Acts, ch 59, §59

Referred to in §206.11

206.23 Advisory committee created — duties.

1. An advisory committee to the secretary is created. The advisory committee shall have the following members:

a. The dean, college of veterinary medicine, Iowa state university of science and technology, or the dean's designee;

b. The dean, university of Iowa college of medicine, or the dean's designee;

c. An entomologist, botanist, geneticist, horticulturist, agronomist and two persons representing the general public appointed by the secretary. Appointive members of the advisory committee shall serve terms of four years.

2. The advisory committee shall assist the secretary in obtaining scientific data and coordinating agricultural chemical regulatory, enforcement, research, and educational functions of the state. The advisory committee shall recommend rules regarding the sale, use, or disuse of agricultural chemicals to the secretary.

3. The advisory committee shall adopt rules relating to its procedures, and meetings under the general supervision of the secretary.

4. The members of the advisory committee shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

[C81, §206.23]

2001 Acts, ch 74, §8

Referred to in §200A.6, 206.12, 206.21, 455B.491

206.23A Commercial pesticide applicator peer review panel. Repealed by 2024 Acts, ch 1170, §368.

206.23B Private pesticide applicator peer review panel. Repealed by 2024 Acts, ch 1170, §368.

206.24 Agricultural initiative.

1. A program of education and demonstration in the area of the agricultural use of fertilizers and pesticides shall be initiated by the secretary of agriculture. The secretary shall coordinate the activities of the state regarding this program.

2. Education and demonstration programs shall promote the widespread adoption of management practices which protect groundwater. The programs may include but are not limited to programs targeted toward the individual farm owner or operator, high school and college students, and groundwater users, in the areas of best management practices, current research findings, and health impacts. Emphasis shall be given to programs which enable these persons to demonstrate best management practices to their peers.

87 Acts, ch 225, §226; 2015 Acts, ch 30, §67

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206.25 Pesticide containers disposal.

The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall develop a program for handling used pesticide containers which reflects the state solid waste management policy.

87 Acts, ch 225, §227; 2002 Acts, ch 1162, §37

206.26 through 206.30 Reserved.

206.31 Application of pesticides for structural pest control.

1. *Definitions.* Notwithstanding section 206.2, as used in this chapter with regard to the application of pesticides used for structural pest control:

a. "Commercial applicator" means a person, or employee of a person, who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide or servicing a device but shall not include a farmer trading work with another.

b. "Public applicator" means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

c. "Structural pest control" means controlling any pests in, on, or around food handling establishments; human dwellings; institutions such as schools and hospitals; industrial establishments, including warehouses and grain elevators; and any other structures in adjacent areas.

2. *Additional certification requirements.*

a. A person shall not apply a restricted use pesticide used for structural pest control without first complying with the certification requirements of this chapter and other restrictions as determined by the secretary.

b. The secretary shall require applicants for certification as commercial or public applicators of pesticides applied for structural pest control to take and pass a written test.

3. *Examination for commercial applicator license.* The secretary of agriculture shall not issue a commercial applicator license for applying pesticides for structural pest control until the individual engaged in or managing the pesticide application business or employed by the business is certified by passing an examination to demonstrate to the secretary the individual's knowledge of how to apply pesticides under the classifications the individual has applied for, and the individual's knowledge of the nature and effect of pesticides the individual may apply under such classifications.

4. *Renewal of applicant's license.* The secretary of agriculture shall renew an applicant's license for applying pesticides for structural pest control under the classifications for which the applicant is licensed, provided that all of the applicant's personnel who apply pesticides for structural pest control have also been certified.

5. *Rules and fee.* The secretary shall adopt by rule, pursuant to chapter 17A, requirements for the examination and certification of the applicants and set a fee of not more than five dollars for certification.

87 Acts, ch 177, §4; 88 Acts, ch 1118, §4; 88 Acts, ch 1197, §3; 2009 Acts, ch 41, §263

206.32 Chlordane — prohibition.

1. A person shall not offer for sale, sell, purchase, apply, or use chlordane in this state.

2. The department, working in conjunction with the department of natural resources, shall identify existing stocks of chlordane, shall formulate recommendations for the safe disposal of existing stocks of chlordane, and shall make those recommendations available to the owners of existing stocks of chlordane.

88 Acts, ch 1118, §1; 2015 Acts, ch 30, §68; 2015 Acts, ch 103, §16

206.33 Daminozide — prohibition.

A person shall not offer for sale, sell, purchase, apply, or use a pesticide containing daminozide in this state if the pesticide is sold, purchased, applied, or used for purposes of enhancing or improving a product produced to be consumed.

89 Acts, ch 127, §1; 90 Acts, ch 1260, §24

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206.34 Local legislation — prohibition.

1. As used in this section:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 331, or any special purpose district.

b. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

2. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a pesticide. A local governmental entity shall not adopt or continue in effect local legislation relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a pesticide, regardless of whether a statute or rule adopted by the department applies to preempt the local legislation. Local legislation in violation of this section is void and unenforceable.

3. This section does not apply to local legislation of general applicability to commercial activity.

94 Acts, ch 1002, §2; 94 Acts, ch 1198, §42

CHAPTER 206A

RESERVED

CHAPTER 207

COAL MINING

Referred to in §159.5, 159.6, 161A.4, 189.16, 190.1

This chapter not enacted as a part of this title;
transferred from chapter 83 in Code 1993

207.1 Policy.
207.2 Definitions.
207.3 Mining license.
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207.11 Political subdivision engaged in mining.
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207.14 Enforcement.
207.15 Penalties.
207.16 Release of performance bonds or deposits.
207.17 Citizen suits.
207.18 Coal exploration permits.
207.19 Surface effects of underground coal mining operations.
207.20 Authority to enter into cooperative agreements.
207.21 Abandoned mine reclamation program.
207.22 Acquisition and reclamation of land.
207.23 Liens.
207.24 Water rights and replacement.
207.25 Additional duties and powers of the division.
207.26 Mining operations not subject to this chapter.
207.27 Experimental practices.
207.28 Employee protection.
207.29 Powers and authority of division.

207.1 Policy.

1. It is the policy of this state to provide for the rehabilitation and conservation of land

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affected by coal mining and preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health and safety of the people of this state.

2. The general assembly finds and declares that because the federal Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95-87, codified at 30 U.S.C. ch. 25, subch. IV, provides for a permit system to regulate the mining of coal and reclamation of the mining sites and provides that permits may be issued by states which are authorized to implement the provisions of that Act, it is in the interest of the people of Iowa to enact the provisions of this chapter in order to authorize the state to implement the provisions of the federal Surface Mining Control and Reclamation Act of 1977 and federal regulations and guidelines issued pursuant to that Act.

[C79, §83A.12(2); C81, §83.1]

C93, §207.1

2006 Acts, ch 1010, §61; 2011 Acts, ch 34, §40; 2015 Acts, ch 103, §17

207.2 Definitions.

As used in this chapter, unless context otherwise requires:

1. *"Administrator"* means the administrator of the division or a designee.

2. *"Division"* means the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5.

3. *"Fund"* means the abandoned mine reclamation fund established pursuant to this chapter.

4. *"Imminent danger to the health and safety of the public"* means the existence of a condition or practice, or a violation of a permit or other requirement of this chapter in a coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before it can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose the person's self to the danger during the time necessary for abatement.

5. *"Mine"* means an underground mine operation or surface mine operation developed and operated for the purpose of extracting coal.

6. *"Operator"* means a person engaged in coal mining who removes or intends to remove more than fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in one location.

7. *"Permit"* means a permit to conduct surface coal mining and reclamation operations issued by the division.

8. *"Permit area"* means the area of land indicated on the approved map submitted with the operator's application.

9. *"Prime farmland"* means the same as prescribed by the United States department of agriculture pursuant to 7 C.F.R. §657.5(a).

10. *"Secretary"* means the United States secretary of the interior or a designee.

11. *"State program"* means the procedures for regulating coal mining and reclamation operations established by this chapter.

12. *"Surface coal mining and reclamation operations"* means surface coal mining operations and all activities necessary and incident to the reclamation of such operations after the effective date of this chapter.

13. *"Surface coal mining operations"* means both:

a. Activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground coal mine subject to the requirements of this chapter. However, these activities do not include the extraction of coal incidental to the extraction of other minerals if coal does not exceed sixteen and two-thirds percent of the tonnage of minerals removed for purposes of commercial use or sale or include coal explorations subject to this chapter.

b. The areas upon which such activities occur or where such activities disturb the natural land surface.

14. *"Unwarranted failure to comply"* means the failure of an operator to prevent the

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occurrence of or abate a violation of a permit or a requirement of this chapter due to indifference, lack of diligence, or lack of reasonable care.

[C81, §83.2]

86 Acts, ch 1245, §601

C93, §207.2

2012 Acts, ch 1095, §137; 2013 Acts, ch 90, §36; 2015 Acts, ch 103, §40; 2017 Acts, ch 159, §45; 2024 Acts, ch 1170, §28

207.3 Mining license.

1. A person shall not engage in a surface coal mining operation without first obtaining a license from the division. Licenses shall be issued upon application submitted on a form provided by the division and accompanied by a fee of fifty dollars. An applicant shall furnish on the form information necessary to identify the applicant. Licenses expire on December 31 following the date of issuance and shall be renewed by the division upon application submitted within thirty days prior to the expiration date and accompanied by a fee of ten dollars.

2. The division may commence proceedings to suspend, revoke, or refuse to renew a license of a licensee for repeated or willful violation of any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §801 et seq.

3. The hearing shall be held pursuant to chapter 17A not less than fifteen nor more than thirty days after the mailing or service of the notice. If the licensee is found to have willfully or repeatedly violated any of the provisions of this chapter or of the federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. §801 et seq., the division may affirm or modify the proposed suspension, revocation, or refusal to renew the license.

4. Suspension or revocation of a license shall become effective thirty days after the mailing or service of the decision to the licensee. If the division finds the license should not be renewed, the renewal fee shall be refunded and the license shall expire on the expiration date or thirty days after mailing or service of the decision to the licensee, whichever is later.

[C79, §83A.12(1); C81, §83.3]

C93, §207.3

2011 Acts, ch 34, §41; 2024 Acts, ch 1170, §29

207.4 Mine site permit.

1. *a.* Prior to beginning mining or removal of overburden at mining site, an operator shall obtain a permit from the division for the site. Application for a permit shall be made upon a form provided by the division. The permit fee shall be established by the division in an amount not to exceed the cost of administering the permit provisions of this chapter.

b. The application shall include but not be limited to:

(1) A legal description of the land where the site is located and the estimated number of acres affected.

(2) A statement explaining the authority of the applicant's legal right to operate a mine on the land.

(3) A reclamation plan meeting the requirements of this chapter.

(4) A determination by an appropriate state or federal agency of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity, and quality of water in surface and groundwater systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the division of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability. If the division finds that the probable total annual production at all locations of a coal mining operator will not exceed one hundred thousand tons, the determination of probable hydrologic consequences and a statement of the result of test borings on core samplings which the division may require shall upon the written request of the operator be performed by a qualified public or private laboratory designated by the division and the cost of the preparation of the determination and statement shall be assumed by the division.

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2. All permits issued pursuant to the requirements of this chapter shall be issued for a term not to exceed five years. If the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for the longer term, the division may grant a permit for the longer term. A successor in interest to a permittee who applies for a new permit within thirty days of succeeding to the interest and is able to continue the bond coverage may continue coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until the successor's application is granted or denied.

3. A permit terminates if the permittee has not commenced the coal mining operations covered by the permit within three years of issuance of the permit. However, the division may grant reasonable extensions of time upon a showing that the extensions are necessary because of litigation precluding the commencement or threatening substantial economic loss to the permittee or because of conditions beyond the control and without the fault or negligence of the permittee. If a coal lease is issued under the federal Mineral Leasing Act, as amended, extensions of time may not extend beyond the period allowed for diligent development in accordance with section 7 of that Act. If coal is to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee is deemed to have commenced mining operations when the construction of the synthetic fuel or generating facility is initiated.

4. A valid permit carries the right of successive renewal upon expiration within the boundaries of the existing permit. On application for renewal the burden shall be on the opponents of approval. Upon application the renewal shall be issued unless the division establishes any of the following:

a. The terms and conditions of the existing permit are not being satisfactorily met.

b. The present coal mining and reclamation operation is not in compliance with the environmental protection standards of this chapter.

c. The renewal requested substantially jeopardizes the operator's continuing responsibility on existing permit areas.

d. The operator has not shown that the performance bond for the operation and any additional bond the division may require will continue in full force and effect for the renewal requested.

e. Additional revised or updated information required by the division has not been provided.

5. *a.* A permit renewal shall be for a term not to exceed the period of the original permit.

b. Application for renewal shall be made at least one hundred twenty days prior to the expiration of the permit. Prior to the approval of a renewal of permit the division shall provide notice to the appropriate public authorities.

[C81, §83.4]
C93, §207.4
2014 Acts, ch 1026, §43; 2015 Acts, ch 29, §32
Mine site permit fee set at fifteen dollars per site acre; 88 Acts, ch 1272, §4

207.5 Public notice and hearing.

1. An applicant for a coal mining and reclamation permit or its renewal shall file a copy of the application for public inspection with the county recorder of each county where the mining is proposed to occur.

2. An applicant for a coal mining and reclamation permit or its renewal shall submit to the division a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission the advertisement shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed mine weekly for four consecutive weeks. The division shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies where the proposed mining will take place, informing them of the operator's intention to mine a particularly described tract of land, indicating the application number and where a copy of the proposed mining and reclamation plan may be inspected. They

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may submit written comments within a reasonable period established by the division on the effect of the proposed operation on the environment within their area of responsibility. The comments shall immediately be transmitted to the applicant and shall be made available to the public at the same locations as the mining permit application.

3. A person having an interest which is or may be adversely affected or a federal, state, or local governmental agency may file written objections to the proposed initial or revised application for a permit for coal mining and reclamation operation with the division within sixty days after the last publication of the advertisement. The objections shall immediately be transmitted to the applicant and shall be made available to the public. If objections are filed and an informal conference requested within a reasonable time, the division shall hold an informal conference in the locality of the proposed mining operations and shall publish the date, time and location in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. Upon request by an interested party, the division may arrange with the applicant access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding, unless waived by all parties. The record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. If all parties requesting the informal conference stipulate agreement prior to the conference and withdraw their request, the conference need not be held.

4. An application for a permit shall show a certificate issued by an insurance company authorized to do business in this state certifying that the applicant has a public liability insurance policy in force for that mining and reclamation operation or evidence satisfactory to the division that the applicant has an adequate self-insurance plan. The policy or self-insurance plan shall provide for personal injury and property damage protection adequate to compensate persons entitled to compensation because of damage as a result of coal mining and reclamation operations including use of explosives. The policy or self-insurance plan shall be maintained in full force and effect during the terms of the permit, any renewal and all reclamation operations.

[C81, §83.5]
C93, §207.5

207.6 Blasting plan required.

1. An application for a permit shall contain a blasting plan which outlines the procedures and standards by which the operator will meet the requirements of the division.

2. The division may promulgate rules requiring the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in coal mining operations.

[C81, §83.6]
C93, §207.6

207.7 Environmental protection performance standards.

The division shall adopt rules for environmental protection performance standards that are consistent with federal regulations authorized under the federal Surface Mining Control and Reclamation Act and amendments to that Act.

[C77, 79, §83A.31; C81, §83.7]
87 Acts, ch 47, §1
C93, §207.7
Referred to in §207.9, 207.10, 207.16, 207.18, 207.27

207.8 Determining if land is unsuitable for mining.

1. The division by rule shall designate a site unsuitable for coal mining if the division determines on the basis of an application or petition that reclamation as required by this chapter is not technologically and economically feasible and may designate a site unsuitable for coal mining if such operations will:

a. Be incompatible with existing state or local land use plans or programs.

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b. Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems.

c. Affect renewable resource lands in which such operations could result in a substantial loss or reduction of long range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas.

d. Affect natural hazards lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

2. The requirements of this section do not apply to lands on which coal mining operations are being conducted as of August 3, 1977, or under a permit issued pursuant to this chapter or pursuant to section 83A.12, Code 1979, or where substantial legal and financial commitments in an operation were in existence prior to January 4, 1977.

3. Prior to designating a land area as unsuitable for coal mining operations, the division shall prepare a detailed statement on the potential coal resources of the area, the demand for coal resources, and the impact of the designation on the environment, the economy, and the supply of coal.

4. A person having an interest which is or may be adversely affected may petition the division to have an area designated or to have the designation terminated. The petition shall contain allegations of facts with supporting evidence tending to establish the allegations. Within ten months after receipt of the petition the division shall hold a public hearing in the locality of the affected area, after appropriate notice and publication of the date, time, and location of the hearing. After a person has filed a petition and before the hearing, any person may intervene by filing allegations. Within sixty days after the hearing, the division shall issue and furnish to the petitioner and any other party to the hearing a written decision regarding the petition and the reasons. If all the petitioners stipulate agreement prior to the hearing and withdraw their request, the hearing need not be held.

5. Subject to valid existing rights, coal mining operations, except those which exist on the effective date of this chapter, shall not be permitted on any of the following:

a. Lands within the boundaries of units of the national park systems, the national system of trails, the national wilderness preservation system, the national wildlife refuge systems, the wild and scenic rivers system, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and national recreation areas designated by Act of Congress.

b. Lands which will adversely affect any publicly owned park or places included in the national register of historic sites unless approved jointly by the division and the federal, state, or local agency with jurisdiction over the park or the historic site.

c. Within one hundred feet of the outside right-of-way line of a public road, except where mine access roads or haulage roads join the right-of-way line and except that the division may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected.

d. Within three hundred feet of an occupied dwelling or a privately owned building, unless waived by the owner, or within three hundred feet of a public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

[C77, 79, §83A.13; C81, §83.8]
C93, §207.8
2006 Acts, ch 1010, §62

207.9 Permit approval or denial.

1. Upon the basis of a complete mining application and reclamation plan or a revision or renewal, the division shall grant, require modification of, or deny the application for a permit in a reasonable time set by the division and notify the applicant in writing. The applicant shall have the burden of establishing that the application is in compliance with all the requirements of this chapter. Within ten days after granting of a permit, the division shall notify the political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

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2. A permit or revision application shall not be approved unless the application affirmatively demonstrates and the division finds in writing on the basis of the application or other information documented in the approval, and made available to the applicant, the following:

a. The permit application is accurate, complete and in compliance with all the requirements of this chapter.

b. The applicant has demonstrated that reclamation as required by this chapter and the state program can be accomplished under the reclamation plan contained in the permit application.

c. The division has assessed the probable cumulative impact of all anticipated mining in the area on the hydrologic balance and the proposed operation has been designed to prevent material damage to hydrologic balance outside permit area.

d. The area proposed to be mined is not included within an area designated unsuitable for coal mining or is not within an area proposed for such designation.

e. If the private mineral estate has been severed from the private surface estate, the applicant has submitted any of the following:

(1) The written consent of the surface owner to the extraction of coal.

(2) A conveyance that expressly grants or reserves the right to extract the coal by surface mining.

(3) If the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship as determined in accordance with state law. This chapter does not authorize the division to adjudicate property rights disputes.

3. The applicant shall file with the permit application a schedule listing any and all notices of violations of this chapter and any law or rule of the federal or a state government pertaining to air or water environmental protection incurred by the applicant in connection with a coal mining operation during the three previous years. The schedule shall also indicate the final resolution of the notice of violation. If any information available to the division indicates that a coal mining operation owned or controlled by the applicant is currently in violation of this chapter or the other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority which has jurisdiction over the violation and the permit shall not be issued to an applicant after a finding by the division after an opportunity for a hearing that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this chapter.

4. If the area proposed to be mined contains prime farmland, the division shall, after consultation with the United States secretary of agriculture, and pursuant to regulations issued by the secretary with the concurrence of the secretary of agriculture, grant a permit to mine on prime farmland if the division finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards established by section 207.7. Any operator who mines coal on agricultural land shall restore such mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined agricultural land of similar quality in the surrounding area under equivalent levels of management.

5. Within sixty days a person having an interest which is or may be adversely affected may appeal the decision of the division granting or denying a permit as a contested case under chapter 17A.

[C81, §83.9]
C93, §207.9
2024 Acts, ch 1170, §30

207.10 Performance bond requirement.

1. After a permit application has been approved but before issuance, the applicant shall file with the division, on a form furnished by the division, a bond for performance payable to

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the state and conditioned upon faithful performance by the operator of all requirements of this chapter and all rules adopted by the division pursuant to this chapter.

2. The bond shall be signed by the operator as principal and by a corporate surety licensed to do business in Iowa as surety. In lieu of a bond, the operator may deposit cash, or government securities, or certificates of deposit or letters of credit with the division on the same conditions as for filing of bonds.

3. The amount of the bond or other security required to be filed with the division shall be equal to the estimated cost of reclamation of the site if performed by the division. The estimated cost of reclamation of each individual site shall be determined by the division on the basis of relevant factors. The division may require each applicant to furnish information necessary to estimate the cost of reclamation. The amount of the bond or other security may be increased or reduced as the permitted operation changes, or when the cost of future reclamation changes. However, the bond amount shall not be less than ten thousand dollars.

4. Liability under the bond shall be for the duration of the coal mining and reclamation operation and for a period coincident with operator's responsibility for revegetation requirements in the rules promulgated under section 207.7.

5. If the license to do business in Iowa of a surety of a bond filed with the division is suspended or revoked, the operator, within thirty days after receiving notice from the division, shall substitute another surety. If the operator fails to make substitution, the division may suspend the operator's authorization to conduct mining on the site covered by the bond until substitution has been made. The commissioner of insurance shall notify the division whenever the license of any surety providing bond for an operator is suspended or revoked.

6. Notwithstanding sections 12C.7, subsection 2, and 666.3, the interest or earnings on investments or time deposits of the proceeds of a performance bond forfeited to the division, cash deposited under subsection 2, any funds provided for the abandoned mine reclamation program under section 207.21 and any civil penalties collected pursuant to sections 207.14 and 207.15 shall be credited to the payment of costs and administrative expenses associated with the reclamation, restoration or abatement activities of the division. The division may expend funds credited to it under this subsection to conduct reclamation activities on any areas disturbed by coal mining not subject to a presently valid permit to conduct surface mining.

[C81, §83.10]
85 Acts, ch 140, §1
C93, §207.10
Referred to in §207.14

207.11 Political subdivision engaged in mining.

An agency or political subdivision of the state or a publicly owned utility or corporation of a political subdivision which engages or intends to engage in coal mining shall meet all requirements of this chapter.

[C81, §83.11]
C93, §207.11

207.12 Revision of permits.

1. *a.* An operator may apply for a revision or cancellation of a permit. The application shall be submitted by the operator on a form provided by the division, and shall contain information as required by the division.

b. The division shall establish rules for determining the scale or extent of a revision request to which all permit application information requirements and procedures including notice and hearings, shall apply. Revisions which propose significant alterations in the reclamation plan shall be subject to notice and hearing requirements.

2. An application for a revision of a permit shall not be approved unless the division finds that reclamation as required by this chapter can be accomplished under the revised reclamation plan.

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3. Extensions to the area covered by the permit except incidental boundary revisions must be made subject to the requirements for an application for new permit.

4. If the application is to cancel the permit as it pertains to any or all of the unmined part of a site, the division shall, after ascertaining that overburden has not been disturbed or deposited on the land, order release of the bond or the security posted on that portion of the land being removed from the permit and cancel or amend the operator's permit to conduct mining on the site. Land where overburden has been disturbed or deposited shall not be removed from a permit or released from bond or security under this section.

5. A transfer, assignment, or sale of the rights granted under a permit shall not be made without the written approval of the division.

6. Fees for revision or cancellation shall be determined by the division but shall not exceed the cost of administering revisions or cancellations of permits as authorized under this section.

7. The division shall review outstanding permits within a time limit prescribed by rule and may require reasonable revision or modification of the permit provisions during the term of the permit. However, the revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by the division.

[C81, §83.12]
C93, §207.12
2009 Acts, ch 41, §263

207.13 Inspections and monitoring.

1. *a.* The division shall make inspections of any mining and reclamation operations as are necessary to evaluate the administration of this chapter and authorized representatives of the division shall have a right to entry at any mining and reclamation operation. If the operator refuses to consent to the inspection, the division shall request the attorney general to immediately obtain a warrant for the inspection.

b. The division shall determine what records and other information shall be maintained and furnished to the division by the operators for the effective administration of this chapter.

2. The inspections by the division shall:

a. Occur at a frequency of one complete inspection per calendar quarter and at least one partial inspection on an irregular basis in those months where a complete inspection is not performed.

b. Occur without prior notice to the permittee, agents or employees except for necessary on-site meetings with the permittee.

c. Include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this chapter.

3. If the division has reason to believe that an operator is in violation of a requirement of this chapter or a permit condition, the division shall immediately order an inspection of the coal mining operation within ten days of receiving notice of the alleged violation.

4. An operator shall conspicuously maintain a clearly visible sign at the entrances to the mining and reclamation operation which sets forth the name, business address, permit number and phone number of the operator.

5. Each inspector shall immediately inform the operator in writing of each violation, and shall report in writing any violation to the division.

6. Copies of any record, reports, inspection materials, or information obtained under this section by the division shall be made immediately available to the public at central and sufficient locations in the area of mining so that they are conveniently available to residents in the areas of mining.

7. An employee of the division performing any function or duty under this chapter shall not have a direct or indirect financial interest in any mining operation.

[C81, §83.13]
C93, §207.13
2002 Acts, ch 1050, §20; 2009 Acts, ch 41, §263

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207.14 Enforcement.

1. *a.* When on the basis of an inspection, the administrator determines that a condition or practice exists which creates an imminent danger to the health or safety of the public or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the administrator shall immediately order a cessation of coal mining and reclamation operations to the extent necessary until the administrator determines that the condition, practice, or violation has been abated, or until the order is modified, vacated, or terminated by the division pursuant to procedures set out in this section.

b. If the administrator finds that the ordered cessation will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm, the administrator shall require the operator to take whatever steps the administrator deems necessary to abate the imminent danger or the significant environmental harm.

2. *a.* When on the basis of an inspection, the administrator determines that any operator is in violation of any requirement of this chapter or permit condition, but the violation does not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant, imminent environmental harm, the administrator shall issue a notice to the operator fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

b. If upon expiration of the time as fixed the administrator finds in writing that the violation has not been abated, the administrator, notwithstanding sections 17A.18 and 17A.18A, shall immediately order a cessation of coal mining and reclamation operations relating to the violation until the order is modified, vacated, or terminated by the administrator pursuant to procedures outlined in this section. In the order of cessation issued by the administrator under this subsection, the administrator shall include the steps necessary to abate the violation in the most expeditious manner possible.

3. When on the basis of an inspection the administrator determines that a pattern of violations of the requirements of this chapter or any permit conditions exists or has existed, and if the administrator also finds that the violations are willful or caused by the unwarranted failure of the operator to comply with any requirements of this chapter or any permit conditions, the administrator shall immediately issue an order to the operator to show cause as to why the permit should not be suspended or revoked and the bond or security forfeited, and shall provide opportunity for a hearing as a contested case pursuant to chapter 17A. Upon the operator's failure to show cause, the administrator shall immediately suspend or revoke the permit.

4. *a.* A permittee may request in writing an appeal to the division of a decision made in a hearing under subsection 3 within thirty days of the decision. The division shall review the record made in the contested case hearing, and may hear additional evidence upon a showing of good cause for failure to present the evidence in the hearing, or if evidence concerning events occurring after the hearing is deemed relevant to the proceeding. However, the division shall not review a decision in a proceeding if the division seeks to collect a civil penalty pursuant to section 207.15, and those decisions are final agency actions subject to direct judicial review as provided in chapter 17A.

b. The contested case hearing shall be scheduled within thirty days of receipt of the request by the division. If the decision in the contested case is to revoke the permit, the permittee shall be given a specific period to complete reclamation, or the attorney general shall be requested to institute bond forfeiture proceedings.

5. In any administrative proceeding under this chapter or judicial review, the amount of all reasonable costs and expenses, including reasonable attorney fees incurred by a person in connection with the person's participation in the proceedings or judicial review, may be assessed against either party as the court in judicial review or the division in administrative proceedings deems proper.

6. Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the operator or an agent and all notices and

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orders shall be in writing and signed. A notice or order issued pursuant to this section may be modified, vacated, or terminated by the administrator. Any notice or order issued pursuant to this section which requires cessation of mining by the operator expires within thirty days of actual notice to the operator unless a public hearing is held at or near the site so that any viewings of the site can be conducted during the course of the hearing.

7. *a.* A permittee issued a notice or order under this section or any person having an interest which is or may be adversely affected by the notice or order or by its modification, vacation, or termination may apply to the division for review within thirty days of receipt of the notice or order or within thirty days of its modification, vacation, or termination. The review shall be treated as a contested case under chapter 17A.

b. Pending completion of any investigation or hearings required by this section, the applicant may file with the division a written request that the administrator grant temporary relief from any notice or order issued under this section together with a detailed statement giving reasons for granting such relief.

c. The administrator shall issue an order or decision granting or denying the request for relief within five days of its receipt. The administrator may grant such relief under such conditions as the administrator may prescribe if all of the following occur:

(1) A hearing has been held in the locality of the permit area in which all parties were given an opportunity to be heard. The hearing need not be held as a contested case under chapter 17A.

(2) The applicant shows that there is substantial likelihood that the findings of the division will be favorable to the applicant.

(3) Such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.

8. At the request of the division, the attorney general shall institute any legal proceedings, including an action for an injunction or a temporary injunction necessary to enforce the penalty provisions of this chapter or to obtain compliance with this chapter. Injunctive relief may be requested to enforce a cessation order issued by the administrator pending a hearing pursuant to subsection 4.

9. When on the basis of an inspection, or other information available to the division, the administrator has reasonable cause to believe that the operator is unable to complete reclamation of all or a portion of the permit area as required by law, the administrator shall issue an order to the operator to show cause as to why all or a portion of the performance bond required by section 207.10 should not be revoked.

[C81, §83.14; 82 Acts, ch 1119, §1, 2]
85 Acts, ch 140, §2 – 4
C93, §207.14
98 Acts, ch 1202, §35, 46; 2009 Acts, ch 41, §219; 2024 Acts, ch 1170, §31 – 34
Referred to in §207.10, 207.15

207.15 Penalties.

1. *a.* (1) A person who violates a permit condition, a provision of this chapter, or a rule or order issued under this chapter is subject to a civil penalty not to exceed five thousand dollars per day for each day of violation.

(2) If a violation results in the issuance of a cessation order, a civil penalty shall be imposed. The penalty shall not exceed five thousand dollars for each day of violation.

b. In determining the amount of the penalty, consideration shall be given to the operator's history of previous violations at the particular mining operation, the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public, whether the operator was negligent, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of the violation.

c. An operator who fails to correct a violation for which a notice or order has been issued within the period permitted for its correction shall be required to pay a civil penalty of not less than seven hundred fifty dollars for each day during which the failure or violations continue.

2. *a.* If a notice or order has been issued, the division may assess a recommended penalty

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in accordance with a schedule established by rule. The person to whom the notice or order was issued may submit written information within fifteen days of the notice or order to be considered by the division. The division shall serve the assessment by certified mail, return receipt requested, within thirty days of issuance of the notice or order. The division may reassess any penalty if necessary to account for facts not reasonably available on the date of issuance of the assessment. A person may consent to a penalty assessment by paying the penalty without resort to judicial proceedings.

b. If a violation results in the issuance of a cessation order pursuant to section 207.14 the division shall assess a penalty.

3. A contested case hearing may be requested pursuant to section 207.14, subsection 4, to review a notice, order, or penalty assessment. A person to whom a penalty assessment has been issued may request a contested case hearing solely for review of the amount of the penalty. A penalty assessment is final if a request for review is not made in a timely manner.

4. Judicial review of any action of the division shall be in accordance with chapter 17A. Judicial review of a penalty assessment shall not be permitted unless the petitioner has posted a bond equal to the amount of the assessed penalty in the district court or has placed the proposed amount in an interest-bearing escrow fund approved by the division.

5. If a violation results in a cessation order pursuant to section 207.14, the attorney general, at the request of the division, shall institute a civil action in district court for injunctive relief.

6. Notwithstanding section 17A.20, an appeal bond shall be required for an appeal of a judgment assessing a civil penalty.

7. A person who willfully and knowingly violates a condition of a permit or any other provision of this chapter, or makes a false statement, representation, or certification, or knowingly fails to make a statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter or any order or decision of this chapter, shall be guilty of a serious misdemeanor and notwithstanding section 903.1 the maximum fine shall be ten thousand dollars.

8. Whenever a corporate operator violates a condition of a permit or any other provision of this chapter or fails or refuses to comply with any provision of this chapter, a director, officer, or agent of that corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties or criminal fines and imprisonment that may be imposed upon a person under this section.

9. An employee of the division performing any function or duty under this chapter who knowingly and willfully has a direct or indirect financial interest in any coal mining operation shall be guilty of a serious misdemeanor and notwithstanding section 903.1 the maximum fine shall be two thousand five hundred dollars.

[C81, §83.15]
84 Acts, ch 1153, §1, 2; 85 Acts, ch 140, §5
C93, §207.15
2009 Acts, ch 133, §81
Referred to in §207.10, 207.14, 207.18

207.16 Release of performance bonds or deposits.

1. Each operator upon completion of any reclamation work required by this chapter shall apply to the division in writing for approval of the work. The division shall promulgate rules consistent with Pub. L. No. 95-87, §519, codified at 30 U.S.C. §1269, regarding procedures and requirements to release performance bonds or deposits.

2. The division may release in whole or part the bonds or deposits if the division is satisfied the reclamation covered by the bonds or deposits or portions thereof has been accomplished as required by this chapter according to stages determined by the division by rule. When the operator has completed successfully all surface coal mining and reclamation activities, the remaining portion of the bond shall be released upon the expiration of the period specified for operator responsibility in the rules promulgated pursuant to section 207.7. A bond shall not be fully released until all reclamation requirements of this chapter are fully met.

3. A person with a valid legal interest which might be adversely affected by release of

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the bond or a federal, state, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation, or which is authorized to develop and enforce environmental standards with respect to such operations may file written objections to the proposed release from bond to the division within sixty days after the last publication as required by rule of a notice of a request for bond release by the operator. If written objections are filed and a hearing is requested, the division shall inform all the interested parties of the time and place of the hearing, and hold a public hearing as a contested case in the locality of the coal mining operation or at the state capital, at the request of the objectors, within thirty days of the request. The date, time, and location shall be advertised by the division in a newspaper of general circulation in the locality for two consecutive weeks.

[C81, §83.16]
C93, §207.16
2006 Acts, ch 1010, §63; 2011 Acts, ch 34, §42

207.17 Citizen suits.

1. A person having an interest which is or may be adversely affected may commence a civil action on the person's own behalf to compel compliance with this chapter as follows:

a. Against the division or any other governmental agency or subdivision which is alleged to be in violation of the provisions of this chapter or of any rule, order or permit issued or against any other person who is alleged to be in violation of any rule, order or permit issued pursuant to this chapter.

b. Against the division where there is alleged a failure of the division to perform any act or duty required under this chapter. The suit shall be filed in the county where the mining operation is or, if against the division, in the district court for Polk county or the county of the petitioner's residence.

2. An action shall not be commenced:

a. Under subsection 1, paragraph *"a"* of this section until sixty days after the plaintiff has given notice in writing of the violation to the division and to any alleged violator, or if the state has commenced and is diligently prosecuting a civil action against that operator for compliance with the provisions of this chapter; however, the person may intervene in the action as a matter of right.

b. Under subsection 1, paragraph *"b"* of this section until sixty days after the plaintiff has given notice in writing to the division in the manner provided by rule; however, if the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff, the action may be brought immediately after giving notice.

3. The division may intervene in any action under this section.

4. The court, in issuing a final order in an action brought pursuant to subsection 1 of this section, may award costs of litigation including attorney and expert witness fees to any party.

5. This section does not restrict a right which any person or class may have under a statute or common law to seek enforcement of any of the provisions of this chapter or to seek any other relief. The availability of judicial review of the actions of the division shall not restrict any rights established by this section.

6. A person whose person or property is injured through the violation by any operator of a rule, order, or permit issued pursuant to this chapter may bring an action for damages including reasonable attorney and expert witness fees only in the county in which the coal mining operation complained of is located. This subsection shall not affect the rights or limits under workers' compensation as provided in chapter 85.

[C81, §83.17]
C93, §207.17

207.18 Coal exploration permits.

1. A coal exploration operation in this state which substantially disturbs the natural land surface shall be conducted in accordance with exploration rules issued by the division. The rules shall include at a minimum the following:

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a. The requirement that prior to conducting an exploration the person must file with the division a notice of intention to explore describing the exploration area and the period of exploration.

b. Provisions for reclamation of the lands disturbed by the exploration in accordance with the environmental performance standards mandated by section 207.7.

2. Information submitted to the division pursuant to this section and determined by the division, following consultation with the person submitting the information, to be confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person intending to explore the described area shall not be available for public examination.

3. A person who conducts coal exploration activities which substantially disturb the natural land surface in violation of this section shall be subject to the provisions of section 207.15.

4. An operator shall not remove more than fifty tons of coal pursuant to an exploration permit without the specific written approval of the division.

[C81, §83.18]
C93, §207.18

207.19 Surface effects of underground coal mining operations.

1. The provisions of this chapter shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The division shall promulgate such modifications in its rules to allow for such distinct differences and still fulfill the purposes of this chapter and be consistent with the requirements of Pub. L. No. 95-87, §516, codified at 30 U.S.C. §1266, and the permanent regulations issued pursuant to that Act.

2. In order to protect the stability of the land, the division shall suspend underground coal mining under urbanized areas, cities, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the administrator finds imminent danger to inhabitants of the urbanized areas, cities, and communities.

[C81, §83.19]
C93, §207.19
2006 Acts, ch 1010, §64; 2011 Acts, ch 34, §43

207.20 Authority to enter into cooperative agreements.

The division may enter into a cooperative agreement with the secretary to provide for the division to regulate mining and reclamation operations on federal lands within the state. If the division enters into a cooperative agreement with the secretary under this section, such agreement shall be conducted according to the provisions of chapter 28E.

[C81, §83.20]
C93, §207.20
Referred to in §207.27

207.21 Abandoned mine reclamation program.

1. The division shall participate in the abandoned mine reclamation program under Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV. There is established an abandoned mine reclamation fund under the control of the division.

2. *a.* Lands and water eligible for reclamation or drainage abatement expenditures under this section include the following:

(1) Lands which were mined for coal or affected by such mining, waste banks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or federal laws.

(2) Coal lands and water damaged by coal mining processes and abandoned after August

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3, 1977, if they were mined for coal or affected by coal mining processes and if either of the following occurred:

(a) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and April 10, 1981, and any moneys for reclamation or abatement that are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site.

(b) The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and November 5, 1990, and the surety of the mining operator became insolvent during that period and, as of November 5, 1990, moneys immediately available from proceedings relating to the insolvency or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site.

b. If requested by the governor, the division may fill voids and seal tunnels, shafts, and entryways resulting from any previous noncoal mining operation, and may reclaim surface impacts of any such noncoal underground or surface mines that were mined prior to August 3, 1977, and which constitute an extreme danger to the public health, safety, general welfare, or property. Sites and areas designated for remedial action pursuant to the federal Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. §7901 et seq., or which have been listed for remedial action pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., are not eligible for expenditures under this section.

3. Expenditure of moneys from the abandoned mine reclamation fund on eligible lands and water for the purpose of this program shall reflect the following priorities in the order stated:

a. The protection of public health, safety, and property from extreme danger of adverse effects of coal mining practices.

b. The protection of public health and safety from adverse effects of coal mining practices.

c. The restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water, excluding channelization, woodland, fish and wildlife, recreation resources, and agricultural productivity.

d. The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices.

e. The development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this section for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

4. *a.* The division shall submit to the secretary a state reclamation plan and annual projects to carry out the purposes of this program. The plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV.

b. The division may annually submit to the secretary an application with such information as determined by the secretary for the support of the state program and implementation of specific reclamation projects.

c. The costs for each proposed project under this program shall include actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction and inspection costs, and other necessary administrative expenses.

d. The division shall prepare and submit annual and other reports as required by the secretary.

5. The division in participating in the abandoned mine reclamation program under Pub.

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L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, shall have the following additional powers:

a. To engage in any work and to do all things necessary or expedient, including promulgation of rules, to implement and administer the provisions of this program.

b. To engage in cooperative projects with any other governmental unit provided that such cooperative projects shall be under a cooperative agreement conducted according to the provisions of chapter 28E.

c. To request the attorney general to seek injunctive relief to restrain any interference with the exercise of the right to enter or to conduct work under this program.

d. To construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

[C81, §83.21]

C93, §207.21

97 Acts, ch 115, §1, 2; 2010 Acts, ch 1061, §180; 2011 Acts, ch 34, §44 – 46; 2015 Acts, ch 103, §18

Referred to in §207.10

207.22 Acquisition and reclamation of land.

1. *a.* The division, pursuant to a state program approved by the secretary, may take action as provided in paragraph *"b"* of this subsection if it finds all of the following:

(1) Land or water resources have been adversely affected by past coal mining practices.

(2) The adverse effects are at a stage where in the public interest action to restore, reclaim, abate, control, or prevent should be taken.

(3) The owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known or readily available, or will not give permission for the United States, this state, political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

b. Upon giving notice by mail to the owners if known or by posting notice upon the premises and advertising once in a local newspaper of general circulation if not known, the division may enter upon the property adversely affected by past coal mining practices and any other property to have access to the property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects. The entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and not as an act of condemnation of property or trespass. The moneys expended for the work and the benefits accruing to the property shall be chargeable against such property and shall mitigate or offset any claim on or any action brought by an owner of any interest in the property for any alleged damages because of the entry. This provision does not create new rights of action or eliminate existing immunities.

2. The division may enter upon a property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. The entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and not as an act of condemnation of property or trespass.

3. The division pursuant to an approved state program may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if the secretary determines that acquisition of the land is necessary to successful reclamation and that:

a. The acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open spaces benefits and that permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the

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land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

b. Acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of Pub. L. No. 95-87, Tit. IV, codified at 30 U.S.C. ch. 25, subch. IV, or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effect of past coal mining practices.

4. Title to all lands acquired pursuant to this section shall be in the name of this state. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

5. If land acquired pursuant to this section is deemed to be suitable for industrial, commercial, agricultural, residential, or recreational development, the division with authorization from the secretary may sell the land by public sale under a system of competitive bidding, at not less than fair market value and under rules promulgated to insure that the lands are put to proper use consistent with local land use plans.

6. The division if requested after appropriate public notice shall hold a public hearing with the appropriate notice, in the county of the lands acquired pursuant to this section. The hearings shall be held at a time that affords local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands.

7. The division may cooperate with the secretary in acquiring land by purchase, donation, or condemnation to assist the housing of people disabled as the result of employment in the mines or incidental work, persons displaced by acquisition of land pursuant to this section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as determined by the secretary. The fund provided under this section shall not be used to pay the actual construction costs of housing.

[C81, §83.22]

C93, §207.22

2002 Acts, ch 1119, §145; 2010 Acts, ch 1061, §180; 2011 Acts, ch 34, §47; 2011 Acts, ch 131, §56, 158

207.23 Liens.

1. Within six months after the completion of a project to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the money expended on the project and may file a lien statement in the office of the district court clerk of each county in which a portion of the property affected by the project is located, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past mining practices if the money so expended results in a significant increase in property value. A copy of the lien statement and the appraisal, if required, shall be served upon affected property owners in the manner provided for service of an original notice. The lien shall not exceed the amount determined by the appraiser to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices. A lien shall not be filed in accordance with this subsection against the property of a person who neither consented to, participated in, nor exercised control over the mining operation which necessitated the reclamation performed.

2. The owner of property to which the lien attaches may petition the court within sixty days after receipt of service of the lien statement, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount found to be the increase in value of the property shall constitute the amount of the lien and shall be recorded in the office of the district court in each county in which the owner's property is located. A party aggrieved by the decision may appeal as provided by law.

3. The lien provided in this section has priority over all other liens or security interests which have attached to the property, whenever those liens may have arisen, except liens of real estate taxes imposed upon the property.

[C81, §83.23]

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C93, §207.23
97 Acts, ch 115, §3, 4; 2012 Acts, ch 1105, §1, 27, 28; 2012 Acts, ch 1138, §13; 2015 Acts, ch 103, §19

207.24 Water rights and replacement.

1. This chapter shall not be construed as affecting the right of any person's interest in water resources affected by a mining operation.

2. The operator of a mine shall replace the water supply of an owner of interest in real property who obtains all or part of the owner's supply of water for any legitimate use from an underground or surface source if the supply has been affected by contamination, diminution, or interruption proximately resulting from the mine operation.

[C81, §83.24]
C93, §207.24

207.25 Additional duties and powers of the division.

In addition to the duties and powers conferred upon the division, it shall have the power to prescribe by rule the necessary procedures and requirements of operators to carry out the purpose and provisions of this chapter.

[C81, §83.25]
C93, §207.25

207.26 Mining operations not subject to this chapter.

The provisions of this chapter shall not apply to any of the following activities:

1. The extraction of coal by a landowner for the landowner's own noncommercial use from land owned or leased by the landowner.

2. The extraction of coal as an incidental part of federal, state or local government-financed highway or other construction under rules promulgated by the division.

[C81, §83.26]
88 Acts, ch 1022, §1
C93, §207.26

207.27 Experimental practices.

In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, agricultural, residential, or public use including recreational facilities, the division with approval by the secretary may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 207.7 and 207.20 if the experimental practices are potentially as environmentally protective, during and after mining operations, as those required by promulgated standards, the mining operations approved for particular land use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices, and the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

[C81, §83.27]
C93, §207.27

207.28 Employee protection.

1. A person shall not discharge, or in any other way discriminate against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this chapter, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this chapter.

2. Any employee or a representative of employees who believes that the employee or representative has been fired or discriminated against by a person in violation of subsection

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1 of this section may, within thirty days after the alleged violation occurs, apply to the administrator for a review as provided by rule of the firing or alleged discrimination.

[C81, §83.28]
C93, §207.28

207.29 Powers and authority of division.

The division may engage in any work and do all things necessary or expedient, including adoption of rules, to implement and administer the provisions of an abandoned mine reclamation program.

97 Acts, ch 115, §5

CHAPTER 208

MINES

Referred to in §159.5, 159.6, 161A.4, 189.16, 190.1

This chapter not enacted as a part of this title;
transferred from chapter 83A in Code 1993

208.1	Policy.	208.16	Transfer to new operator.
208.2	Definitions.	208.17	Reclamation requirements.
208.3	through 208.6 Reserved.	208.18	Periodic reports.
208.7	Mining license — fees and expiration.	208.19	Reclamation schedule.
208.8	Suspension, revocation, or refusal to issue license.	208.20	Extension of time.
208.9	Registering mine site.	208.21	Political subdivision engaged in mining.
208.9A	Subsidence.	208.22	
208.10	Violation — enforcement.	208.23	Form of bond.
208.10A	Penalties.	208.24	Single bond for multiple sites.
208.11	Judicial review.	208.25	Cancellation of bond.
208.12	and 208.13 Reserved.	208.26	Rules — inspection of site.
208.14	Bond.	208.27	
208.15	Amendment or cancellation.	208.28	Forfeiture of bond — licensure restrictions.

208.1 Policy.

It is the policy of this state to provide for the reclamation and conservation of land affected by the mining of gypsum, clay, stone, sand, gravel, or other ores or mineral solids, except coal, and thereby to preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health, safety and general welfare of the people of this state.

[C71, 73, 75, 77, 79, 81, §83A.1]
85 Acts, ch 137, §1
C93, §208.1
96 Acts, ch 1043, §1

208.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Administrator"* means the administrator of the division or a designee.

2. *"Affected land"* means the area of land from which overburden has been removed or upon which overburden has been deposited or land that has otherwise been disturbed, changed, influenced, or altered in any way in the course of mining, including a known or reported subsidence, and processing and stockpile areas, but not including roads.

3. *"Division"* means the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to section 159.5.

4. *"Exploration"* means the mining of limited amounts of any mineral to determine the location, quantity, or quality of the mineral deposit.

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5. *"Highwall"* means the unexcavated face of exposed overburden and mineral in a surface mine.

6. *"Mine"* or *"mine site"* means a site where mining is being conducted or has been conducted in the past.

7. *"Mineral"* means gypsum, clay, stone, sand, gravel, or other ores or mineral solids, except coal.

8. *"Mining"* means the excavation of gypsum, clay, stone, sand, gravel, or other ores or mineral solids, except coal, for sale or for processing or consumption in the regular operation of a business and shall include surface mining and underground mining.

9. *"Mining operation"* means activities conducted by an operator on a mine site relative to the excavation of minerals and shall include disturbing overburden, excavation, and processing of minerals, stockpiling and removal of minerals from a site, and all reclamation activities conducted on a mine site.

10. *"Operator"* means any person, firm, partnership, corporation, or political subdivision engaged in and controlling a mining operation.

11. *"Overburden"* means all of the earth and other materials which lie above natural mineral deposits and includes all earth and other materials disturbed from their natural state in the process of mining.

12. *"Pit floor"* or *"quarry floor"* means the lower limit of a surface excavation to extract minerals.

13. *"Political subdivision"* means any county, district, city, or other public agency within the state of Iowa.

14. *"Reclamation"* means the process of restoring disturbed lands to the premined uses of the lands or other productive uses.

15. *a. "Subsidence"* means the collapse, settling, or sinking of land that occurs at or above an underground mine located on public land or land located within a public right-of-way and is caused by mining activity.

b. "Subsidence" does not include any collapse, settling, or sinking of land that is naturally occurring or that results from geological, hydrological, seismic, environmental, or other causes not related to a mining activity.

16. *"Surface mining"* means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying exposed in their natural state and shall include dredge operations conducted in or on natural waterways or artificially created waterways within the state.

17. *"Topsoil"* means the natural medium located at the land surface with favorable characteristics for the growth of vegetation.

18. *"Underground mining"* means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.

[C24, 27, 31, 35, 39, §**1244;** C46, 50, 54, 58, 62, 66, §82.27; C71, 73, §82.27, 83A.2; C75, 77, 79, 81, §83A.2]

85 Acts, ch 137, §2 – 5; 86 Acts, ch 1245, §602, 2050

C93, §208.2

96 Acts, ch 1043, §2; 2015 Acts, ch 103, §41; 2017 Acts, ch 159, §46; 2024 Acts, ch 1170, §35; 2026 Acts, ch 1189, §1, 2, 5

Referred to in §208.7, 331.310, 364.26, 557C.2
Subsection 2 amended
NEW subsection 15 and former subsections 15 – 17 renumbered as 16 – 18

208.3 through 208.6 Reserved.

208.7 Mining license — fees and expiration.

An operator shall not engage in mining as defined by section 208.2 without first obtaining a license from the division. A license shall be issued and renewed upon approval by the division following the submission of a completed application by the operator. An application shall be submitted on a form provided by the division and shall be accompanied by a license fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. The initial license shall expire on December 31 of the year of issue.

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An initial license shall be renewed by the division as required by the division. The renewed license shall expire the last day of the second December following the date of issue. The division shall renew a license upon approving an application submitted within thirty days prior to the expiration date. The application for a renewed license must be accompanied by a fee of twenty dollars. A political subdivision shall not be required to pay a license fee.

[C39, §**1242.5**; C46, 50, 54, 58, 62, 66, §82.22; C71, 73, §82.22, 83A.7; C75, 77, 79, 81, §83A.7]
C93, §208.7
96 Acts, ch 1043, §3; 2017 Acts, ch 159, §47; 2018 Acts, ch 1026, §65
Referred to in §208.14

208.8 Suspension, revocation, or refusal to issue license.

1. The division may, for repeated or willful violation of any of the provisions of this chapter, initiate an action to suspend, revoke, or refuse to issue a mining license.

2. The division shall, by certified mail or personal service, serve on the operator notice in writing of the charges and grounds upon which the license is to be suspended, revoked, or will not be issued. The notice shall include the time and the place at which a hearing shall be held before the division to determine whether to suspend, revoke, or refuse to issue the license. The hearing shall be not less than fifteen nor more than thirty days after the mailing or service of the notice.

3. An operator whose license the division proposes to suspend, revoke, or refuse to issue has the right to counsel and may produce witnesses and present statements, documents, and other information in the operator's behalf at the hearing.

4. If after full investigation and hearing the operator is found to have willfully or repeatedly violated any of the provisions of this chapter, the division may affirm or modify the proposed suspension, revocation, or refusal to issue the license.

5. When the division finds that a license should be suspended or revoked or should not be issued, the division shall so notify the operator in writing by certified mail or by personal service.

a. The suspension or revocation of a license shall become effective thirty days after notice to the operator.

b. If the license or renewal fee has been paid and the division finds that the license should not be issued, then the license shall expire thirty days after notice to the operator.

6. An action by the division to affirm or modify the proposed suspension, revocation, or refusal to issue a license constitutes a final agency action for purposes of judicial review pursuant to section 208.11 and chapter 17A.

[C71, 73, 75, 77, 79, 81, §83A.8]
85 Acts, ch 137, §8
C93, §208.8
96 Acts, ch 1043, §4; 2024 Acts, ch 1170, §36

208.9 Registering mine site.

1. At least seven days before beginning mining or removal of overburden at a mine site not previously registered, an operator engaging, or preparing to engage, in mining in this state shall register the mine site with the division. Application for registration shall be made upon a form provided by the division and shall be accompanied by a bond or security as provided by section 208.14. A registration renewal shall be filed annually. Application for renewal of registration shall be on a form provided by the division. The registration and registration cancellation fees shall be established by the division in an amount not to exceed the cost of administering the provisions of this chapter. The application shall include a description of the tract or tracts of land where the site is located and the estimated number of acres at the site to be affected by the mine. The description shall include the section, township, range, and county in which the land is located and shall otherwise describe the land with sufficient certainty to determine the location and to distinguish the land to be registered from other lands. The application shall include a statement explaining the authority of the applicant's legal right to operate a mine on the land.

2. A mine site registered pursuant to this chapter shall have a clearly visible sign which

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identifies the mining operation. Failure to post and maintain a sign as required by this subsection, within thirty days after notice from the division, invalidates the registration.

3. The division shall automatically invalidate all registrations of an operator who fails to renew the operator's mining license within a time period set by the division, who has been denied license renewal by the division, or whose license has been suspended or revoked by the division.

[C71, 73, 75, 77, 79, 81, §83A.9]
85 Acts, ch 137, §9
C93, §208.9
96 Acts, ch 1043, §5; 2024 Acts, ch 1170, §37
Referred to in §208.15, 208.16

208.9A Subsidence.

The division shall adopt rules providing for the regulation of land affected by a subsidence. The rules shall include but are not limited to requirements related to the reporting of the subsidence, the qualifications of a professional engineer or other qualified person submitting a subsidence repair plan to the division, and the timeliness of a subsidence's planned repair.

2026 Acts, ch 1189, §3, 5
NEW section

208.10 Violation — enforcement.

1. The administrator may issue an order directing the operator to desist in an activity or practice which constitutes a violation of any provision of this chapter or any rules adopted by the division, or to take such corrective action as may be necessary to ensure that the violation will cease. If corrective measures sought by the division are not commenced within the time period designated in the order, the division may refer the violation to the attorney general for further action.

2. The operator may contest an order issued under this section through contested case proceedings pursuant to chapter 17A by filing with the administrator a notice of appeal within thirty days of receipt of the order for review by the division.

3. At the request of the division, the attorney general shall institute any legal proceedings, including an action for a civil penalty, injunction, or temporary injunction, necessary to enforce the provisions of this chapter or to obtain compliance with this chapter. Action by the attorney general may be taken in lieu of or in conjunction with any administrative action by the division.

4. Falsification of information required to be submitted under this chapter is a violation of this chapter.

[C71, 73, 75, 77, 79, 81, §83A.10]
C93, §208.10
96 Acts, ch 1043, §6
Referred to in §208.10A

208.10A Penalties.

1. Any person who violates an order issued pursuant to section 208.10 shall be subject to an administrative penalty determined by the division not to exceed five thousand dollars per violation.

a. The division shall establish, by rule, a schedule or range of administrative penalties. The schedule shall provide procedures and criteria for the assessment of these penalties.

b. Administrative penalties may be assessed in lieu of or in conjunction with any action initiated by the attorney general on behalf of the division.

c. All penalties shall be paid within thirty days of the date that the order assessing the penalty becomes final. An operator who fails to pay an administrative penalty assessed by a final order of the division shall pay, in addition, interest at the rate of one and one-half percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid.

d. The attorney general shall, at the request of the division, institute proceedings to recover all penalties assessed.

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2. If any person violates a provision of this chapter, or any rule or order adopted by the division pursuant to this chapter, the division may notify the attorney general who shall institute a civil action in district court for injunctive relief and for the assessment of a civil penalty not to exceed ten thousand dollars per violation.

3. Penalties, bond reversions, and bond forfeitures collected under the provisions of this chapter or any rule adopted by the division pursuant to this chapter shall be deposited in an interest-bearing account and may be used for the cost and administrative expenses of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

96 Acts, ch 1043, §7

208.11 Judicial review.

Judicial review of the action of the division may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C71, 73, 75, 77, 79, 81, §83A.11]
C93, §208.11
2003 Acts, ch 44, §114; 2024 Acts, ch 1170, §38
Referred to in §208.8

208.12 and 208.13 Reserved.

208.14 Bond.

The application for registration shall be accompanied by a bond or security as required under section 208.23 or 208.24. After ascertaining that the applicant is licensed under section 208.7 and is not in violation of this chapter with respect to any mine site previously registered with the division, the division shall register the mine site and shall issue the applicant written authorization to operate a mine.

[C71, 73, 75, 77, 79, 81, §83A.14]
85 Acts, ch 137, §13
C93, §208.14
Referred to in §208.9, 208.16, 208.24

208.15 Amendment or cancellation.

An operator may at any time apply for amendment or cancellation of registration of any site. The application for amendment or cancellation of registration shall be submitted by the operator on a form provided by the division and shall identify as required under section 208.9 the tract or tracts of land to be added to or removed from registration. If the application is for an increase in the area of a registered site, the application shall be processed in the same manner as an application for original registration. If the application is to cancel registration of any or all of the unmined part of a site, the division shall after ascertaining that no overburden has been disturbed or deposited on the land order release of the bond or the security posted on the land being removed from registration and cancel or amend the operator's written authorization to conduct mining on the site. Fees for amendment or cancellation of registration shall be determined as provided in section 208.9. No land where overburden has been disturbed or deposited shall be removed from registration or released from bond or security under this section.

[C71, 73, 75, 77, 79, 81, §83A.15]
C93, §208.15
96 Acts, ch 1043, §8
Referred to in §208.23, 208.24

208.16 Transfer to new operator.

1. If control of a mine site registered pursuant to section 208.9 is acquired by an operator other than the operator holding authorization to conduct mining on the site, the new operator shall within thirty days apply for registration of the site. The application shall be made and processed as provided under sections 208.9 and 208.14. The former operator's

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bond or security shall not be released until the new operator's bond or security has been accepted by the division.

2. The division may establish procedures for transferring the responsibility for reclamation of a mine site to a state agency or political subdivision, or to a private entity, which intends to use the site for other purposes. The division, with agreement from the receiving agency or subdivision, or from a private entity, to complete adequate reclamation, may approve the transfer of responsibility, release the bond or security, and terminate or amend the operator's authorization to conduct mining on the site.

[C71, 73, 75, 77, 79, 81, §83A.16]
C93, §208.16
96 Acts, ch 1043, §9; 2004 Acts, ch 1175, §228
Referred to in §208.17

208.17 Reclamation requirements.

1. An operator authorized under this chapter to operate a mine, after completion of mining operations and within the time specified in section 208.19, shall:

a. Grade affected lands to slopes having a maximum of one foot vertical rise for each four feet of horizontal distance. Where the original topography of the affected land was steeper than one foot of vertical rise for each four feet of horizontal distance, the affected lands may be graded to blend with the surrounding terrain. However, water impoundments, pit or quarry floors, and highwalls are not subject to the requirements of this paragraph.

b. Stabilize and revegetate affected lands, except for water impoundments and pit or quarry floors as approved by the division before the release of the bond as provided in section 208.19.

c. Properly dispose of all mine-related debris, junk, waste materials, old equipment, and other materials of similar or like nature, within the registration boundaries of the site.

2. Notwithstanding subsection 1, overburden piles where deposition has not occurred for a period of twelve months shall be stabilized and revegetated.

3. Topsoil that is a part of overburden shall not be destroyed or buried in the process of mining.

4. The division may grant a variance from the requirements of subsections 1 and 2.

5. A bond or security posted under this chapter to assure reclamation of affected lands shall not be released until all of the reclamation work required by this section has been performed in accordance with this chapter and division rules, except when a replacement bond or security is posted by a new operator or responsibility is transferred under section 208.16.

[C71, 73, 75, 77, 79, 81, §83A.17]
85 Acts, ch 137, §14
C93, §208.17
96 Acts, ch 1043, §10
Referred to in §208.19, 208.23, 208.28

208.18 Periodic reports.

An operator shall file with the division a periodic report for each mine site under registration.

1. The report shall make reference to the most recent registration of the mine site and shall show:

a. The location and extent of all surface land area on the mine site affected by mining during the period covered by the report.

b. The extent to which removal of mineral products from all or any part of the affected lands has been completed.

2. The report shall be filed not later than twelve months after original registration of the site and prior to the expiration of each subsequent twelve-month period. A report shall also be filed within thirty days after completion of all mining operations at the site regardless of

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the date of the last preceding report. Forms for the filing of periodic reports required by this section shall be provided by the division.

[C71, 73, 75, 77, 79, 81, §83A.18]
85 Acts, ch 137, §15
C93, §208.18
96 Acts, ch 1043, §11
Referred to in §208.19

208.19 Reclamation schedule.

1. An operator of a mine shall reclaim affected lands according to a schedule established by the division, but within a period not to exceed three years, after the filing of a report required under section 208.18 indicating the mining of any part of a site has been completed.

2. For certain postmining land uses, such as a sanitary landfill, the division may allow an extended reclamation period.

3. An operator, upon completion of any reclamation work required by section 208.17, shall apply to the division in writing for approval of the work. The division shall within a reasonable time determined by divisional rule inspect the completed reclamation work. Upon determination by the division that the operator has satisfactorily completed all required reclamation work on the land included in the application, the division shall release the bond or security on the reclaimed land, shall remove the land from registration, and shall terminate or amend as necessary the operator's authorization to conduct mining on the site.

[C71, 73, 75, 77, 79, 81, §83A.19]
85 Acts, ch 137, §16; 87 Acts, ch 115, §11
C93, §208.19
96 Acts, ch 1043, §12; 2017 Acts, ch 54, §76
Referred to in §208.17, 208.20, 208.24

208.20 Extension of time.

The time for completion of reclamation work may be extended upon presentation by the operator of evidence satisfactory to the division that reclamation of affected land cannot be completed within the time specified by section 208.19.

[C71, 73, 75, 77, 79, 81, §83A.20]
85 Acts, ch 137, §17
C93, §208.20
96 Acts, ch 1043, §13

208.21 Political subdivision engaged in mining.

Any political subdivision of the state of Iowa which engages or intends to engage in mining shall meet all requirements of this chapter except the subdivision shall not be required to post bond or security on registered land and shall not be required to pay licensing fees.

[C71, 73, 75, 77, 79, 81, §83A.21]
C93, §208.21
96 Acts, ch 1043, §14

208.22 Reserved.

208.23 Form of bond.

1. A bond filed with the division by an operator pursuant to this chapter shall be in a form prescribed by the division, payable to the state of Iowa, and conditioned upon faithful performance by the operator of all requirements of this chapter and all rules adopted by the division pursuant to this chapter. The bond shall be signed by the operator as principal and by a corporate surety licensed to do business in Iowa as surety. In lieu of a bond, the operator may deposit cash or certificates of deposit with the division on the same conditions as prescribed by this section for filing of bonds. The amount of the bond required to be filed with an application for registration of a mining site, or to increase the area of a site previously registered, shall be equal to the cost of reclaiming the site as required under section 208.17 and estimated by the division.

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2. The estimated cost of reclamation of each individual site shall be determined by the division on the basis of the requirements of this chapter and other relevant factors including, but not limited to, topography of the site, mining methods being employed, depth and composition of overburden, depth of the mineral deposit being mined, and cost of administration. The division may require an operator to furnish information necessary to estimate the cost of reclaiming the site. The amount of the bond may be increased or reduced from time to time as determined necessary and appropriate by the division or in accordance with section 208.15.

[C71, 73, 75, 77, 79, 81, §83A.23]
85 Acts, ch 137, §18
C93, §208.23
96 Acts, ch 1043, §15
Referred to in §208.14, 208.24

208.24 Single bond for multiple sites.

An operator who registers with the division two or more mine sites may elect, at the time the second or a subsequent site is registered, to post a single bond in lieu of separate bonds on each site. A single bond so posted shall be in an amount equal to the estimated cost of reclaiming all sites the operator has registered, determined as provided in section 208.23. The penalty of a single bond on two or more mine sites may be increased or decreased from time to time in accordance with sections 208.14, 208.15, and 208.19. When an operator elects to post a single bond in lieu of separate bonds previously posted on individual sites, the separate bonds shall not be released until the new bond has been accepted by the division.

[C71, 73, 75, 77, 79, 81, §83A.24]
85 Acts, ch 137, §19
C93, §208.24
96 Acts, ch 1043, §16
Referred to in §208.14

208.25 Cancellation of bond.

No bond filed with the division by an operator pursuant to this chapter may be canceled by the surety without at least ninety days' notice to the division. If the license to do business in Iowa of any surety of a bond filed with the division is suspended or revoked, the operator, within thirty days after receiving notice thereof from the division, shall substitute for the surety a corporate surety licensed to do business in Iowa. Upon failure of the operator to make substitution of surety as herein provided, the division shall have the right to suspend the operator's authorization to conduct mining on the site covered by the bond until substitution has been made. The commissioner of insurance shall notify the division whenever the license of any surety to do business in Iowa is suspended or revoked.

[C71, 73, 75, 77, 79, 81, §83A.25]
C93, §208.25
96 Acts, ch 1043, §17

208.26 Rules — inspection of site.

The division may adopt rules to implement the provisions of this chapter. The administrator or the administrator's designee may enter at all times upon any mine site or suspected mine site for the purpose of determining whether the operator is or has been complying with the provisions of this chapter. All operators shall cooperate with the division in seeking methods of operation which will cause minimum disruption to the land and property adjoining a mining operation.

[C71, 73, 75, 77, 79, 81, §83A.26]
C93, §208.26
96 Acts, ch 1043, §18

208.27 Reserved.

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208.28 Forfeiture of bond — licensure restrictions.

1. The attorney general, upon request of the division, shall institute proceedings for forfeiture of the bond posted by an operator to guarantee reclamation of a site where the operator is in violation of any of the provisions of this chapter or any rule adopted by the division pursuant to this chapter. The division shall have the power to reclaim as required by section 208.17 any mined land with respect to which a bond has been forfeited, using the proceeds of the forfeiture to pay for the necessary reclamation work and associated administrative costs.

2. If the proceeds from bond forfeiture proceedings are insufficient to fully satisfy the estimated cost of reclaiming disturbed lands as required under section 208.17 and division rules, the operator shall be liable for remaining costs. The division may complete, or authorize completion of, the necessary reclamation and may authorize the attorney general to bring a civil action to recover from the operator all actual or estimated costs of reclamation in excess of the amount forfeited or require the operator to complete reclamation.

3. If the amount of bond forfeited exceeds the amount necessary to complete reclamation, the unused funds shall be returned to the operator or the surety, as appropriate.

[C71, 73, 75, 77, 79, 81, §83A.28]
85 Acts, ch 137, §20
C93, §208.28
96 Acts, ch 1043, §19

CHAPTER 208A

MOTOR VEHICLE ANTIFREEZE

208A.1	Definitions.	208A.7	List of approved brands.
208A.2	What deemed adulterated.	208A.8	Advertising restricted.
208A.3	What deemed misbranded.	208A.9	Prosecution.
208A.4	Inspection by department.	208A.10	Fees remitted.
208A.5	Samples — analysis.	208A.11	Penalty.
208A.6	Rules.	208A.12	Citation of chapter.

208A.1 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. *"Antifreeze"* shall include all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.

2. *"Person"* shall include individuals, partnerships, corporations, companies, and associations.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.1]
2013 Acts, ch 90, §37

208A.2 What deemed adulterated.

An antifreeze shall be deemed to be adulterated if either of the following apply:

1. It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user.

2. Its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.2]
2013 Acts, ch 90, §38

208A.3 What deemed misbranded.

An antifreeze shall be deemed to be misbranded if either of the following apply:

1. Its labeling is false or misleading in any particular.

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2. In package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.3]

2013 Acts, ch 90, §39

208A.4 Inspection by department.

1. Before any antifreeze is sold, exposed for sale, or held with intent to sell within this state, a sample of the product must be inspected by the department of agriculture and land stewardship. Upon application of the manufacturer, packer, seller, or distributor and the payment of a fee of twenty dollars for each brand of antifreeze submitted, the department shall inspect the antifreeze submitted. If the antifreeze is not adulterated or misbranded, if it meets the standards of the department, and is not in violation of this chapter, the department shall give the applicant a written permit authorizing the sale of such antifreeze in this state until the formula or labeling of the antifreeze is changed in any manner.

2. If the department finds at a later date that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, a change has been made in the name, brand, or trademark under which the antifreeze is sold, or it violates the provisions of this chapter, the department shall notify the applicant and the permit shall be canceled forthwith.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.4]

2021 Acts, ch 80, §101

208A.5 Samples — analysis.

The department shall enforce the provisions of this chapter by inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in the state or intended for sale in the state or the department through its agents may call upon the manufacturer or distributor applying for an inspection of an antifreeze to supply such samples thereof for analysis. The department, through its agents, shall have free access by legal means during business hours to all places of business, buildings, vehicles, cars and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and it may open by legal means any box, carton, parcel, or package, containing or supposed to contain any antifreeze and may take therefrom samples for analysis.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.5]

208A.6 Rules.

The department shall have authority to promulgate such rules as are necessary to promptly and effectively enforce the provisions of this chapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.6]

208A.7 List of approved brands.

The department may furnish upon request a list of the brands and trademarks of antifreeze inspected by the department during the calendar year which have been found to be in accord with this chapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.7]

208A.8 Advertising restricted.

No advertising literature relating to any antifreeze sold or to be sold in this state shall contain any statement that the antifreeze advertised for sale has met the requirements of the department until such antifreeze has been given the laboratory test and inspection of the department, and found to meet all the standard requirements and not to be in violation of this chapter. Then such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale, and such statement may be used on all regular containers of such antifreeze.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.8]

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208A.9 Prosecution.

Whenever the department shall discover any antifreeze is being sold or has been sold in violation of this chapter, the facts shall be furnished to the attorney general who shall institute proper proceedings.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.9]

208A.10 Fees remitted.

All fees provided for in this chapter shall be collected by the secretary of agriculture and shall be deposited in the general fund of the state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.10]

91 Acts, ch 260, §1219

208A.11 Penalty.

If any person, partnership, corporation, or association shall violate the provisions of this chapter, such person, partnership, corporation or association shall be deemed guilty of a simple misdemeanor and, upon conviction thereof, the department may after due hearing cancel registration.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.11]

208A.12 Citation of chapter.

This chapter may be cited as the *"Iowa Antifreeze Act"*.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §208A.12]

CHAPTER 209

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CHAPTER 210

STANDARD WEIGHTS AND MEASURES

210.1	Weights and measures standards — compliance with federal law.	210.13	Berry boxes and climax baskets.
210.2	Length and surface measure.	210.14	Hop boxes.
210.3	Land measure.	210.15	Milk and cream bottles or containers.
210.4	Weight.	210.16	Flour.
210.5	Liquids.	210.17	Mason work or stone.
210.6	Dry measure.	210.18	Sales to be by standard weight or measure — labeling.
210.7	Bottomless measure.	210.19	Standard weight of bread.
210.8	Sales of dry commodities.	210.20	Wrapper.
210.9	Drugs and section comb honey exempted.	210.21	Violations.
210.10	Bushel measure.	210.22	"Person" defined.
210.11	Sale of fruits and vegetables by dry measure.	210.23	Exception.
210.12	Sale of fruits and vegetables in baskets.	210.24	Enforcement — rules and regulations.
		210.25	Weighing bread.
		210.26	Measuring saw logs.

210.1 Weights and measures standards — compliance with federal law.

The weights and measures regulated under this chapter shall conform with Iowa's state primary standard of weights and measures as described in section 215.1B.

[C51, §937; R60, §1775; C73, §2037; C97, §3009; S13, §3009-c; C24, 27, 31, 35, 39, §**3227;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.1]

90 Acts, ch 1045, §3; 2026 Acts, ch 1139, §20

Referred to in §210.2, 210.4, 210.5, 210.6

Section amended

210.2 Length and surface measure.

The unit or standard measure of length and surface from which all other measures of extension shall be derived and ascertained, whether they be lineal, superficial, or solid, shall be the standard yard secured in accordance with the provisions of section 210.1. It shall be divided into three equal parts called feet, and each foot into twelve equal parts called inches, and for the measure of cloth and other commodities commonly sold by the yard it may be divided into halves, quarters, eighths, and sixteenths. The rod, pole, or perch shall contain five and one-half such yards, and the mile, one thousand seven hundred sixty such yards.

[C51, §937; R60, §1775; C73, §2038 – 2040; C97, §3010; S13, §3009-d; C24, 27, 31, 35, 39, §**3228;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.2]

210.3 Land measure.

The acre for land measure shall be measured horizontally and contain ten square chains and be equivalent in area to a rectangle sixteen rods in length and ten rods in breadth, six hundred and forty such acres being contained in a square mile. The chain for measuring land shall be twenty-two yards long, and be divided into one hundred equal parts, called links.

[C73, §2041; C97, §3011; S13, §3009-d; C24, 27, 31, 35, 39, §**3229;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.3]

210.4 Weight.

The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights secured in accordance with the provisions of section 210.1. The avoirdupois pound, which bears to the troy pound the ratio of seven thousand to five thousand seven hundred sixty, shall be divided into sixteen equal parts called ounces; the hundred-weight shall consist of one hundred avoirdupois pounds, and twenty hundred-weight shall constitute a ton. The troy ounce shall be equal to the twelfth part of a troy pound.

[C51, §938; R60, §1776; C73, §2042, 2043; C97, §3012; S13, §3009-e; C24, 27, 31, 35, 39, §**3230;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.4]

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210.5 Liquids.

The unit or standard measure of capacity for liquids from which all other measures of liquids shall be derived and ascertained shall be the standard gallon secured in accordance with the provisions of section 210.1. The gallon shall be divided by continual division by the number two so as to make half-gallons, quarts, pints, half-pints, and gills. The barrel shall consist of thirty-one and one-half gallons, and two barrels shall constitute a hogshead.

[C73, §2044, 2045; C97, §3013; S13, §3009-g; C24, 27, 31, 35, 39, §**3231;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.5]

210.6 Dry measure.

The unit or standard measure of capacity for substances not liquids from which all other measures of such substances shall be derived and ascertained shall be the standard half-bushel secured in accordance with the provisions of section 210.1. The peck, half-peck, quarter-peck, quart, pint, and half-pint measures for measuring commodities which are not liquids, shall be derived from the half-bushel by successively dividing the cubic inch capacity of that measure by two.

[C73, §2046, 2047; C97, §3014; S13, §3009-f; C24, 27, 31, 35, 39, §**3232;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.6]

210.7 Bottomless measure.

Bottomless dry measures shall not be used unless they conform in shape to the United States standard dry measures.

[SS15, §3009-j; C24, 27, 31, 35, 39, §**3233;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.7]

210.8 Sales of dry commodities.

All dry commodities unless bought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure established in this chapter, or by numerical count, unless the parties otherwise agree in writing, except as provided in sections 210.9 through 210.12.

[SS15, §3009-j; C24, 27, 31, 35, 39, §**3234;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.8]

2021 Acts, ch 80, §102

Referred to in §210.9

210.9 Drugs and section comb honey exempted.

The requirements of section 210.8 shall not apply to drugs or section comb honey.

[SS15, §3009-j; C24, 27, 31, 35, 39, §**3235;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.9]

Referred to in §210.8

210.10 Bushel measure.

When any of the commodities enumerated in this section shall be sold by the bushel or fractional part thereof, except when sold in a United States standard container or as provided in sections 210.11 and 210.12, the measure shall be determined by avoirdupois weight and shall be computed as follows:

Commodities	*Pounds*
Apples	48
Apples, dried	24
Alfalfa seed	60
Barley	48
Beans, green, unshelled	56
Beans, dried	60
Beans, lima	56
Beets	56
Blue grass seed	14

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Bran	20
Bromus inermis	14
Broom corn seed	50
Buckwheat	48
Carrots	50
Castor beans, shelled	50
Charcoal	20
Cherries	40
Clover seed	60
Coal	80
Coke	40
Corn on the cob (field)	70
Corn in the ear, unhusked (field)	75
Corn, shelled (field)	56
Corn meal	48
Cucumbers	48
Emmer	40
Flaxseed	56
Grapefruit	48
Grapes, with stems	40
Hempseed	44
Hickory nuts, hulled	50
Hungarian grass seed	50
Kaffir corn	56
Lemons	48
Lime	80
Millet seed	50
Oats	32
Onions	52
Onion top sets	28
Onion bottom sets	32
Oranges	48
Orchard grass seed	14
Osage orange seed	32
Parsnips	45
Peaches	48
Peaches, dried	33
Peanuts	22
Pears	45
Peas, green, unshelled	50
Peas, dried	60
Plums	48
Popcorn, on the cob	70
Popcorn, shelled	56
Potatoes	60
Quinces	48
Rape seed	50
Redtop seed	14
Rutabagas	60
Rye	56
Salt	80
Sand	130
Shorts	20
Sorghum saccharatum seed	50
Soybeans	60
Spelt	40

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Sweet corn	50
Sweet potatoes	50
Timothy seed	45
Tomatoes	50
Turnips	55
Walnuts, hulled	50
Wheat	60
All root crops not specified above	50

[C51, §940; R60, §1778, 1781 – 1784; C73, §2049; C97, §3016; S13, §3009-h; C24, 27, 31, 35, 39, §**3236;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.10]
Referred to in §210.8, 717A.1

210.11 Sale of fruits and vegetables by dry measure.

Blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets in quantities of one peck or less, may be sold by the quart, pint, or half-pint, dry measure.

[SS15, §3009-i; C24, 27, 31, 35, 39, §**3237;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.11]
Referred to in §210.8, 210.10

210.12 Sale of fruits and vegetables in baskets.

Grapes, other fruits, and vegetables may be sold in climax baskets; but when said commodities are sold in such manner and the containers are labeled with the net weight of the contents in accordance with the provisions of section 189.9, all the provisions of chapter 191 shall be deemed to have been complied with.

[C24, 27, 31, 35, 39, §**3238;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.12]
2007 Acts, ch 126, §41
Referred to in §210.8, 210.10

210.13 Berry boxes and climax baskets.

Berry boxes sold, used, or offered or exposed for sale shall have an interior capacity of one quart, pint, or half-pint dry measure. Climax baskets sold, used, or offered or exposed for sale shall be of the standard size fixed below:

1. Two-quart basket: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches, and width five inches, outside measurement; basket to have a cover five by eleven inches, when a cover is used.

2. Four-quart basket: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement; basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

3. Twelve-quart basket: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch, outside measurement; top of basket, length nineteen inches, height of basket, seven and one-sixteenth inches, width nine inches, outside measurement; basket to have cover nine inches by nineteen inches, when cover is used.

[SS15, §3009-i; C24, 27, 31, 35, 39, §**3239;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.13]

210.14 Hop boxes.

The standard box used in packing hops shall be thirty-six inches long, eighteen inches wide, and twenty-three and one-fourth inches deep, inside measurement.

[C73, §2051; C97, §3018; C24, 27, 31, 35, 39, §**3240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.14]

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210.15 Milk and cream bottles or containers.

The standard bottle or container used for the sale of milk and cream shall be of a capacity of one gallon, one-half gallon, three pints, one quart, one pint, one-half pint, one-third quart, one gill, filled full to the bottom of the lip.

[S13, §3009-k; C24, 27, 31, 35, 39, §**3241;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.15]

210.16 Flour.

The standard weights of flour when sold in package form shall be as follows: Two, five, ten, twenty-five, fifty, or one hundred pounds.

[C24, 27, 31, 35, 39, §**3242;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.16]

210.17 Mason work or stone.

The perch of mason work or stone shall consist of twenty-five feet, cubic measure.

[C51, §939; R60, §1777; C73, §2050; C97, §3017; C24, 27, 31, 35, 39, §**3243;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.17]

210.18 Sales to be by standard weight or measure — labeling.

1. All commodities bought or sold by weight or measure shall be bought or sold only by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

2. All commodities bought or sold in package form shall be labeled in compliance with the general provisions for labeling provided for in section 189.9 and sections 189.11 through 189.16, unless otherwise provided for in this chapter.

[SS15, §3009-j; C24, 27, 31, 35, 39, §**3244;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.18]

2021 Acts, ch 80, §103

210.19 Standard weight of bread.

The standard loaf of bread shall weigh one pound, avoirdupois weight. All bread manufactured, procured, made or kept for the purpose of sale, offered or exposed for sale, or sold in the form of loaves, shall be one of the following standard weights and no other, namely: Three-quarters pound, one pound, one and one-quarter pound, one and one-half pound, or multiples of one pound, avoirdupois weight; and provided further, that the provisions of this section shall not apply to biscuits, buns, crackers, rolls or to what is commonly known as *"stale"* bread and sold as such, in case the seller shall, at the time of sale, expressly state to the buyer that the bread so sold is *"stale"* bread. In case of twin or multiple loaves, the weight specified in this section shall apply to the combined weight of the two units.

[C27, 31, 35, §3244-b1; C39, §**3244.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.19]
Referred to in §210.21, 210.23, 210.24

210.20 Wrapper.

There shall be printed upon the wrapper of each loaf of bread in plain conspicuous type, the name and address of the manufacturer and the weight of the loaf in terms of one of the standard weights herein specified.

[C27, 31, 35, §3244-b2; C39, §**3244.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.20]
Referred to in §210.21, 210.23, 210.24

210.21 Violations.

It shall be unlawful for any person to manufacture, procure, or keep for the purpose of sale, offer or expose for sale, or sell bread in the form of loaves which are not of one of the weights specified in section 210.19 or violate the rules of the secretary of agriculture pertaining thereto. Any person who, in person or by a servant, or agent, or as the servant or

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agent of another, shall violate any of the provisions of sections 210.19, 210.20, this section, and sections 210.22 through 210.25, shall be guilty of a simple misdemeanor.

[C27, 31, 35, §3244-b3; C39, §**3244.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.21]
2021 Acts, ch 80, §104
Referred to in §210.22, 210.23, 210.24

210.22 "Person" defined.

The word *"person"* as used in section 210.21 shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

[C27, 31, 35, §3244-b4; C39, §**3244.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.22]
Referred to in §210.21, 210.23, 210.24

210.23 Exception.

Any person engaged in operating a home food processing establishment as defined in section 137D.1 is exempt from the provisions of sections 210.19 through 210.22.

[C27, 31, 35, §3244-b5; C39, §**3244.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.23]
2021 Acts, ch 80, §105; 2022 Acts, ch 1129, §11; 2023 Acts, ch 64, §31
Referred to in §210.21, 210.24

210.24 Enforcement — rules and regulations.

The secretary of agriculture shall enforce the provisions of sections 210.19 through 210.23, this section, and section 210.25. The secretary shall make rules for the enforcement of the provisions of said sections not inconsistent therewith, and such rules and regulations shall include reasonable variations and tolerances.

[C27, 31, 35, §3244-b6; C39, §**3244.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.24]
2021 Acts, ch 80, §106
Referred to in §210.21

210.25 Weighing bread.

Bread when weighed for inspection shall be weighed in the manufacturer's plant when said bread is wrapped ready for delivery, and bread coming into the state from an adjoining state when weighed for inspection shall be weighed in the packages, containers, vehicles, or trucks of the manufacturer at the time when said bread crosses the state line, or at the first point of stop for sale or delivery of said bread after crossing the Iowa state line, and the weight shall be determined by averaging the weight of not less than fifteen loaves picked at random from any given lot.

[C35, §3244-f1; C39, §**3244.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §210.25]
Referred to in §210.21, 210.24

210.26 Measuring saw logs.

The Scribner decimal "C" log rule is hereby adopted as the standard log rule for determining the board-foot content of saw logs; and all contracts hereafter entered into for the cutting, purchase and sale of saw logs shall be deemed to be made on the basis of such standard rule unless some other method is specifically agreed upon.

[C62, 66, 71, 73, 75, 77, 79, 81, §210.26]

CHAPTER 211

RESERVED

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CHAPTER 212

SALES OF CERTAIN COMMODITIES FROM BULK

212.1	Definitions.	212.4	Sales without delivery.
212.1A	Coal, charcoal, and coke.	212.5	Reserved.
212.2	Delivery tickets required.		
212.3	Disposition of delivery tickets.	212.6	Inspection of vehicles.

212.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"department"* means the department of agriculture and land stewardship.

2017 Acts, ch 159, §48
Former §212.1 transferred to §212.1A

212.1A Coal, charcoal, and coke.

No person shall sell, offer or expose for sale any coal, charcoal, or coke in any other manner than by weight, or represent any of said commodities as being the product of any county, state, or territory, except that in which mined or produced, or represent that said commodities contain more British thermal units than are present therein.

[S13, §3009-l; C24, 27, 31, 35, 39, §**3245;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §212.1]
C2018, §212.1A

212.2 Delivery tickets required.

A person shall not deliver any bulk commodities, other than liquids, by vehicle unless otherwise provided for, without each delivery being accompanied by two duplicate delivery tickets. Each delivery ticket shall be written in ink or other indelible substance and include all of the following:

1. The actual weight distinctly expressed in pounds or kilograms of the gross weight of the load.
2. The tare of the delivery vehicle, and the net amount in weight of the commodity or, if the commodity is weighed by hopper scale or belt conveyor, the net weight of the commodity expressed in pounds or kilograms without expression of the tare of the delivery vehicle or the gross weight of the load.
3. The names of the purchaser and the dealer from whom the commodity was purchased.
4. The date delivered and the type of commodity being delivered.

[S13, §3009-l; C24, 27, 31, 35, 39, §**3246;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §212.2]
2017 Acts, ch 159, §49
Referred to in §212.3

212.3 Disposition of delivery tickets.

One duplicate delivery ticket described in section 212.2 shall be delivered to the vendee and the other duplicative delivery ticket shall be returned to the vendor or retained electronically by the vendor if approval from the department has previously been granted. Upon demand of the department the person in charge of the load shall surrender one of the duplicate delivery tickets to the person making such demand. If the duplicative delivery ticket is retained, an official weight slip shall be delivered by the department to the vendee or the vendee's agent.

[S13, §3009-l; C24, 27, 31, 35, 39, §**3247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §212.3]
2017 Acts, ch 159, §50; 2018 Acts, ch 1026, §66

212.4 Sales without delivery.

When the vendee carries away the commodity purchased, a delivery ticket, showing the actual number of pounds received by the vendee, shall be issued to the vendee by the vendor.

[S13, §3009-l; C24, 27, 31, 35, 39, §**3248;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §212.4]

212.5 Reserved.

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212.6 Inspection of vehicles.

The department may stop any wagon, auto truck, or other vehicle loaded with any commodity being bought, offered or exposed for sale, or sold, and compel the person having charge of the same to bring the load to a scale designated by said department and weighed for the purpose of determining the true net weight of the commodity.

[S13, §3009-l; SS15, §3009-n; C24, 27, 31, 35, 39, §**3250;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §212.6]

CHAPTER 213

STATE METROLOGIST

§213.1 and 213.2 transferred to §215.1B and 215.1C in Code 2027; 2026 Acts, ch 1139, §32
§213.3 and 213.7 repealed by 2026 Acts, ch 1139, §31

CHAPTER 214

COMMERCIAL WEIGHING AND MEASURING DEVICES — MOTOR FUEL PUMPS

Referred to in §214A.1A, 323.1, 323.3, 452A.31

214.1 Definitions.
214.2 License.
214.3 License fees.
214.4 Failure to pay license fee — removal from service.
214.5 Inspection stickers.
214.6 Duties of weighmaster.
214.7 Registers.
214.8 Penalty.
214.9 Self-service motor fuel dispensers.
214.10 Rules.
214.11 Inspections — recalibrations — penalty.
214.12 Inspections of motor fuel dispensers — E-15 access standard.

214.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commercial weighing and measuring device"* or *"device"* means the same as defined in section 215.1.

2. *"Department"* means the department of agriculture and land stewardship.

3. *"E-15 gasoline"* or *"E-15"* means the same as defined in section 214A.1.

4. *"Motor fuel"*, *"retail dealer"*, *"retail motor fuel site"*, and *"wholesale dealer"* mean the same as defined in section 214A.1.

5. *"Motor fuel blender pump"* or *"blender pump"* means a motor fuel pump that measures and dispenses a type of motor fuel that is blended to formulate two or more different classifications of that motor fuel.

6. *"Motor fuel dispenser"* or *"dispenser"* means equipment that is the part of motor fuel storage and dispensing infrastructure that includes mechanical or electrical systems that operate a motor fuel pump dispensing motor fuel from a motor fuel storage tank to the end point of the equipment's nozzle.

7. *"Motor fuel pump"* means the part of motor fuel storage and dispensing infrastructure that is a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel originating from a motor fuel storage tank, on a retail basis.

8. *a. "Motor fuel storage and dispensing infrastructure"* or *"infrastructure"* means equipment used to do any of the following:

(1) Store and dispense motor fuel.

(2) Store, blend, and dispense motor fuel.

b. "Motor fuel storage and dispensing infrastructure" or *"infrastructure"* includes but is

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not limited to a motor fuel storage tank, motor fuel pump or motor fuel blender pump, motor fuel dispenser, and associated pipes, hoses, nozzles, tubes, lines, fittings, valves, filters, seals, and covers.

9. *"Motor fuel storage tank"* or *"storage tank"* means the part of motor fuel storage and dispensing infrastructure that includes an aboveground or belowground container constituting a fixture used to store an accumulation of motor fuel.

10. *"Weighmaster"* means a person who keeps and regularly uses a commercial weighing and measuring device to accurately weigh objects for others as part of the person's business operated on a profit, cooperative, or nonprofit basis.

[C73, §2065; C97, §3027; SS15, §3009-m; C24, 27, 31, 35, 39, §**3258;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.1]

80 Acts, ch 1054, §20; 87 Acts, ch 93, §1, 2; 90 Acts, ch 1084, §1; 2006 Acts, ch 1142, §2, 26; 2008 Acts, ch 1169, §12, 30; 2012 Acts, ch 1095, §146, 147; 2014 Acts, ch 1104, §5; 2021 Acts, ch 149, §10; 2022 Acts, ch 1067, §10, 11

Referred to in §159A.11, 214A.1, 323.1, 422.11O, 422.11P, 422.11Y, 452A.2, 455G.30
Further definitions, see §189.1

214.2 License.

1. A person who uses or displays for use any commercial weighing and measuring device must be issued a license by the department for that device. The department shall issue the license after inspecting the device.

2. *a.* Except as provided in paragraph *"b"*, a license issued under subsection 1 shall expire on December 31 of each year.

b. A license issued under subsection 1 for a motor fuel pump shall expire on June 30 of each year.

[SS15, §3009-m; C24, 27, 31, 35, 39, §**3259;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.2]

87 Acts, ch 93, §3; 90 Acts, ch 1084, §2; 2023 Acts, ch 154, §20

Referred to in §214A.35, 214A.36, 214A.37

214.3 License fees.

1. A license fee is imposed on a person who uses or displays for use a commercial weighing and measuring device. The license fee is due the day the department issues the license. The amount of the license fee shall be calculated in accordance with the class or section for devices as established by handbook 44 of the national institute of standards and technology.

2. The fee due under this section for a commercial weighing and measuring device shall be as follows:

a. Class S-IIIL.

(1) Railroad track scales, one hundred six dollars and fifty cents.

(2) Other scales.

(a) 500 to 1,000 pounds capacity, sixteen dollars and fifty cents.

(b) 1,001 to 30,000 pounds capacity, thirty-one dollars and fifty cents.

(c) 30,001 to 50,000 pounds capacity, sixty-one dollars and fifty cents.

(d) 50,001 pounds capacity or more, eighty-four dollars.

(3) A minimum fee of forty-six dollars and fifty cents shall be charged for each vehicle or livestock scale.

b. Class S-II and S-III, nine dollars.

(1) Bench scale, nine dollars.

(2) Counter scale, nine dollars.

(3) Portable platform scale, nine dollars.

(4) Livestock monorail scale, nine dollars.

(5) Single animal scale, nine dollars.

(6) Grain test scale, nine dollars.

(7) Precious metal and gems scale, nine dollars.

(8) Postal scale, nine dollars.

c. (1) Grain moisture meters, twenty-four dollars.

(2) Additional meters at the same location, sixteen dollars and fifty cents.

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d. Class M-I. One hundred-gallon prover.
(1) Bulk meters, nine dollars.
(2) Bulk liquid petroleum gas meters, fifty-two dollars and fifty cents.
(3) Bulk refined fuel meters, nine dollars.
(4) Mass flow meters, nine dollars.
e. Class M-II. Five-gallon prover.
(1) Slow flow meters, nine dollars.
(2) Retail motor fuel pump, four dollars and fifty cents.

[SS15, §3009-m; C24, 27, 31, 35, 39, §**3260;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.3]

87 Acts, ch 93, §4; 88 Acts, ch 1272, §21; 90 Acts, ch 1084, §3; 92 Acts, ch 1239, §36, 37; 2006 Acts, ch 1142, §83; 2021 Acts, ch 149, §11, 12; 2023 Acts, ch 154, §21, 22; 2026 Acts, ch 1139, §23

Referred to in §214.4, 215A.9
Subsection 1 amended

214.4 Failure to pay license fee — removal from service.

1. If the department does not receive payment of the license fee required pursuant to section 214.3 within one month from the due date, the department shall deliver a notice to the owner or operator of the device. The notice shall state all of the following:

a. The owner or operator is delinquent in the payment of the required fee.

b. The owner or operator has fifteen days after receipt of the notice to pay the license fee required pursuant to section 214.3.

c. If the department does not receive payment of the license fee as required, the department may summarily tag and remove from service the commercial weighing and measuring device.

2. If the license fee is not received by the department within fifteen days after receipt of the notice by the owner or operator of the commercial weighing and measuring device, the department may tag and remove from service the device for which the license fee has not been paid.

94 Acts, ch 1198, §43; 2021 Acts, ch 149, §13

214.5 Inspection stickers.

For each commercial weighing and measuring device licensed, the department shall issue an inspection sticker, which shall not exceed two inches by two inches in size. The inspection sticker shall be displayed prominently on the front of the commercial weighing and measuring device and the defacing or wrongful removal of the sticker shall be punished as provided in chapter 189. Absence of an inspection sticker is prima facie evidence that the commercial weighing and measuring device is being operated contrary to law.

[SS15, §3009-m; C24, 27, 31, 35, 39, §**3262;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.5]

87 Acts, ch 93, §5; 90 Acts, ch 1084, §4

214.6 Duties of weighmaster.

A weighmaster shall ensure that a commercial weighing and measuring device is correctly balanced to make true weights, and shall render a correct account to the person having weighing done.

[C73, §2065; C97, §3027; C24, 27, 31, 35, 39, §**3263;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.6]

2007 Acts, ch 126, §42; 2021 Acts, ch 149, §14

Referred to in §214.8

214.7 Registers.

Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person

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or persons for whom done, and give, upon demand, to any person having weighing done, a certificate showing the weight, date, and for whom weighed.

[C73, §2066, 2067; C97, §3028; C24, 27, 31, 35, 39, §**3264;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.7]

Referred to in §214.8

214.8 Penalty.

Any weighmaster violating any of the provisions of sections 214.6 and 214.7, shall be guilty of a simple misdemeanor, and be liable to the person injured for all damages sustained.

[C73, §2068; C97, §3029; C24, 27, 31, 35, 39, §**3265;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §214.8]

214.9 Self-service motor fuel dispensers.

A self-service motor fuel dispenser operating a motor fuel pump located at a retail motor fuel site may be equipped with an automatic latch-open device on the fuel dispensing hose nozzle only if the nozzle valve is the automatic closing type.

[C81, §214.9]

87 Acts, ch 93, §6; 2006 Acts, ch 1142, §83; 2008 Acts, ch 1169, §13, 30; 2022 Acts, ch 1067, §12

214.10 Rules.

The department of agriculture and land stewardship may promulgate rules pursuant to chapter 17A as necessary to promptly and effectively enforce the provisions of this chapter.

[C81, §214.10]

214.11 Inspections — recalibrations — penalty.

1. The department shall provide for biennial inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy and correctness of motor fuel pumps. For that purpose the department's inspectors may enter upon the premises of a wholesale dealer or a retail motor fuel site.

2. Upon completion of an inspection, the inspector shall affix the department's seal to the measuring mechanism of the motor fuel pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed motor fuel pump is registered with the department as a servicer in accordance with section 215.23, or employs a person so registered as a servicer, the owner or other servicer may open the motor fuel pump, break the department's seal, recalibrate the measuring mechanism if necessary, and reseal the motor fuel pump as long as the department is notified of the recalibration within forty-eight hours, in a manner provided by the department.

3. A person violating a provision of this section is, upon conviction, guilty of a simple misdemeanor.

87 Acts, ch 93, §7; 2006 Acts, ch 1142, §83; 2012 Acts, ch 1095, §148; 2021 Acts, ch 149, §15; 2023 Acts, ch 154, §23

Referred to in §214.12, 215.1E

214.12 Inspections of motor fuel dispensers — E-15 access standard.

In conducting an inspection under section 214.11, an inspector for the department shall determine if a retail dealer is advertising for sale and selling E-15 gasoline at a retail motor fuel site in compliance with the E-15 access standard as provided in section 214A.32.

2022 Acts, ch 1067, §13

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CHAPTER 214A

MOTOR FUEL

Referred to in §323.1, 323.4A, 452A.31

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SUBCHAPTER I

GENERAL

214A.1 Definitions.

The following definitions shall apply to the various terms used in this chapter:

1. *"Advertise"* means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.

2. *"ASTM international"* means a nonprofit organization, previously named the American society for testing and materials international.

3. *"B-20 biodiesel fuel"* or *"B-20"* means a classification of biodiesel blended fuel formulated with a percentage of twenty percent by volume of biodiesel, if the formulation meets the standards provided in section 214A.2.

4. *"Biobutanol"* means isobutyl or n-butyl alcohol that is to be blended with gasoline if it meets the standards provided in section 214A.2.

5. *"Biobutanol blended gasoline"* means a formulation of gasoline which is a liquid petroleum product blended with biobutanol, if the formulation meets the standards provided in section 214A.2.

6. *"Biodiesel"* means a renewable fuel comprised of mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats, which is manufactured by the use of a transesterification reaction, and which meets the standards provided in section 214A.2.

7. *"Biodiesel blended fuel"* means a blend of biodiesel with petroleum-based diesel fuel which meets the standards, including separately the standard for its biodiesel component, provided in section 214A.2.

8. *"Biodiesel fuel"* means biodiesel or biodiesel blended fuel.

9. *"Biofuel"* means ethanol, biobutanol, or biodiesel.

10. *"Coprocess"* means to simultaneously process a renewable biomass or a biointermediate with a fossil fuel or other nonrenewable feedstock in the same unit or units to produce a fuel that is partially derived from a renewable biomass or biointermediate.

11. *"Dealer"* means a wholesale dealer or retail dealer.

12. *"Department"* means the department of agriculture and land stewardship.

13. *"Determination period"* means any twelve-month period beginning on January 1 and ending on December 31 in which a retail dealer who owns or operates a retail motor fuel site sells and dispenses gasoline or diesel fuel from that retail motor fuel site as calculated by the department of revenue in chapter 452A, subchapter II.

14. *"Diesel fuel"* means any liquid, other than gasoline, which is suitable for use as a fuel in a diesel fuel powered engine, including but not limited to a motor vehicle, equipment as defined in section 322F.1, or a train. Diesel fuel includes a liquid product prepared, advertised, offered for sale, or sold for use as, or commonly and commercially used as, motor fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark. Diesel fuel must meet the standards provided in section 214A.2.

15. *"Distributor"* means the same as defined in section 452A.2.

16. *"E-15 gasoline"* or *"E-15"* means a classification of ethanol blended gasoline formulated with a percentage of fifteen percent by volume of ethanol, if the formulation meets the standards provided in section 214A.2.

17. *"E-85 gasoline"* or *"E-85"* means ethanol blended gasoline formulated with a percentage of between sixty-eight and eighty-three percent by volume of ethanol, if the formulation excludes a denaturant, and which meets the standards provided in section 214A.2.

18. *"Ethanol"* means ethyl alcohol that is to be blended with gasoline if it meets the standards provided in section 214A.2.

19. *"Ethanol blended gasoline"* means a formulation of gasoline which is a liquid petroleum product blended with ethanol, if the formulation meets the standards provided in section 214A.2.

20. *"Gasoline"* means any liquid product prepared, advertised, offered for sale or sold for use as, or commonly and commercially used as, motor fuel for use in a spark-ignition, internal combustion engine, and which meets the specifications provided in section 214A.2.

21. *"Gasoline dispenser"* means a type of motor fuel dispenser that is part of gasoline storage and dispensing infrastructure.

22. *"Gasoline storage and dispensing infrastructure"* or *"gasoline infrastructure"* means motor fuel storage and dispensing infrastructure used to do any of the following:

a. Store and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.

b. Store, blend, and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.

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23. *"Gasoline storage tank"* means a type of motor fuel storage tank used to store an accumulation of gasoline.

24. *"Marketer"* means a dealer, distributor, nonrefiner biofuel manufacturer, or supplier.

25. *"Motor fuel"* means a substance or combination of substances which is intended to be or is capable of being used for the purpose of operating an internal combustion engine, including but not limited to a motor vehicle, and is kept for sale or sold for that purpose.

26. *"Motor fuel dispenser"* or *"dispenser"* means the same as defined in section 214.1.

27. *"Motor fuel pump"* and *"motor fuel blender pump"* or *"blender pump"* means the same as defined in section 214.1.

28. *"Motor fuel storage and dispensing infrastructure"* or *"infrastructure"* means the same as defined in section 214.1.

29. *"Motor fuel storage tank"* means the same as defined in section 214.1.

30. *"MTBE"* means methyl tertiary butyl ether.

31. *"Nonrefiner biofuel manufacturer"* means the same as defined in section 452A.2.

32. *"Oxygenate"* means oxygen-containing compounds, including but not limited to alcohols, ethers, or ethanol.

33. *"Pipeline company"* means the same as defined in section 479B.2.

34. *"Refiner"* means a person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.

35. *a. "Renewable diesel"* means a motor fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark, which is produced from nonfossil renewable resources, including agricultural plants, animal fats, residue, and waste generated from the production, processing, and marketing of agricultural products, and other renewable resources.

b. "Renewable diesel" must meet the standards provided in section 214A.2.

c. "Renewable diesel" does not include any of the following:

(1) Biodiesel.

(2) A fuel that has been coprocessed.

36. *"Renewable diesel blended fuel"* means a blend of renewable diesel with petroleum-based diesel fuel, biodiesel, or a combination of petroleum-based diesel fuel and biodiesel, which meets the standards, including separately the standard for its renewable diesel component, provided in section 214A.2.

37. *"Renewable fuel"* means a combustible liquid derived from grain starch, oilseed, animal fat, or other biomass; or produced from a biogas source, including any nonfossilized decaying organic matter which is capable of powering machinery, including but not limited to an engine or power plant. Renewable fuel includes but is not limited to biofuel, ethanol blended gasoline, biobutanol blended gasoline, or biodiesel blended fuel meeting the standards provided in section 214A.2.

38. *"Retail dealer"* means a person engaged in the business of storing and dispensing motor fuel from a motor fuel pump for sale on a retail basis, regardless of whether the motor fuel pump is located at a retail motor fuel site including a permanent or mobile location.

39. *"Retail motor fuel site"* means a geographic location in this state where a retail dealer sells and dispenses motor fuel on a retail basis.

40. *"Sell"* means to sell or to offer for sale.

41. *"Standard ethanol blended gasoline"* means ethanol blended gasoline for use in gasoline-powered vehicles not required to be flexible fuel vehicles, that meets the requirements of section 214A.2.

42. *"Supplier"* means the same as defined in section 452A.2.

43. *"Terminal"* means the same as defined in section 452A.2.

44. *"Terminal operator"* means the same as defined in section 452A.2.

45. *"Terminal owner"* means the same as defined in section 452A.2.

46. *"Unleaded gasoline"* means gasoline, including ethanol blended gasoline or biobutanol blended gasoline, if all of the following applies:

a. It has an octane number of not less than eighty-seven as provided in section 214A.2.

b. Lead or phosphorus compounds have not been intentionally added to it.

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c. It does not contain more than thirteen thousandths grams of lead per liter and not more than thirteen ten-thousandths grams of phosphorus per liter.

47. *"Wholesale dealer"* means a person, other than a retail dealer, who operates a place of business where motor fuel is stored and dispensed for sale in this state, including a permanent or mobile location.

[C31, 35, §5093-d1; C39, §**5095.01;** C46, 50, 54, 58, 62, 66, 71, §323.1; C73, 75, 77, 79, 81, §214A.1]

85 Acts, ch 76, §1; 86 Acts, ch 1146, §1; 86 Acts, ch 1245, §644; 89 Acts, ch 75, §1; 2000 Acts, ch 1224, §27; 2004 Acts, ch 1086, §106; 2006 Acts, ch 1142, §3 – 5, 83; 2008 Acts, ch 1169, §14 – 16, 30; 2010 Acts, ch 1031, §245, 246; 2013 Acts, ch 15, §3; 2013 Acts, ch 90, §40; 2013 Acts, ch 127, §2; 2014 Acts, ch 1104, §6 – 8; 2015 Acts, ch 103, §20; 2019 Acts, ch 128, §6; 2022 Acts, ch 1067, §14; 2022 Acts, ch 1152, §12; 2023 Acts, ch 154, §27, 28

Referred to in §8A.360, 159A.2, 159A.3, 159A.11, 203.1, 214.1, 260C.19A, 279.34, 307.20, 323.1, 323A.1, 331.908, 364.20, 422.11O, 422.11P, 422.11Y, 423.3, 452A.2, 452A.6, 452A.32, 455G.30, 673B.1, 714.7D

Further definitions, see §189.1

214A.1A Administration and enforcement.

1. This chapter shall be administered and enforced by the department which may adopt rules under chapter 17A to carry out the provisions of this chapter.

2. The department may adopt rules necessary to administer and enforce this chapter in conjunction with chapter 214.

2022 Acts, ch 1067, §15

Referred to in §214A.37

214A.2 Standards and classifications.

1. *a.* The department shall adopt rules establishing departmental standards relating to motor fuels and motor fuel components.

b. In the interest of uniformity, the department shall adopt by reference in part or in whole, as some of its departmental standards described in paragraph *"a"*, applicable specifications adopted by ASTM international and applicable requirements established by the United States environmental protection agency.

2. Octane number shall conform to the average of values obtained from the ASTM international D2699 research method and the ASTM international D2700 motor method.

a. Octane number for regular grade unleaded gasoline shall follow the specifications of ASTM international but shall not be less than eighty-seven.

b. Octane number for premium grade unleaded gasoline shall follow the specifications of ASTM international but shall not be less than ninety-one.

3. *a.* For motor fuel advertised for sale or sold as gasoline by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as ethanol blended gasoline, the motor fuel must meet departmental standards including as follows:

(1) Ethanol must be an agriculturally derived ethyl alcohol that meets departmental standards based in part or in whole on ASTM international specification D4806 for denatured fuel ethanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor ASTM international specification, established by rule.

(2) Gasoline blended with ethanol must meet departmental standards based in part or in whole on ASTM international specification D4814, or a successor ASTM international specification, established by rule.

(3) (a) For ethanol blended gasoline, at least nine percent by volume must be fuel grade ethanol.

(b) For the period beginning on September 16 and ending on May 31 of each year, the state grants a waiver of one pound per square inch from the ASTM international D4814 specification for Reid vapor pressure, or a successor ASTM international specification, established by rule.

(4) For standard ethanol blended gasoline, it must be ethanol blended gasoline classified as any of the following:

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(a) From E-9 up to but not higher than E-15, if the ethanol blended gasoline meets the departmental standards for that classification as otherwise provided in this paragraph *"b"*.

(b) Higher than E-15 but not E-85 gasoline, if the classification is authorized by the department pursuant to approval for the use of that classification of ethanol blended gasoline in this state by the United States environmental protection agency, by granting a waiver or the adoption of regulations.

(5) E-85 gasoline must be an agriculturally derived ethyl alcohol that meets departmental standards based in part or in whole on ASTM international specification D5798, described as a fuel blend for use in ground vehicles with automotive spark-ignition engines, or a successor ASTM international specification, established by rule.

c. If the motor fuel is advertised for sale or sold as biobutanol blended gasoline, the motor fuel must meet departmental standards as follows:

(1) Biobutanol must be an agriculturally derived isobutyl or n-butyl alcohol that meets ASTM international specification D7862 for butanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor ASTM international specification, established by rule.

(2) Gasoline blended with biobutanol must meet departmental standards based in part or in whole on ASTM international specification D4814, or a successor ASTM international specification, established by rule.

4. *a.* For motor fuel advertised for sale or sold as diesel fuel by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as biodiesel or biodiesel blended fuel, the motor fuel must meet departmental standards based in part or in whole on specifications adopted by ASTM international for biodiesel or biodiesel blended fuel, to every extent applicable, as determined by the department, subject to the following:

(1) Biodiesel must meet departmental standards based in whole or in part on ASTM international specification D6751, or a successor ASTM international specification, established by rule. The specification shall apply to biodiesel before it leaves its place of manufacture.

(2) At least five percent of biodiesel blended fuel by volume must be biodiesel.

(3) The biodiesel may be blended with diesel fuel whose sulfur, aromatic, lubricity, and cetane levels do not comply with ASTM international specification D975 grades 1-D or 2-D, low sulfur 1-D or 2-D, or ultra-low sulfur grades 1-D or 2-D, provided that the finished biodiesel blended fuel meets departmental standards as required in subparagraph (1).

(4) Biodiesel blended fuel classified as B-6 or higher but not higher than B-20 must meet departmental standards based in whole or in part on ASTM international specification D7467, or a successor ASTM international specification, established by rule.

(5) (a) Biodiesel blended fuel classified as higher than B-20 must conform to standards adopted by the department.

(b) The rules adopted by the department of agriculture and land stewardship establishing standards for biodiesel blended fuel classified as higher than B-20 shall take effect not earlier than sixty days after the date of filing in accordance with section 17A.5, subsection 2, paragraph *"a"*. The department of agriculture and land stewardship shall notify the legislative services agency, the governor, the department of natural resources, and the department of revenue of the effective date of the rules at least thirty days prior to the effective date of the rules.

c. (1) If the motor fuel is advertised for sale or sold as renewable diesel or renewable diesel blended fuel, the motor fuel must meet departmental standards based in part or in whole on specifications adopted by ASTM international for renewable diesel or renewable diesel blended motor fuel, to every extent applicable, as determined by the department subject to subparagraph (2).

(2) Renewable diesel must at least meet departmental standards based in whole or in part on ASTM international specification D975, or a successor ASTM international specification, established by rule. The specification shall apply to renewable diesel before it leaves its place of manufacture.

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5. Motor fuel shall be classified as follows:

a. (1) Ethanol shall be classified as E-100.

(2) Ethanol blended gasoline formulated with a percentage of between sixty-eight and eighty-three percent by volume of ethanol shall be classified as E-85.

(3) Ethanol blended gasoline, other than ethanol blended gasoline classified as E-85, shall be classified as E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline.

b. (1) Biobutanol shall be classified as Bu-100.

(2) Biobutanol blended gasoline shall be classified as Bu-xx where "xx" is the volume percent of biobutanol in the biobutanol blended gasoline.

c. (1) Biodiesel shall be classified as B-100.

(2) Biodiesel blended fuel shall be classified as B-xx where "xx" is the volume percent of biodiesel.

d. (1) Renewable diesel shall be classified RD-100.

(2) Renewable diesel blended fuel shall be classified RD-xx where "xx" is the volume percent of renewable diesel.

6. Motor fuel shall not contain more than trace amounts of MTBE, as provided in section 214A.18.

[C31, 35, §5093-d2; C39, §**5095.02;** C46, 50, 54, 58, 62, 66, 71, §323.2; C73, 75, 77, 79, 81, §214A.2; 82 Acts, ch 1131, §1, ch 1170, §1]

84 Acts, ch 1083, §1; 85 Acts, ch 76, §2 – 5; 85 Acts, ch 195, §23; 89 Acts, ch 75, §2; 90 Acts, ch 1252, §14; 91 Acts, ch 87, §1; 2000 Acts, ch 1224, §28; 2003 Acts, ch 167, §1, 4; 2004 Acts, ch 1086, §106; 2006 Acts, ch 1142, §6 – 8, 83; 2006 Acts, ch 1175, §8, 23; 2008 Acts, ch 1169, §17, 18, 30; 2009 Acts, ch 41, §263; 2009 Acts, ch 179, §118; 2010 Acts, ch 1031, §247; 2011 Acts, ch 113, §1; 2013 Acts, ch 15, §4 – 6; 2014 Acts, ch 1104, §9 – 11; 2015 Acts, ch 103, §21; 2022 Acts, ch 1067, §16, 17; 2022 Acts, ch 1152, §14; 2023 Acts, ch 154, §29, 30

Referred to in §8A.360, 8A.360A, 159A.12, 214A.1, 214A.2B, 214A.4, 214A.5, 214A.21, 214A.22, 214A.23, 214A.25, 216B.3, 260C.19A, 262.25A, 307.21, 323.1, 422.11O, 422.11P, 422.11Y, 423.4, 452A.2A, 452A.12, 455G.31, 904.312A

214A.2A Kerosene.

1. Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" or the designation "K1 kerosene", and shall indicate that the kerosene is in compliance with the standard specification adopted by ASTM international specification D3699, or a successor ASTM international specification, established by rules adopted by the department.

2. A product commonly known as kerosene and a distillate or a petroleum product of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with a motor fuel, are exempt from this chapter except as provided in this section.

86 Acts, ch 1146, §2; 2006 Acts, ch 1142, §9; 2021 Acts, ch 149, §16; 2022 Acts, ch 1152, §15

214A.2B Laboratory for motor fuels, biofuels, and renewable fuels.

The Iowa central fuel testing laboratory at Iowa central community college shall test motor fuels, biofuels, and renewable fuels, including but not limited to B-20 biodiesel fuel for use by motor trucks. The laboratory shall conduct the testing of motor fuels sold in this state and biofuels blended with motor fuels in this state to ensure that the motor fuels, biofuels, and renewable fuels meet departmental standards in section 214A.2.

2007 Acts, ch 215, §97; 2008 Acts, ch 1032, §35, 108; 2008 Acts, ch 1169, §19, 30; 2022 Acts, ch 1152, §16; 2023 Acts, ch 154, §31

214A.2C Auditing programs.

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers, including retail dealers who sell and dispense motor fuel from motor fuel pumps.

2019 Acts, ch 131, §32

214A.3 Advertising. Transferred to §214A.21; 2022 Acts, ch 1067, §22.

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214A.4 Intrastate shipments.

A wholesale dealer or retail dealer shall not receive or sell or hold for sale, within this state, any motor fuel or oxygenate for which specifications are prescribed in this chapter, unless the dealer first secures from the refiner or producer of the motor fuel or oxygenate, a statement, verified by the oath of a competent chemist employed by or representing the refiner or producer, showing the true standards and tests of the motor fuel or oxygenate, obtained by the methods referred to in section 214A.2. The verified tests are required and must accompany the bill of lading or shipping documents representing the shipment of the motor fuel or oxygenate into this state before the shipment can be received and unloaded.

[C31, 35, §5093-d4; C39, §**5095.04;** C46, 50, 54, 58, 62, 66, 71, §323.4; C73, 75, 77, 79, 81, §214A.4]

89 Acts, ch 75, §4; 2006 Acts, ch 1142, §83

214A.5 Documentation.

1. A wholesale dealer or retail dealer shall, when making a sale of motor fuel, give to a purchaser upon demand a sales slip.

2. A wholesale dealer selling ethanol blended gasoline, biobutanol blended gasoline, or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its classification as provided in section 214A.2. The statement may be on the sales slip provided in this section or a similar document, including but not limited to a bill of lading or invoice.

[C31, 35, §5093-d5; C39, §**5095.05;** C46, 50, 54, 58, 62, 66, 71, §323.5; C73, 75, 77, 79, 81, §214A.5]

89 Acts, ch 75, §5; 2006 Acts, ch 1142, §11, 83; 2006 Acts, ch 1175, §18, 23; 2009 Acts, ch 179, §120; 2014 Acts, ch 1104, §13; 2022 Acts, ch 1152, §18

214A.6 Department tests — fee. Repealed by 2005 Acts, ch 159, §2.

214A.7 Department inspection — samples tested. Transferred to §214A.22; 2022 Acts, ch 1067, §22.

214A.8 Prohibition. Transferred to §214A.23; 2022 Acts, ch 1067, §22.

214A.9 Poster showing analysis. Repealed by 2013 Acts, ch 15, §9.

214A.10 Transfer pipes.

A wholesale dealer, retail dealer, or other person shall not, within this state, use the same pipeline for transferring motor fuel, including gasoline, or oxygenate from one container to another, if the pipeline is used for transferring kerosene or other flammable product used for open flame illuminating or heating purposes.

[C31, 35, §5093-d10; C39, §**5095.10;** C46, 50, 54, 58, 62, 66, 71, §323.10; C73, 75, 77, 79, 81, §214A.10]

89 Acts, ch 75, §9; 92 Acts, ch 1163, §48; 2006 Acts, ch 1142, §83

214A.11 Penalties.

1. Except as otherwise provided in subsection 3, a person who violates a provision of this chapter is guilty of a serious misdemeanor or is subject to an alternative civil enforcement action under subsection 2. Each day that a continuing violation occurs shall be considered a separate offense.

2. The state may proceed against a person who violates this chapter by initiating an alternative civil enforcement action in lieu of a prosecution. The alternative civil enforcement action may be brought against the person as a contested case proceeding by the department under chapter 17A or as a civil judicial proceeding by the attorney general upon referral by the department. The department may impose, assess, and collect the civil penalty. The civil penalty shall be for at least one hundred dollars but not more than one thousand dollars for

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each violation. Each day that a continuing violation occurs shall be considered a separate offense.

a. Except as provided in paragraph "*b*", the state is precluded from prosecuting a violation pursuant to subsection 1 if the state is a party in the alternative civil enforcement action, the department has made a final decision in the contested case proceeding, or a court has entered a final judgment.

b. If a party to an alternative civil enforcement action fails to pay the civil penalty to the department within thirty days after the party has exhausted the party's administrative remedies and the party has not sought judicial review in accordance with section 17A.19, the department may order that its final decision be vacated. When the department's final decision is vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action. If a party to an alternative civil enforcement action fails to pay the civil penalty within thirty days after a court has entered a final judgment, the department may request that the attorney general petition the court to vacate its final judgment. When the court's judgment has been vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action.

3. *a.* A retail dealer who submits an application for an E-15 unavailability waiver order under section 214A.34 that the retail dealer knows includes information that is not true and correct commits perjury as provided in section 720.2.

b. (1) A retail dealer who submits an application for an E-15 incompatible infrastructure waiver order under section 214A.35 that the retail dealer knows is not true and correct commits perjury as provided in section 720.2.

(2) A certified professional retail motor fuel site installer who submits an inspection report as part of an application for an E-15 incompatible infrastructure waiver order under section 214A.35 that the installer knows is not true and correct commits perjury under section 720.2.

c. A retail dealer who submits an application for a small retail motor fuel site exemption administrative order under section 214A.36 that the retail dealer knows is not true and correct commits perjury as provided in section 720.2.

[C31, 35, §5093-d11; C39, §**5095.11;** C46, 50, 54, 58, 62, 66, 71, §323.11; C73, 75, 77, 79, 81, §214A.11]

2006 Acts, ch 1142, §14; 2022 Acts, ch 1067, §19, 20

Referred to in §214A.36

214A.12 Industrial petroleum — permits.

Any wholesale dealer as defined in this chapter may apply to the department for a permit to make importations of petroleum products for industrial use only and not intended to be used for internal combustion engines, on a form to be supplied by the department, and upon receiving such permission may make importations of petroleum products for industrial use only, exempt from the specifications of this chapter.

[C31, 35, §5093-d12; C39, §**5095.12;** C46, 50, 54, 58, 62, 66, 71, §323.12; C73, 75, 77, 79, 81, §214A.12]

2020 Acts, ch 1063, §74

214A.13 Chemists — employment of.

The secretary of agriculture shall employ one or more chemists and incur such other expense as shall be necessary for the purpose of carrying into effect the provisions of this chapter.

[C31, 35, §5093-d13; C39, §**5095.13;** C46, 50, 54, 58, 62, 66, 71, §323.13; C73, 75, 77, 79, 81, §214A.13]

214A.14 Appropriation.

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated funds sufficient to pay the expenses incurred as authorized by this chapter.

[C31, 35, §5093-d14; C39, §**5095.14;** C46, 50, 54, 58, 62, 66, 71, §323.14; C73, 75, 77, 79, 81, §214A.14]

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214A.15 Gasoline receptacles. Repealed by 2021 Acts, ch 149, §17.

214A.16 Notice of renewable fuel — decal. Transferred to §214A.21A; 2023 Acts, ch 154, §34.

214A.17 Documentation in transactions.

Upon any delivery of motor fuel to a retailer, the invoice, bill of lading, shipping or other documentation shall disclose the presence, type, and amount of oxygenates over one percent by weight contained in the fuel.

85 Acts, ch 76, §7; 2006 Acts, ch 1142, §83

214A.18 MTBE prohibition.

1. A person shall not do any of the following:

a. Sell motor fuel containing more than trace amounts of MTBE in this state.

b. Store motor fuel containing more than trace amounts of MTBE in a motor fuel storage tank located in this state.

2. As used in this section, *"trace amounts"* means not more than one-half of one percent by volume.

2000 Acts, ch 1224, §30; 2006 Acts, ch 1142, §83

Referred to in §214A.2

214A.19 Demonstration grants authorized. Transferred to §214A.24; 2022 Acts, ch 1067, §22.

214A.20 Limitation on liability. Transferred to §214A.25; 2022 Acts, ch 1067, §22.

SUBCHAPTER II

ADVERTISEMENT, SALE, AND USE

214A.21 Advertising.

A person shall not knowingly do any of the following:

1. Advertise for sale any motor fuel that does not meet the standards provided in section 214A.2.

2. Falsely advertise for sale the quality, type, or kind of motor fuel or a component of motor fuel.

3. Add a coloring matter to the motor fuel which misleads a person who is purchasing the motor fuel about the quality of the motor fuel.

4. Falsely advertise for sale the classification of a motor fuel as provided in section 214A.2.

[C31, 35, §5093-d3; C39, §**5095.03;** C46, 50, 54, 58, 62, 66, 71, §323.3; C73, 75, 77, 79, 81, §214A.3]

89 Acts, ch 75, §3; 2006 Acts, ch 1142, §10; 2008 Acts, ch 1169, §20, 30; 2009 Acts, ch 179, §119; 2014 Acts, ch 1104, §12; 2022 Acts, ch 1067, §22; 2022 Acts, ch 1152, §17

C2023, §214A.21

214A.21A Notice of renewable fuel — decal.

1. *a.* If ethanol blended gasoline classified as higher than standard ethanol blended gasoline is advertised for sale or sold at a retail motor fuel site, the motor fuel dispenser dispensing the ethanol blended gasoline shall be affixed with a decal stating that the classification of the ethanol blended gasoline is for use in flexible fuel vehicles.

b. If biobutanol blended gasoline is advertised for sale or sold at a retail motor fuel site, the motor fuel dispenser dispensing the biobutanol blended gasoline shall be affixed with a decal identifying the classification of biobutanol blended gasoline.

2. The design and location of the decal shall be prescribed by rules adopted by the department. A decal identifying a renewable fuel shall be consistent with standards adopted pursuant to section 159A.6. The department may approve an application to place a decal in

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a special location on a dispenser or container or use a decal with special lettering or colors, if the decal appears clear and conspicuous to the consumer. The application shall be made in writing pursuant to procedures adopted by the department.

[82 Acts, ch 1170, §2]

C83, §214A.16

85 Acts, ch 76, §6; 89 Acts, ch 296, §21; 91 Acts, ch 254, §14; 94 Acts, ch 1119, §23; 2000 Acts, ch 1224, §29; 2006 Acts, ch 1142, §83; 2008 Acts, ch 1169, §21, 30; 2009 Acts, ch 179, §121; 2013 Acts, ch 15, §8; 2014 Acts, ch 1104, §14; 2017 Acts, ch 159, §51; 2022 Acts, ch 1152, §19; 2023 Acts, ch 154, §34

C2024, §214A.21A

Referred to in §159A.6

214A.22 Department inspection — samples tested.

The department shall, from time to time, make or cause to be made tests of any motor fuel or biofuel which is being sold, or held or offered for sale within this state. A departmental inspector may enter upon the premises of a dealer and take from any container a sample of the motor fuel or biofuel, not to exceed one gallon. The sample shall be sealed and appropriately marked or labeled by the inspector and delivered to the department. The department shall make, or cause to be made, complete analyses or tests of the motor fuel or biofuel by the methods specified in section 214A.2.

[C31, 35, §5093-d7; C39, §**5095.07;** C46, 50, 54, 58, 62, 66, 71, §323.7; C73, 75, 77, 79, 81, §214A.7]

89 Acts, ch 75, §7; 2006 Acts, ch 1142, §12, 83; 2006 Acts, ch 1175, §9, 18, 23; 2013 Acts, ch 15, §7; 2022 Acts, ch 1067, §22

C2023, §214A.22

214A.23 Prohibition.

A dealer shall not knowingly sell motor fuel or biofuel in the state that fails to meet applicable standards and classifications as provided in section 214A.2.

[C31, 35, §5093-d8; C39, §**5095.08;** C46, 50, 54, 58, 62, 66, 71, §323.8; C73, 75, 77, 79, 81, §214A.8]

89 Acts, ch 75, §8; 2006 Acts, ch 1142, §13, 83; 2022 Acts, ch 1067, §18, 22

C2023, §214A.23

214A.24 Demonstration grants authorized.

1. The department, conditioned upon the availability of moneys, may award demonstration grants to persons who purchase vehicles which operate on alternative fuels, including but not limited to E-85 gasoline, biodiesel, compressed natural gas, electricity, solar energy, or hydrogen. A grant shall be for the purpose of conducting research connected with the fuel or the vehicle, and not for the purchase of the vehicle itself, except that the money may be used for the purchase of the vehicle if all of the following conditions are satisfied:

a. The department retains the title to the vehicle.

b. The vehicle is used for continuing research.

c. If the vehicle is sold or when the research related to the vehicle is completed, the proceeds of the sale of the vehicle shall be used for additional research.

2. The governor shall seek the cooperation of the governors of other states willing to cooperate to establish an alternative fuels consortium. The purposes of the consortium may include, but are not limited to, coordinating the research, production, and marketing of alternative fuels within the participating states. The consortium may also coordinate presentation of consortium policy on alternative fuels to automakers and federal regulatory authorities.

90 Acts, ch 1252, §15; 2006 Acts, ch 1142, §77; 2019 Acts, ch 128, §7; 2022 Acts, ch 1067, §22

C2023, §214A.24

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214A.25 Limitation on liability.

1. A retail dealer or other marketer, pipeline company, refiner, terminal operator, or terminal owner is not liable for damages caused by the use of incompatible motor fuel dispensed from a motor fuel dispenser located at the retail dealer's retail motor fuel site, if all of the following apply:

a. The incompatible motor fuel complies with the standards for that type and classification of motor fuel as provided in section 214A.2.

b. The incompatible motor fuel is selected by the end use consumer of the motor fuel.

c. The incompatible motor fuel is dispensed from a motor fuel dispenser that correctly labels the type and classification of fuel dispensed from a motor fuel storage tank.

2. For purposes of subsection 1, a motor fuel is incompatible with a motor according to the manufacturer of the motor.

2011 Acts, ch 113, §2
C2012, §214A.20
2013 Acts, ch 127, §3; 2022 Acts, ch 1067, §21, 22
C2023, §214A.25

214A.26 through 214A.30 Reserved.

SUBCHAPTER III

E-15 ACCESS STANDARD

214A.31 E-15 access standard — establishment.

In order to ensure consumer access to gasoline containing fifteen percent ethanol by volume, an E-15 access standard is established in accordance with 2013 Iowa Acts, ch. 127, §1, section 159A.1, and this subchapter.

2022 Acts, ch 1067, §1

214A.32 E-15 access standard — retail dealer compliance.

1. Except as provided in sections 214A.33 through 214A.36, a retail dealer owning or operating a retail motor fuel site shall comply with the E-15 access standard as provided in this section.

2. In order to comply with the E-15 access standard, a retail dealer must advertise for sale and sell E-15 gasoline from a minimum number of qualifying gasoline dispensers located at the retail dealer's retail motor fuel site. A qualifying gasoline dispenser must be capable of dispensing gasoline at all times that it is in operation.

a. Except as provided in paragraph "*b*", a retail dealer shall comply with a general E-15 access standard by dispensing E-15 gasoline from the following:

(1) One qualified gasoline dispenser, if there is only one qualified gasoline dispenser.

(2) At least fifty percent of all qualified gasoline dispensers, if there is more than one qualified gasoline dispenser.

b. (1) A retail dealer complies with an alternative E-15 access standard if all of the following apply:

(a) On and after January 1, 2023, the retail dealer does not install, replace, or convert a gasoline storage tank.

(b) On and after January 1, 2026, the retail dealer advertises for sale and sells E-15 gasoline from at least one qualifying gasoline dispenser.

(2) A retail dealer who no longer complies with the alternative E-15 access standard as provided in subparagraph (1) shall immediately comply with the general E-15 access standard as provided in paragraph "*a*".

c. The E-15 access standard does not prohibit a retail dealer owning or operating a retail motor fuel site from advertising for sale and selling motor fuel from any number of nonqualifying motor fuel dispensers. A nonqualifying motor fuel dispenser is limited to any of the following:

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(1) A dispenser that exclusively dispenses any of the following:
(a) Aviation fuel.
(b) Diesel fuel.
(c) Kerosene.
(2) A dispenser that is part of a tank vehicle as defined in section 321.1 that is not used to dispense gasoline on the premises of the retail motor fuel site.
(3) A dispenser that is part of a commercial marina.

3. *a.* A retail dealer is not in violation of this section during any period of noncompliance with the E-15 access standard caused by an excusable event. An excusable event is limited to any of the following:

(1) The maintenance, repair, or reconditioning of gasoline storage and dispensing infrastructure.
(2) The installation, expansion, replacement, or conversion of gasoline storage and dispensing infrastructure.

b. The department may require that a retail dealer notify the department that an excusable event as described in paragraph *"a"* is planned to occur, is occurring, or has occurred. The department may inspect the applicable retail motor fuel site to determine whether the noncompliance is caused by an excusable event.

2022 Acts, ch 1067, §2
Referred to in §159A.14, 214.12, 214A.33, 214A.34, 214A.35, 214A.36, 214A.37

214A.33 Suspension of E-15 access standard by order issued by governor.

1. The governor may issue or renew an executive order that temporarily suspends the requirement in section 214A.32 that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer.

2. The E-15 access standard suspension order as described in subsection 1 must be supported by the governor's determination that any of the following apply:

a. There is an inadequate supply of E-15 gasoline.
b. The market price of E-15 gasoline may cause consumers to suffer economic hardship.
c. Existing gasoline storage and dispensing infrastructure is not capable of storing and dispensing E-15 gasoline.

3. The governor may issue or renew an executive order under this section on a statewide or regional basis.

4. The E-15 access standard suspension order shall take effect on its date of publication in the Iowa administrative bulletin, unless the order specifies a later date. The order shall expire one year from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

2022 Acts, ch 1067, §3
Referred to in §214A.32

214A.34 Waiver of E-15 access standard by order issued by secretary of agriculture — E-15 unavailability.

1. The secretary of agriculture may issue an administrative order that temporarily waives the requirement in section 214A.32 that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer based on E-15 gasoline availability.

2. A retail dealer may apply for an E-15 unavailability waiver order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

a. The application must be supported by credible evidence that the retail dealer has not been able to reasonably obtain E-15 gasoline to be advertised for sale and sold at the retail dealer's retail motor fuel site.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

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3. The department shall publish a copy of the E-15 unavailability waiver order on the department's internet site within ten days after the order's issuance.

4. The E-15 unavailability waiver order shall take effect on its date of publication on the department's internet site, unless the order specifies a later date. The order shall expire six months from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

2022 Acts, ch 1067, §4
Referred to in §214A.11, 214A.32

214A.35 Waiver of alternative E-15 access standard by order issued by secretary of agriculture — E-15 incompatible infrastructure.

1. The secretary of agriculture shall issue an administrative order that temporarily waives the requirement in section 214A.32 that a retail dealer comply with the alternative E-15 access standard at a retail motor fuel site owned or operated by the retail dealer, if the retail motor fuel site qualifies under this section based on the incompatibility of the motor fuel storage and dispensing infrastructure to store and dispense E-15 gasoline.

2. A retail dealer may apply for an E-15 incompatible infrastructure waiver order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

a. The application must be supported by credible evidence that the retail dealer is unable to comply with the alternative E-15 access standard because the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with the use of E-15 gasoline and that the retail dealer is eligible for a class 1 or class 2 waiver as provided in this section.

b. The application must provide information required to be completed by the retail dealer, which must include an inventory and description of gasoline storage and dispensing infrastructure located at the retail motor fuel site.

c. The department may require a retail dealer to attach any supporting documentation to the application, which may include an inspection report completed by a person certified by the department as a professional retail motor fuel site installer. The certified professional retail motor fuel site installer may be a licensed engineer or other person who the department determines is qualified by education, testing, or experience to oversee a project involving the installation, replacement, or conversion of gasoline storage and dispensing infrastructure, and who is able to provide a reliable estimate of the project's costs.

d. The department shall review and evaluate an application to determine whether it is supported by credible evidence sufficient for the secretary to issue an order granting a waiver under this section. The department shall approve or disapprove a completed application within one hundred twenty days following the date that the application was delivered to the department for filing.

e. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct. If a certified professional retail motor fuel site installer completes an inspection report to support an application, the installer shall sign a statement that the installer swears and affirms that all information in the inspection report completed by the installer is true and correct.

f. The department may inspect the premises of a retail motor fuel site during normal business hours to administer and enforce the provisions of this section.

g. The department of agriculture and land stewardship may cooperate with the department of natural resources and the department of inspections, appeals, and licensing in administering and enforcing the provisions of this section.

3. The department shall publish a copy of the E-15 incompatible infrastructure waiver order on the department's internet site within ten days after the order's issuance. The order shall take effect on its date of publication, unless the order specifies a later date.

4. *a.* The secretary of agriculture shall terminate the E-15 incompatible infrastructure waiver order if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

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(1) The failure of a retail dealer to be licensed as required under section 214.2 to use a commercial weighing and measuring device when dispensing gasoline.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a motor fuel storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph *"a"* is planned to occur, is occurring, or has occurred.

5. *a.* The secretary of agriculture shall issue an E-15 incompatible infrastructure class 1 waiver order as provided in this subsection. If the department determines an inspection of the retail motor fuel site is necessary, it may either conduct the inspection or accept an inspection report completed by a certified professional retail motor fuel site installer.

b. The order must be supported by credible evidence that all gasoline storage tanks that are located at the retail motor fuel site fall within any number of the following categories:

(1) Each gasoline storage tank not constructed of fiberglass was installed during or prior to 1985.

(2) Each gasoline storage tank constructed of fiberglass was installed during or prior to the following years:

(a) For a double-wall fiberglass underground gasoline storage tank, 1991.

(b) For a single-wall fiberglass underground gasoline storage tank, 1996.

6. The secretary of agriculture shall issue an E-15 incompatible infrastructure class 2 waiver order as provided in this subsection. The order shall be based on an inspection of the retail motor fuel site. The department shall file and analyze a completed inspection report submitted by a certified professional retail motor fuel site installer.

a. The inspection report must be supported by credible evidence and include all of the following:

(1) A completed checklist of items adopted as part of a form used by the department to confirm that the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with E-15 gasoline.

(2) The total estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard by installing, replacing, or converting the gasoline storage and dispensing infrastructure located at the retail motor fuel site.

b. (1) The department shall determine whether to issue an E-15 incompatible infrastructure class 2 waiver order based on an eligibility assessment which shall calculate all of the following:

(a) The total estimated cost of improvement which equals the sum of all of the following:

(i) The reasonable cost of assessing the retail motor fuel site to determine the estimated cost of improving the retail motor fuel site as described in subparagraph subdivision (ii).

(ii) The estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard based on the department's analysis of the inspection report described in paragraph *"a"*. The estimated cost of improving the retail motor fuel site shall only include costs used to calculate the amount of standard financial incentives that could be awarded by the renewable fuel infrastructure board to a retail dealer participating in the renewable fuel infrastructure program for retail motor fuel sites as provided in section 159A.14.

(b) The E-15 infrastructure base amount which equals the maximum cost necessary to be incurred by the retail dealer in order to receive the total amount of standard financial incentives that could be awarded to the retail dealer under tier III of the renewable fuel infrastructure program for retail motor fuel sites as provided in section 159A.14 in order to comply with the alternative E-15 access standard. The department's calculation shall not include any of the following:

(i) The amount of any prior financial incentives awarded to the retail dealer under the renewable fuel infrastructure program for retail motor fuel sites.

(ii) Whether the retail dealer may apply for, is applying for, or may be awarded any future financial incentives under the renewable fuel infrastructure program for retail motor fuel sites.

(2) A retail dealer is only eligible to be issued an E-15 incompatible infrastructure class

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2 waiver order if the department determines that the total estimated cost of improvement as described in subparagraph (1), subparagraph division (a), exceeds the E-15 infrastructure base amount as described in subparagraph (1), subparagraph division (b).

7. This section is repealed January 1, 2041.

2022 Acts, ch 1067, §5; 2023 Acts, ch 19, §1638
Referred to in §159A.14, 214A.11, 214A.32

214A.36 Exemption from E-15 access standard for small retail motor fuel sites — by order issued by secretary of agriculture.

1. *a.* The secretary of agriculture shall issue a small retail motor fuel site exemption administrative order to a retail dealer. The administrative order shall exempt the retail dealer from complying with the E-15 access standard, as otherwise required in section 214A.32, at a small retail motor fuel site owned or operated by the retail dealer.

b. To qualify as a small retail motor fuel site under this section, all of the following must apply:

(1) Prior to January 1, 2023, the retail motor fuel site included gasoline storage and dispensing infrastructure.

(2) The retail motor fuel site's average total gasoline gallonage was limited to three hundred thousand gallons or less for the qualifying phase as provided in this section.

2. *a.* A retail dealer may apply for an administrative order as described in subsection 1 by submitting an application to the department in a manner and according to procedures required by the department.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. *a.* Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase beginning on January 1, 2020, and ending on December 31, 2022.

b. The computation described in paragraph *"a"* shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to chapter 452A, subchapter II. However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under chapter 422, to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

c. A retail dealer who submits an application under this section shall waive the confidentiality of information in the department of revenue's certification identifying the retail dealer or retail motor fuel site otherwise applicable under chapter 422 or 452A. The information maintained by the department of agriculture and land stewardship under this section is a confidential record under section 22.7 and shall be used by the department of agriculture and land stewardship for the limited purposes of evaluating the retail dealer's application for approval and issuing an administrative order described in subsection 1. The certification may be used in a criminal proceeding alleging the retail dealer committed perjury as described in section 214A.11 when completing the application. The application shall include a notice of the waiver. The department of agriculture and land stewardship shall redact such identifying information in any record otherwise requiring disclosure by that department under chapter 22.

d. The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer this subsection.

4. The department shall publish on its internet site for each quarter of a calendar year information aggregated from administrative orders described in subsection 1 that shall be limited to the following:

a. The total number of administrative orders issued.

b. The total number of administrative orders in effect.

5. *a.* The secretary of agriculture shall terminate the administrative order described in

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subsection 1 if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under section 214.2 to use a commercial weighing and measuring device when dispensing gasoline at the retail motor fuel site.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a gasoline storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph *"a"* is planned to occur, is occurring, or has occurred.

2022 Acts, ch 1067, §6
Referred to in §214A.11, 214A.32, 452A.33

214A.37 Disciplinary action.

The department may refuse to issue or renew and may suspend or revoke a license issued to a retail dealer pursuant to section 214.2 for not complying with the E-15 access standard as provided in section 214A.32, including rules adopted by the department pursuant to section 214A.1A to administer or enforce that section.

2022 Acts, ch 1067, §7

214A.38 through 214A.40 Reserved.

SUBCHAPTER IV

STATE AND LOCAL REGULATION OF FUEL-POWERED EQUIPMENT

Referred to in §331.301, 364.3

214A.41 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Fuel source"* means any of the following:

a. Any substance or combination of substances that is used to power an internal combustion engine, including but not limited to a biofuel, diesel fuel, gasoline, hydrogen, propane, or a renewable fuel.

b. Any source of energy delivered or placed into the battery or other energy storage device that is used to power an electric motor.

2. *"Fuel-powered equipment"* means any good subject to a contract for sale under chapter 554, article 2, that is manufactured to be operated with an engine or motor, regardless of whether it is self-propelled.

3. *"Government entity"* means any of the following:

a. A principal central department of the executive branch as enumerated in section 7E.5, or a state authority, board, commission, council, or independent agency that is not under the direction of a principal central department as enumerated in section 7E.5.

b. A political subdivision of the state, including but not limited to a county as provided in chapter 331 or city as provided in chapter 364.

2025 Acts, ch 26, §1

214A.42 State and local regulation governing fuel-powered equipment — prohibition.

A government entity shall not adopt or continue in effect any regulation, including in the form of a rule, ordinance, or resolution, that does any of the following:

1. Prohibits or restricts a person from possessing, storing, transferring, acquiring, operating, maintaining, repairing, or reusing fuel-powered equipment or parts of fuel-powered equipment solely because such equipment is manufactured to be powered by a specific fuel source.

2. Requires that a person selling fuel-powered equipment or parts of fuel-powered equipment do any of the following:

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a. Sell fuel-powered equipment or parts of fuel-powered equipment solely because such equipment is manufactured to be powered by a specific fuel source.

b. Maintain an inventory of fuel-powered equipment or parts of fuel-powered equipment solely because such equipment is manufactured to be powered by a specific fuel source.

2025 Acts, ch 26, §2
Referred to in §214A.43

214A.43 State and local regulation governing fuel-powered equipment — void.

Any regulation described in section 214A.42 is void and unenforceable.

2025 Acts, ch 26, §3

CHAPTER 215

WEIGHTS AND MEASURES — INSPECTIONS

215.1 Definitions.
215.1A Inspections. Transferred to §215.1E; 2026 Acts, ch 1139, §32.
215.1B State metrologist.
215.1C United States standards — conformity.
215.1D Specifications and tolerances.
215.1E Inspections.
215.2 Special inspection tests — request — fees.
215.3 Payment by party complaining. Repealed by 2021 Acts, ch 149, §21.
215.4 Tag for inaccurate or incorrect device — reinspection — license fee.
215.5 Confiscation of scales.
215.6 False weights or measures.
215.7 Transactions by false weights or measures.
215.8 Reasonable variations. Repealed by 2021 Acts, ch 149, §21.
215.9 Power of political subdivision limited.
215.10 Installation of new scales.
215.11 Dial visible to public.
215.12 Bond of scale repairers. Repealed by 2023 Acts, ch 154, §25.
215.13 Graduations on beam.
215.14 Approval by department.
215.15 Scale pit.
215.16 Weighing beyond capacity.
215.17 Test weights to be used.
215.18 Specifications and tolerances. Transferred to §215.1D; 2026 Acts, ch 1139, §32.
215.19 Automatic recorders on scales.
215.20 Liquid petroleum gas measurement.
215.21 Individual carcass weights.
215.22 Packer-monorail scale.
215.23 Servicer's license — fee and term.
215.24 Rules.
215.25 Railroad track scales.
215.26 Definitions. Transferred to §215.1; 2019 Acts, ch 128, §8.

215.1 Definitions.

As used in this chapter:

1. *a.* *"Commercial weighing and measuring device"* or *"device"* means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or when the price to be paid for producing the commodity is based upon the weight or measurement of the commodity.

b. *"Commercial weighing and measuring device"* includes any of the following:

(1) An accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device.

(2) A public scale or a commercial scanner.

2. *"Department"* means the department of agriculture and land stewardship.

3. *"Liquefied petroleum gas"* means liquids that do not remain in a liquid state at atmospheric pressures and temperatures composed predominantly of any of the following hydrocarbons, or mixtures of hydrocarbons: propane, propylene, butanes including normal butane or isobutane, and butylenes.

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4. *"National institute of standards and technology"* means the national institute of standards and technology established within the United States department of commerce pursuant to 15 U.S.C. §272.

5. *"Packer"* means a person engaged in the business of any of the following:

a. Buying livestock in commerce for purposes of slaughter;

b. Manufacturing or preparing meats or meat food products for sale or shipment in commerce;

c. Marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

6. *"Service agency"* means an individual, firm, or corporation which holds itself out to the public as having servicers available to install, service, or repair a weighing or measuring device for hire.

7. *"Servicer"* means an individual employed by a service agency who installs, services, or repairs a commercial weighing or measuring device for hire, commission, or salary.

[C81, §215.26]

90 Acts, ch 1084, §10, 11; 2007 Acts, ch 126, §43; 2012 Acts, ch 1095, §143, 144; 2019 Acts, ch 128, §8

C2020, §215.1

2024 Acts, ch 1043, §64; 2026 Acts, ch 1139, §24, 25

Referred to in §214.1, 215.1B, 452A.40

Former §215.1 transferred to §215.1A pursuant to directive; 2019 Acts, ch 128, §8

Subsection 1 amended

NEW subsection 4 and former subsections 4 – 6 renumbered as 5 – 7

215.1A Inspections. Transferred to §215.1E; 2026 Acts, ch 1139, §32.

215.1B State metrologist.

The secretary of agriculture may designate the bureau chief of the department's weights and measures bureau to act as state metrologist of weights and measures. The bureau chief is the appropriate state official responsible for cooperating with the national institute of standards and technology as defined in section 215.1 and in the administration of weights and measures as regulated in this subtitle.

[C73, §2053 – 2055; C97, §3020; S13, §3009-b; C24, 27, 31, 35, 39, §**3251;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §213.1]

2013 Acts, ch 15, §2; 2026 Acts, ch 1139, §21, 32

C2027, §215.1B

Referred to in §210.1

Section transferred from §213.1 in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §32

Section amended

215.1C United States standards — conformity.

Weights and measures that are metrologically traceable to standards recognized by the national institute of standards and technology shall be Iowa's state primary standard of weights and measures as verified by the department. The traceable standards of weights and measures shall be verified upon their initial receipt by the department and as often as deemed necessary by the department. The department may revise the state primary standard of weights and measures in order to maintain metrological traceability with the standards of the national institute of standards and technology. The verification or revision shall be made pursuant to rules adopted by the department in accordance with chapter 17A.

[C73, §2053, 2054; C97, §3020; S13, §3009-b; C24, 27, 31, 35, 39, §**3252;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §213.2]

90 Acts, ch 1045, §3; 2012 Acts, ch 1095, §145; 2026 Acts, ch 1139, §22, 32

C2027, §215.1C

Section transferred from §213.2 in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §32

Section amended

215.1D Specifications and tolerances.

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices, as adopted by

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the national conference on weights and measures and published in the national institute of standards and technology, handbook 44, "Specifications, tolerances, and other technical requirements for weighing and measuring devices", shall apply to weighing and measuring devices in this state, except insofar as modified or rejected by rule and shall be observed in all inspections and tests.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.18]

90 Acts, ch 1084, §8; 2026 Acts, ch 1139, §32

C2027, §215.1D

Referred to in §215A.3

Section transferred from §215.18 in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §32

215.1E Inspections.

1. Except as otherwise expressly provided by statute, the department of agriculture and land stewardship may inspect any commercial weighing and measuring device. If the department receives a complaint alleging weights or measures are being inaccurately recorded by a device, the department shall inspect the device.

2. The department may inspect a prepackaged good to determine the accuracy of its recorded weight.

3. *a.* The department may order the owner of the device or a service agency that installed, serviced, or repaired the device, to deliver to the department one or more of the service agency's most recent test reports documenting the device's accuracy.

b. (1) Except as provided in subparagraph (2), the delivery of a report may be in lieu of an inspection.

(2) The department shall provide for an inspection of any of the following:

(a) A motor fuel pump as required in section 214.11.

(b) A moisture-measuring device as required in section 215A.2.

(c) A charging station dispensing electric fuel as required in section 452A.41.

[S13, §3009-o; SS15, §3009-n; C24, 27, 31, 35, 39, §**3266;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.1]

2012 Acts, ch 1095, §138; 2019 Acts, ch 128, §8

C2020, §215.1A

2026 Acts, ch 1139, §26, 32

C2027, §215.1E

Section transferred from §215.1A in Code 2027 pursuant to directive in 2026 Acts, ch 1139, §32

Section amended

215.2 Special inspection tests — request — fees.

1. The owner or servicer of a commercial weighing and measuring device may request the department conduct a special inspection test of the device to determine its accuracy and correctness.

2. The fee for conducting a special inspection test of a commercial weighing and measuring device shall be paid by the owner or servicer requesting the special inspection test in accordance with the following schedule:

a. Class S, scales, seventy-five dollars per hour.

b. Class M, meters, fifty-two dollars and fifty cents per hour.

[SS15, §3009-n; C24, 27, 31, 35, 39, §**3267;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.2]

88 Acts, ch 1272, §22; 90 Acts, ch 1084, §5; 92 Acts, ch 1239, §38; 2023 Acts, ch 154, §24

License fees; §214.3

215.3 Payment by party complaining. Repealed by 2021 Acts, ch 149, §21.

215.4 Tag for inaccurate or incorrect device — reinspection — license fee.

A commercial weighing and measuring device found to be inaccurate or incorrect upon inspection by the department shall be rejected or tagged "condemned until repaired" and the inspection sticker shall be removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, a license fee may be charged for the reinspection. However, a second license fee shall be charged if upon

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reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

[SS15, §3009-n; C24, 27, 31, 35, 39, §**3269;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.4]

90 Acts, ch 1084, §7; 2012 Acts, ch 1095, §139; 2021 Acts, ch 149, §18

215.5 Confiscation of scales.

The department may seize without warrant and confiscate any incorrect scales, weights, or measures, or any weighing apparatus or part thereof which do not conform to the state standards or upon which the license fee has not been paid. If any weighing or measuring apparatus or part thereof be found out of order the same may be tagged by the department "condemned until repaired", which tag shall not be altered or removed until said apparatus is properly repaired.

[S13, §3009-q; C24, 27, 31, 35, 39, §**3270;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.5]

215.6 False weights or measures.

If any person engaged in the purchase or sale of any commodity by weight or measurement, or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles upon which such labor is bestowed, has in the person's possession any inaccurate scales, weights, or measures, or other apparatus for determining the quantity of any commodity, which do not conform to the standard weights and measures, the person shall be punished as provided in chapter 189.

[SS15, §3009-p; C24, 27, 31, 35, 39, §**3271;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.6]

215.7 Transactions by false weights or measures.

1. A person shall be deemed to have violated the provisions of this chapter if the person does any of the following :

a. Sells, trades, delivers, charges for, or claims to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

b. Makes a settlement for or enters a credit, based upon any false weight or measurement, for any commodity purchased.

c. Makes a settlement for or enters a credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

d. Records a false weight or measurement upon the weight ticket or book.

2. The department may adopt rules pursuant to chapter 17A that allow for reasonable variations and exceptions for small packages.

3. A person who violates this section is guilty of a simple misdemeanor.

[SS15, §3009-j; C24, 27, 31, 35, 39, §**3272;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.7]

2012 Acts, ch 1095, §140; 2013 Acts, ch 90, §41; 2021 Acts, ch 149, §19

215.8 Reasonable variations. Repealed by 2021 Acts, ch 149, §21. See §215.7(2).

215.9 Power of political subdivision limited.

A commodity weighed upon any scale bearing a sticker issued by the department shall not be required to be reweighed as required by ordinance of any political subdivision including but not limited to a city, nor shall a commodity's sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

[SS15, §3009-m; C24, 27, 31, 35, 39, §**3274;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.9]

2012 Acts, ch 1095, §141

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215.10 Installation of new scales.

It shall be unlawful to install a scale, used for commercial purposes in this state, unless the scale is so installed that it is easily accessible for inspection and testing by equipment of the department and with due regard to the scale's size and capacity. Every scale manufacturer or dealer shall, upon selling a scale of the above types in Iowa, submit to the department upon forms provided by the department, the make, capacity of the scale, the date of sale, and the date and location of its installation.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.10]

215.11 Dial visible to public.

The weight indicating dial or beams on counter scales used to weigh articles sold at retail shall be so located that the reading dial indicating the weight shall at all times be visible to the public.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.11]

215.12 Bond of scale repairers. Repealed by 2023 Acts, ch 154, §25.

215.13 Graduations on beam.

All new weigh beams or dials on what is known as livestock scales used for determining the weight in buying or selling livestock shall be in not over five-pound graduations.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.13]

215.14 Approval by department.

A commercial weighing and measuring device shall not be installed in this state unless approved by the department.

1. A pit type scale or any other scale installed in a pit, regardless of capacity, that is installed on or after July 1, 1990, shall have a clearance of not less than four feet from the finished floor line of the scale to the bottom of the "I" beam of the scale bridge. Livestock shall not be weighed on any scale other than a livestock scale or pit type scale.
2. An electronic pitless scale shall be placed on concrete footings with concrete floor. The concrete floor shall allow for adequate drainage away from the scale as required by the department. There shall be a clearance of not less than eight inches between the weigh bridge and the concrete floor to facilitate inspection and cleaning.
3. Before approval by the department, the specifications for a commercial weighing and measuring device shall be furnished to the purchaser of the device by the manufacturer. The approval shall be based upon the recommendation of the national institute of standards and technology.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.14]

90 Acts, ch 1045, §1; 2003 Acts, 1st Ex, ch 2, §16, 209; 2012 Acts, ch 1095, §142; 2026 Acts, ch 1139, §27

Subsection 3 amended

215.15 Scale pit.

Scale pit shall have proper room for inspector or service person to repair or inspect scale. Scale pit shall remain dry at all times and adequate drainage shall be provided for the purpose of inspecting and cleaning.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.15]

215.16 Weighing beyond capacity.

It shall be unlawful for any person, firm, or corporation to use such a scale for weighing commodities the gross weight of which is greater than the factory rated scale capacity. The capacity of the scale shall be stamped by the manufacturer on each weigh beam or dial. The capacity of the scale shall be posted so as to be visible to the public.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.16]

215.17 Test weights to be used.

1. A person engaged in scale repair work for hire shall use only test weights sealed by

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a laboratory approved by the department in determining the effectiveness of repair work and the test weights shall be sealed as to their accuracy once each year. However, a person shall not claim to be an official scale inspector and shall not use the test weights except to determine the accuracy of scale repair work done by the person and the person shall not be entitled to a fee for their use.

2. Calibration shall not be required of a tank which is not used for the purpose of measuring, or which is equipped with a meter, and vehicle tanks loaded from meters and carrying a printed ticket showing gallonage shall not be required to be calibrated.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §215.17]

92 Acts, ch 1239, §39; 2010 Acts, ch 1061, §41; 2015 Acts, ch 103, §22, 23

215.18 Specifications and tolerances. Transferred to §215.1D; 2026 Acts, ch 1139, §32.

215.19 Automatic recorders on scales.

Except for a scale used by a packer slaughtering fewer than one hundred twenty head of livestock per day, a scale with a capacity over five hundred pounds, used for commercial purposes, shall be equipped with a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar commercial weighing and measuring device, which shall be used for printing or stamping the weight values on scale tickets. A scale or similar device equipped with a malfunctioning automatic weight recorder shall not be used for more than seven days if the scale or similar device is unable to print or stamp the ticket and only if a repair to the automatic recorder is immediately initiated and the user dates, signs, and accurately handwrites the required information on the ticket until the scale or similar device is operational.

[C66, 71, 73, 75, 77, 79, 81, §215.19]

2017 Acts, ch 159, §52; 2026 Acts, ch 1139, §28

Referred to in §327D.130

Section amended

215.20 Liquid petroleum gas measurement.

1. All liquefied petroleum gas, including but not limited to propane, butane, and mixtures of them, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot of vapor, defined as one cubic foot at 60 degrees Fahrenheit, or by the gallon, defined as two hundred thirty-one cubic inches at 60 degrees Fahrenheit.

2. All metered sales exceeding one hundred gallons shall be corrected to a temperature of 60 degrees Fahrenheit through use of an approved meter with a sealed automatic compensation mechanism. All sale tickets for sales exceeding one hundred gallons shall show the stamped delivered gallons and shall state that the temperature correction was automatically made.

3. A reasonable tolerance within a maximum of plus or minus one percent shall be allowed on liquid petroleum gas meters licensed for commercial use in this state.

[C66, 71, 73, 75, 77, 79, 81, §215.20]

88 Acts, ch 1272, §23; 90 Acts, ch 1084, §9; 2014 Acts, ch 1026, §44

215.21 Individual carcass weights.

With payment for each purchase of livestock except poultry bought on a carcass weight or grade and yield basis, each packer shall provide the seller with one statement displaying the individual carcass weights of all the animals sold.

[C81, §215.21]

215.22 Packer-monorail scale.

The speed of a monorail scale operation used by a packer shall not exceed the manufacturer's recommendation or specifications for accurate weighing under normal, in-use operating conditions. The operational speed shall be permanently marked on the indicating element. Adequate measures shall be provided whereby testing and inspections can be conducted under normal in-use conditions. Tare weights for trolleys or gambrels

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shall be registered with the department. The registered tare adjustment on the indicating element shall be sealed or pinned.

[C81, §215.22]

215.23 Servicer's license — fee and term.

1. The department may adopt rules pursuant to chapter 17A setting forth qualification requirements for persons applying for a servicer's license, including an examination.

2. In determining a servicer's qualifications, the department may consider the specifications of the national institute of standards and technology, handbook 44, "Specifications, Tolerances, and Technical Requirements for Weighing and Measuring Devices", or the current successor or equivalent specifications adopted by the national institute of standards and technology.

3. The department may require the payment of a license fee for an amount established by rule for each license issued under this section.

4. A license shall expire two years from its date of issuance.

[C81, §215.23]

90 Acts, ch 1045, §2; 2015 Acts, ch 30, §69; 2021 Acts, ch 149, §20; 2026 Acts, ch 1139, §29

Referred to in §214.11

Subsection 2 amended

215.24 Rules.

The department may adopt rules pursuant to chapter 17A as necessary to promptly and effectively enforce the provisions of this chapter.

[C81, §215.24]

2015 Acts, ch 30, §70

215.25 Railroad track scales.

The department shall inspect the railroad track scales referred to in section 327D.127. The department may adopt rules establishing standards for the scales. The rules may include but are not limited to safety standards, accuracy and the style and content of forms and certificates to be used for weighing.

[C81, §215.25]

215.26 Definitions. Transferred to §215.1; 2019 Acts, ch 128, §8.

CHAPTER 215A

MOISTURE-MEASURING DEVICES

215A.1	Definitions.	215A.7	Located where visible to public.
215A.2	Inspection by department.	215A.8	Untested devices not to be used — exception.
215A.3	Rules adopted — hearing.		
215A.4	Officer assigned to act.	215A.9	Inspection fee.
215A.5	Marking with seal.	215A.10	Penalty.
215A.6	Procedure when device rejected.		

215A.1 Definitions.

As used in this chapter:

1. *"Agricultural products"* means any product of agricultural activity which is tested for moisture content when offered for sale, processing, or storage.

2. *"Department"* means the Iowa department of agriculture and land stewardship.

3. *"Moisture-measuring devices"* means any device or instrument used by any person in proving or ascertaining the moisture content of agricultural products.

4. *"Person"* means an individual, corporation, partnership, cooperative association, or two or more persons having a joint or common interest in the same venture and shall include the United States, the state, or any subdivision of either.

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5. *"Secretary"* means the secretary of agriculture.
[C71, 73, 75, 77, 79, 81, §215A.1]
2012 Acts, ch 1023, §157
Further definitions, see §189.1

215A.2 Inspection by department.
The department shall inspect or cause to be inspected at least annually every moisture-measuring device used in commerce in this state, except those belonging to the United States or the state, or any subdivision of either, except as herein provided. The department may inspect or cause to be inspected at the convenience of the department any moisture-measuring device upon a request in writing from the owner thereof.
[C71, 73, 75, 77, 79, 81, §215A.2]
Referred to in §215.1E

215A.3 Rules adopted — hearing.
The department is charged with the enforcement of this chapter and, after due publicity and due public hearing, is empowered to establish rules, regulations, specifications, standards, and tests as necessary in order to secure the efficient administration of this chapter. Publicity concerning the public hearing shall be reasonably calculated to give interested parties adequate notice and adequate opportunity to be heard. In establishing such rules, regulations, specifications, standards, and tests the department may use the specifications and tolerances established in section 215.1D, and shall use the specifications and tolerances established by the United States department of agriculture as of November 15, 1971, in chapter XII of GR instruction 916-6, equipment manual, used by the United States department of agriculture grain inspection, packers and stockyards administration. The department may from time to time publish such data in connection with the administration of this chapter as may be of public interest.
[C71, 73, 75, 77, 79, 81, §215A.3]
95 Acts, ch 216, §25
Section not amended; internal reference change applied

215A.4 Officer assigned to act.
The department may at its discretion designate an employee or officer of the department to act for the department in any details connected with the administration of this chapter.
[C71, 73, 75, 77, 79, 81, §215A.4]

215A.5 Marking with seal.
If an inspection or comparative test reveals that the moisture-measuring device being inspected or tested conforms to the standards and specifications established by the department, the department shall cause the same to be marked with an appropriate seal. Any moisture-measuring device which upon inspection is found not to conform with the specifications and standards established by the department shall be marked with an appropriate seal showing such device to be defective, which seal shall not be altered or removed until said moisture-measuring device is properly repaired and reinspected. The owner or user of such device shall be notified of such defective condition by the department or its properly designated employees on an inspection form prepared by the department.
[C71, 73, 75, 77, 79, 81, §215A.5]
Referred to in §215A.6, 215A.9

215A.6 Procedure when device rejected.
1. Any defective moisture-measuring device, while so marked, sealed, or tagged, as provided in section 215A.5, may be used to ascertain the moisture content of agricultural products offered for sale, processing, or storage, only under the following conditions:
a. The person shall keep a record, open to inspection, of every commercial sample of agricultural products inspected by the tagged device, showing that an adjustment was made on all such agricultural products tested.

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b. The device shall be repaired to comply with section 215A.5 within a period of thirty days, and the department thereupon notified.

2. If, upon reinspection, the device is again rejected under the provisions of section 215A.5, such device shall be sealed and shall not be used until repaired and reinspected.

[C71, 73, 75, 77, 79, 81, §215A.6]

2009 Acts, ch 41, §263

215A.7 Located where visible to public.

Every device used to ascertain the moisture content of agricultural products offered for sale, processing, or storage shall be used in a location visible to the general public and the detailed procedure for operating a moisture-measuring device shall be displayed in a conspicuous place close to the moisture-measuring device.

[C71, 73, 75, 77, 79, 81, §215A.7]

215A.8 Untested devices not to be used — exception.

No person shall use or cause to be used any grain moisture-measuring device which has not been inspected and approved for use by the department; except, a newly purchased grain moisture-measuring device may be used prior to regular inspection and approval if the user of such device has given notice to the department of the purchase and before use of such new device.

[C71, 73, 75, 77, 79, 81, §215A.8]

215A.9 Inspection fee.

1. The department shall charge, assess, and cause to be collected at the time of inspection an inspection fee in accordance with the fee schedule established pursuant to section 214.3, subsection 2.

2. A fee of fifteen dollars shall be charged for each device subject to reinspection under section 215A.5. All moneys received by the department under the provisions of this chapter shall be handled in the same manner as appropriated receipts as defined in section 8.2, and shall be used for the administration and enforcement of the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §215A.9]

90 Acts, ch 1084, §12; 92 Acts, ch 1239, §40; 2018 Acts, ch 1041, §127; 2024 Acts, ch 1185, §154

215A.10 Penalty.

Every person who uses or causes to be used a moisture-measuring device in commerce with knowledge that such device has not been inspected and approved by the department in accordance with the provisions of this chapter shall be guilty of a simple misdemeanor.

[C71, 73, 75, 77, 79, 81, §215A.10]

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TITLE VI

HUMAN SERVICES

SUBTITLE 1

SOCIAL JUSTICE AND HUMAN RIGHTS

CHAPTER 216

OFFICE OF CIVIL RIGHTS

Referred to in §2.11, 2.42, 19B.12, 20.8, 22.7(31), 22.7(37), 35.3, 84A.4, 123.49, 124E.24, 147.164, 216F.3, 256.11, 256E.7, 256E.23, 261E.9, 261H.8, 279.74, 422.7(22)(c), 422.11S, 422.12, 544B.9, 562B.32, 602.1401, 614.8, 679C.115, 729A.5

This chapter not enacted as a part of this title;
transferred from chapter 601A in Code 1993
For rights of persons with disabilities, see chapter 216C
For violations of individual rights, see chapters 729 and 729A

216.1	Citation.
216.2	Definitions.
216.3	Commission and director appointed.
216.4	Compensation and expenses — procedures.
216.5	Powers and duties of agency.
216.5A	Powers and duties of commission.
216.6	Unfair employment practices.
216.6A	Additional unfair or discriminatory practice — wage discrimination in employment.
216.7	Unfair practices — accommodations or services.
216.8	Unfair or discriminatory practices — housing.
216.8A	Additional unfair or discriminatory practices — housing.
216.8B	Assistance animals and service animals in housing.
216.8C	Finding of disability and need for an assistance animal in housing.
216.9	Unfair or discriminatory practices — education.
216.9A	Single and multiple occupancy restrooms or changing areas in schools — use by persons of same biological sex.
216.10	Unfair credit practices.
216.11	Aiding, abetting, or retaliation.
216.11A	Interference, coercion, or intimidation.
216.12	Exceptions.
216.12A	Additional housing exception.
216.13	Exceptions for retirement plans, abortion coverage, life, disability, and health benefits.
216.14	Promotion or transfer.
216.15	Complaint — hearing.
216.15A	Additional proceedings — housing discrimination.
216.15B	Formal mediation — confidentiality.
216.16	Sixty-day administrative release.
216.16A	Civil action elected — housing.
216.17	Judicial review — enforcement.
216.17A	Civil proceedings — housing.
216.18	Rules of construction.
216.19	Local laws implementing chapter.
216.20	Effect on other law.
216.21	Documents to attorney or party.
216.22	Franchisor-franchisee relationship.

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216.1 Citation.

This chapter may be known and may be cited as the *"Iowa Civil Rights Act of 1965"*.

[C66, 71, §105A.1; C73, 75, 77, 79, 81, §601A.1]

C93, §216.1

216.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Agency"* means the administrative function of the Iowa office of civil rights, including the director and staff. *"Agency"* does not include a member of the Iowa state civil rights commission.

2. *"Commission"* means the Iowa state civil rights commission created within the Iowa office of civil rights.

3. *"Commissioner"* means a member of the commission.

4. *"Court"* means the district court in and for any judicial district of the state of Iowa or any judge of the court if the court is not in session at that time.

5. *"Covered multifamily dwelling"* means any of the following:

a. A building consisting of four or more dwelling units if the building has one or more elevators.

b. The ground floor units of a building consisting of four or more dwelling units.

6. *"Director"* means the director of the Iowa office of civil rights.

7. *"Disability"* means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of *"disability"* under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

8. *"Employee"* means any person employed by an employer.

9. *"Employer"* means the state of Iowa or any political subdivision, board, commission, department, institution, or school district thereof, and every other person employing employees within the state.

10. *"Employment agency"* means any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

11. *a. "Familial status"* means one or more individuals under the age of eighteen domiciled with one of the following:

(1) A parent or another person having legal custody of the individual or individuals.

(2) The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.

(3) A person who is pregnant or is in the process of securing legal custody of the individual or individuals.

b. "Familial status" also means a person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

12. *"Labor organization"* means any organization which exists for the purpose in whole or in part of collective bargaining, of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

13. *"Office"* means the Iowa office of civil rights.

14. *"Person"* means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, and the state of Iowa and all political subdivisions and agencies thereof.

15. *a. "Public accommodation"* means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

b. "Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not

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be construed by negative implication or otherwise to restrict any part or portion of the preexisting definition of the term *"public accommodation"*.

16. *"Sexual orientation"* means actual or perceived heterosexuality, homosexuality, or bisexuality.

17. *"Unfair practice"* or *"discriminatory practice"* means those practices specified as unfair or discriminatory in sections 216.6, 216.6A, 216.7, 216.8, 216.8A, 216.8B, 216.9, 216.10, 216.11, and 216.11A.

[C66, 71, §105A.2; C73, 75, 77, 79, 81, §601A.2]

84 Acts, ch 1096, §1; 88 Acts, ch 1236, §1; 89 Acts, ch 205, §1; 91 Acts, ch 184, §1; 92 Acts, ch 1129, §1 – 3

C93, §216.2

94 Acts, ch 1023, §42; 95 Acts, ch 129, §2; 96 Acts, ch 1129, §113; 2007 Acts, ch 191, §1; 2009 Acts, ch 96, §1; 2019 Acts, ch 65, §1; 2024 Acts, ch 1170, §252, 253; 2025 Acts, ch 1, §7

Referred to in §19.1, 237.10, 279.80, 600.7A, 708.7

216.3 Commission and director appointed.

1. The Iowa state civil rights commission is created consisting of five members appointed by the governor subject to confirmation by the senate. Appointments shall be made to provide geographical area representation insofar as practicable. No more than three members of the commission shall belong to the same political party. Members appointed to the commission shall serve for four-year staggered terms beginning and ending as provided by section 69.19.

2. Vacancies on the commission shall be filled by the governor by appointment for the unexpired part of the term of the vacancy. Any commissioner may be removed from office by the governor for cause.

3. The governor subject to confirmation by the senate shall appoint a director who shall serve as the head of the agency. The governor shall set the salary of the director within the applicable salary range established by section 8A.461. The director shall adopt rules pursuant to chapter 17A consistent with and necessary for the enforcement of this chapter. The director shall advise and support the commission in fulfilling the commission's duties and responsibilities under section 216.5A.

[C66, 71, §105A.3; C73, 75, 77, 79, 81, §601A.3]

C93, §216.3

2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1720; 2024 Acts, ch 1170, §254; 2025 Acts, ch 30, §35

Confirmation, see §2.32

216.4 Compensation and expenses — procedures.

Commissioners shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses incurred while on official commission business. All per diem and expense moneys paid to commissioners shall be paid from funds appropriated to the office. The commission shall adopt, amend, or rescind procedures as necessary for the conduct of its meetings. A quorum shall consist of three commissioners.

[C66, 71, §105A.4; C73, 75, 77, 79, 81, §601A.4]

90 Acts, ch 1256, §51

C93, §216.4

2024 Acts, ch 1170, §255

216.5 Powers and duties of agency.

The agency shall have the following powers and duties:

1. To receive, investigate, mediate, conciliate, and determine the merits of complaints alleging illegal discriminatory practices. The agency shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such illegal discriminatory practice by mediation or conciliation, unless such disclosure is made in connection with the agency's investigation.

2. To investigate compliance with conciliation agreements and pursue appropriate remedies up to and including filing in district court.

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3. To investigate, study, and report on the existence, causes, and extent of illegal discrimination, as deemed necessary by the director.

4. To provide education and outreach regarding illegal discrimination, including individuals and organizations.

5. To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this chapter. Unless otherwise specified in this chapter, a temporary injunction may be issued only after the respondent has been notified and afforded an opportunity to be heard.

6. To hold contested case hearings upon any complaint made against a respondent, and all of the following:

a. To subpoena witnesses and compel their attendance.

b. To administer oaths and take the testimony of any person under oath.

c. To compel a respondent to produce for examination any books and papers relating to the complaint.

7. To issue subpoenas at the request of a party in contested hearings.

8. To petition the district court for issuance of a subpoena and the court, in a proper case, shall issue the subpoena for contested case hearings. Refusal to obey a district court subpoena shall be subject to punishment for contempt.

9. To pursue the entry of a consent decree in district court for conciliation agreements.

10. To petition and appear before the district court for the enforcement of office orders following a contested case hearing.

11. To provide education opportunities and informal technical advice to local commissions regarding legal developments, case process improvements, and cooperation for cross-filing.

12. To prepare and transmit to the governor and the general assembly an annual report describing performance outcomes of the agency.

13. To make recommendations to the governor and general assembly for such further legislation concerning illegal discrimination as deemed necessary by the director.

14. To adopt, publish, amend, and rescind office rules pursuant to chapter 17A consistent with and necessary for the enforcement of this chapter.

15. To receive, administer, dispense, and account for any moneys that may be granted or voluntarily contributed to the office for furthering the purposes of this chapter.

16. To utilize volunteers to aid in the conduct of the agency's duties as deemed necessary by the director.

17. To issue a copy of the case file to any party following the issuance of a right to sue letter, the filing of a contested case, or the filing of an action for judicial review.

18. To issue protective orders in case files when necessary.

[C66, 71, §105A.5; C73, 75, 77, 79, 81, §601A.5]

86 Acts, ch 1245, §1991; 91 Acts, ch 184, §2

C93, §216.5

95 Acts, ch 129, §3, 4; 2007 Acts, ch 191, §2; 2016 Acts, ch 1108, §19; 2019 Acts, ch 59, §60; 2024 Acts, ch 1170, §256

216.5A Powers and duties of commission.

The commission shall have the following powers and duties:

1. To adopt, amend, or rescind procedures as necessary for the conduct of commission meetings.

2. To sit as the final reviewing body for decisions issued by an administrative law judge following an appeal from a contested case hearing.

3. To make policy recommendations to the director for consideration to be incorporated with any recommendations from the agency to the governor and general assembly.

2024 Acts, ch 1170, §257

Referred to in §216.3

216.6 Unfair employment practices.

1. It shall be an unfair or discriminatory practice for any:

a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge

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any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, sexual orientation, national origin, religion, or disability of such applicant or member.

c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation.

(1) If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

(2) An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, or national origin.

d. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of health and human services declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

2. Employment policies relating to pregnancy and childbirth shall be governed by the following:

a. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.

b. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.

c. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under

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any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

d. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.

e. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

3. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.

4. Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.

5. This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.

6. This section shall not apply to:

a. Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

b. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.

c. The employment of individuals to render personal service to the person of the employer or members of the employer's family.

d. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

[C66, 71, §105A.7; C73, §601A.7; C75, 77, 79, 81, §601A.6]

87 Acts, ch 201, §1; 88 Acts, ch 1236, §2

C93, §216.6

96 Acts, ch 1129, §27, 113; 2007 Acts, ch 191, §3, 4; 2009 Acts, ch 41, §220; 2018 Acts, ch 1026, §67, 68; 2023 Acts, ch 19, §284; 2025 Acts, ch 1, §8, 9

Referred to in §216.2, 256.27, 400.8

216.6A Additional unfair or discriminatory practice — wage discrimination in employment.

1. *a.* The general assembly finds that the practice of discriminating against any employee because of the age, race, creed, color, sex, sexual orientation, national origin, religion, or

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disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees does all of the following:

(1) Unjustly discriminates against the person receiving the lesser rate.

(2) Leads to low employee morale, high turnover, and frequent labor unrest.

(3) Discourages employees paid at lesser wage rates from training for higher level jobs.

(4) Curtails employment opportunities, decreases employees' mobility, and increases labor costs.

(5) Impairs purchasing power and threatens the maintenance of an adequate standard of living by such employees and their families.

(6) Prevents optimum utilization of the state's available labor resources.

(7) Threatens the well-being of citizens of this state and adversely affects the general welfare.

b. The general assembly declares that it is the policy of this state to correct and, as rapidly as possible, to eliminate, discriminatory wage practices based on age, race, creed, color, sex, sexual orientation, national origin, religion, and disability.

2. *a.* It shall be an unfair or discriminatory practice for any employer or agent of any employer to discriminate against any employee because of the age, race, creed, color, sex, sexual orientation, national origin, religion, or disability of such employee by paying wages to such employee at a rate less than the rate paid to other employees who are employed within the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. An employer or agent of an employer who is paying wages to an employee at a rate less than the rate paid to other employees in violation of this section shall not remedy the violation by reducing the wage rate of any employee.

b. For purposes of this subsection, an unfair or discriminatory practice occurs when a discriminatory pay decision or other practice is adopted, when an individual becomes subject to a discriminatory pay decision or other practice, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

3. It shall be an affirmative defense to a claim arising under this section if any of the following applies:

a. Payment of wages is made pursuant to a seniority system.

b. Payment of wages is made pursuant to a merit system.

c. Payment of wages is made pursuant to a system which measures earnings by quantity or quality of production.

d. Pay differential is based on any other factor other than the age, race, creed, color, sex, sexual orientation, national origin, religion, or disability of such employee.

4. This section shall not apply to any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

2009 Acts, ch 96, §2; 2010 Acts, ch 1069, §26; 2025 Acts, ch 1, §10 – 13

Referred to in §216.2, 216.15

216.7 Unfair practices — accommodations or services.

1. It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

a. To refuse or deny to any person because of race, creed, color, sex, sexual orientation, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.

b. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

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2. This section shall not apply to:

a. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose.

b. The rental or leasing to transient individuals of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of that person's family reside therein.

3. This section shall not require any state or local government unit or tax-supported district to provide for sex reassignment surgery or any other cosmetic, reconstructive, or plastic surgery procedure related to transsexualism, hermaphroditism, gender identity disorder, or body dysmorphic disorder.

[C97, §5008; C24, 27, 31, 35, 39, §**13251;** C46, 50, 54, 58, §735.1; C66, 71, §105A.6; C73, §601A.6; C75, 77, 79, 81, §601A.7]

C93, §216.7

2007 Acts, ch 191, §5, 6; 2019 Acts, ch 85, §93, 94; 2025 Acts, ch 1, §14, 15

Referred to in §123.32, 216.2

216.8 Unfair or discriminatory practices — housing.

1. It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment, or any person acting under court order, deed of trust, or will:

a. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status of such person.

b. To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

c. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.

d. To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.

2. For purposes of this section, "*person*" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Tit. 11 of the United States Code, receivers, and fiduciaries.

[C71, §105A.13; C73, §601A.13; C75, 77, 79, 81, §601A.8]

89 Acts, ch 205, §2; 92 Acts, ch 1129, §4

C93, §216.8

2007 Acts, ch 191, §7; 2009 Acts, ch 41, §86; 2025 Acts, ch 1, §16

Referred to in §216.2, 216.11A, 216.12, 216.12A, 216.15A, 216.16A

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216.8A Additional unfair or discriminatory practices — housing.

1. A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status.

2. A person shall not represent to a person of a particular race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental.

3. *a.* A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of any of the following persons:

(1) That buyer or renter.

(2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

(3) A person associated with that buyer or renter.

b. A person shall not discriminate against another person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of any of the following persons:

(1) That person.

(2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available.

(3) A person associated with that person.

c. For the purposes of this subsection only, discrimination includes any of the following circumstances:

(1) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford the person full enjoyment of the premises. However, it is not discrimination for a landlord, in the case of a rental and where reasonable to do so, to condition permission for a modification on the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1992, a failure to design and construct those dwellings in a manner that meets the following requirements:

(a) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities.

(b) All doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs.

(c) All premises within the dwellings contain the following features of adaptive design:

(i) An accessible route into and through the dwelling.

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

(iii) Reinforcements in bathroom walls to allow later installation of grab bars.

(iv) Usable kitchens and bathrooms so that a person in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for persons with disabilities, commonly cited as "ANSI A 117.1", satisfies the requirements of paragraph "c", subparagraph (3), subparagraph division (c).

e. Nothing in this subsection requires that a dwelling be made available to a person whose tenancy would constitute a direct threat to the health or safety of other persons or whose tenancy would result in substantial physical damage to the property of others.

4. *a.* A person whose business includes engaging in residential real estate related

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transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status.

b. For the purpose of this subsection, "*residential real estate related transaction*" means any of the following:

(1) To make or purchase loans or provide other financial assistance to purchase, construct, improve, repair, or maintain a dwelling, or to secure residential real estate.

(2) To sell, broker, or appraise residential real estate.

5. A person shall not deny another person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status.

91 Acts, ch 184, §3
CS91, §601A.8A
C93, §216.8A
96 Acts, ch 1129, §28, 113; 2007 Acts, ch 191, §8 – 10; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §82; 2025 Acts, ch 1, §17, 18
Referred to in §216.2, 216.11A, 216.12, 216.12A, 216.15A, 216.16A

216.8B Assistance animals and service animals in housing.

1. For purposes of this section, unless the context otherwise requires:

a. "Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal Fair Housing Act, 42 U.S.C. §3601 et seq., as amended, or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

b. "Service animal" means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

2. A person with a disability and a disability-related need for an assistance animal or service animal may request from a landlord to keep an assistance animal or service animal as a reasonable accommodation in housing. Following a request for accommodation, the landlord shall evaluate and respond to the request within a reasonable amount of time.

3. If a person's disability or disability-related need for an assistance animal is not readily apparent, the landlord may request supporting information that reasonably supports the person's need for the particular assistance animal being requested. Supporting information may include documentation identified in section 216.8C, subsection 1.

4. An assistance animal or service animal registration of any kind, including but not limited to an identification card, patch, certificate, or similar registration obtained electronically or in person, is not sufficient information to reliably establish that the person has a disability or disability-related need for an assistance animal or service animal.

5. If a person requests to keep more than one assistance animal, the landlord may request information for each assistance animal pursuant to section 216.8C, subsection 1.

6. Unless otherwise prohibited by state or federal law, rule, or regulation, a landlord:

a. Shall not request information under this section that discloses a diagnosis or severity of a person's disability or any medical records relating to the disability, but a person with a disability or legal guardian may voluntarily disclose such information or medical records to the landlord at the discretion of the person with the disability or such person's legal guardian.

b. Shall make reasonable accommodations in the landlord's rules, policies, practices, and services normally required for pets, for the assistance animal or service animal of a person with a disability when the accommodations are necessary to afford the person equal opportunity to use and enjoy a dwelling.

c. May deny a request for an accommodation for an assistance animal or service animal if any of the following are true:

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(1) Providing the accommodation would impose an undue financial and administrative hardship on the landlord.

(2) Providing the accommodation would fundamentally alter the nature of the landlord's operations.

(3) The assistance animal or service animal would do any of the following:

(a) Pose a direct threat to the safety or health of others that cannot be reduced or eliminated by a reasonable accommodation.

(b) Cause substantial physical damage to the property of others that cannot be reduced or eliminated by a reasonable accommodation.

(4) Providing the accommodation is not otherwise reasonable.

d. May require proof of compliance with state and local licensure and vaccination requirements for each assistance animal or service animal.

e. Shall provide a written determination regarding the person's request for an assistance animal.

7. A tenant with a disability and a disability-related need for an assistance animal shall, upon receipt of a request for documentation for an accommodation for an assistance animal consistent with this section, provide that landlord with the documentation requested for a determination on the accommodation request.

8. A tenant with a disability and a disability-related need for an assistance animal or service animal shall be liable for any damage done by the tenant's assistance animal or service animal to the leased premises, the landlord's property, or any other person's property, or to another person on the leased premises, the landlord's property, or any other person's property, as well as any applicable remedies available pursuant to chapter 562A or chapter 562B.

9. This section does not limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal or service animal.

10. This section shall not be construed to restrict existing federal law related to a person's right to a reasonable accommodation and equal access to housing, including but not limited to the federal Fair Housing Act.

2019 Acts, ch 65, §2; 2024 Acts, ch 1092, §1; 2025 Acts, ch 30, §36

Referred to in §216.2, 216.8C

216.8C Finding of disability and need for an assistance animal in housing.

1. Upon a request for documentation pursuant to section 216.8B, subsection 3, a licensee under chapter 148, 148C, 152, 154B, 154C, or 154D, or a licensee of another state who is licensed under a similar law and who is in good standing with that state, shall make a written finding that includes all of the following:

a. Whether the patient or client has a disability.

b. Whether the patient has a disability-related need for an assistance animal.

c. The particular assistance provided by the assistance animal, if any.

d. Certification whether the provider-patient relationship has existed, in person or via telehealth, for at least thirty days between the licensee and the patient or client.

e. Certification whether the licensee is familiar with the person and the disability prior to providing the written finding.

f. The date the finding was issued by the licensee and the date the finding will expire.

g. The license number and type of license held by the licensee.

h. Whether the licensee received a separate or additional fee or other form of compensation solely in exchange for making the written finding required under this section.

2. The written finding must be made within twelve months of the start of a rental agreement and is valid for a period of twelve months or the term of the rental agreement, whichever is greater.

3. A licensee under chapter 148, 148C, 152, 154B, 154C, or 154D may be subject to disciplinary action from the licensee's licensing board for a violation of this section.

4. The agency shall create a form in compliance with this section and provide the form to the public on the agency's website.

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5. The agency shall offer training and consultation to the governing boards under chapter 148, 148C, 152, 154B, 154C, or 154D.

6. This section does not limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

2019 Acts, ch 65, §3, 9, 10; 2024 Acts, ch 1092, §2; 2024 Acts, ch 1170, §258; 2025 Acts, ch 30, §37, 38

Referred to in §216.8B

216.9 Unfair or discriminatory practices — education.

1. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

a. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

b. Denial of comparable opportunity in intramural and interscholastic athletic programs;

c. Discrimination among persons in employment and the conditions of employment;

d. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

2. For the purpose of this section, "*educational institution*" includes any preschool, elementary or secondary school, community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

[C79, 81, §601A.9]

85 Acts, ch 214, §1; 86 Acts, ch 1245, §1496; 90 Acts, ch 1253, §121

C93, §216.9

2007 Acts, ch 191, §11, 12; 2008 Acts, ch 1032, §36; 2025 Acts, ch 1, §19, 20

Referred to in §216.2, 260C.5

216.9A Single and multiple occupancy restrooms or changing areas in schools — use by persons of same biological sex.

It shall not be an unfair or discriminatory practice for a school to require a single or multiple occupancy restroom or changing area to be designated only for and used by persons of the same biological sex as provided in section 280.33. It shall not be an unfair or discriminatory practice to prohibit a person from using a single or multiple occupancy restroom or changing area that does not correspond with the person's biological sex as provided in section 280.33.

2023 Acts, ch 8, §1, 3

216.10 Unfair credit practices.

1. It shall be an unfair or discriminatory practice for any:

a. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, physical disability, or familial status.

b. Person authorized or licensed to do business in this state pursuant to chapter 524, 533, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age,

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color, creed, national origin, race, religion, marital status, sex, sexual orientation, physical disability, or familial status.

c. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, sexual orientation, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, subtitle 1.

2. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

[C75, 77, §601A.9; C79, 81, §601A.10]
90 Acts, ch 1212, §1
C93, §216.10
2007 Acts, ch 191, §13; 2012 Acts, ch 1017, §57; 2025 Acts, ch 1, §21
Referred to in §216.2
For consumer discrimination and other unfair practices, see §507B.4 and 537.3311

216.11 Aiding, abetting, or retaliation.

It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter.

2. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

[C66, 71, §105A.8; C73, §601A.8; C75, 77, §601A.10; C79, 81, §601A.11]
91 Acts, ch 94, §1
C93, §216.11
Referred to in §216.2, 216.15A, 216.16A

216.11A Interference, coercion, or intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 216.8, 216.8A, or 216.15A.

91 Acts, ch 184, §4
CS91, §601A.11A
92 Acts, ch 1129, §5
C93, §216.11A
Referred to in §216.2, 216.15A, 216.16A

216.12 Exceptions.

1. The provisions of sections 216.8 and 216.8A shall not apply to:

a. Any bona fide religious institution with respect to any qualifications it may impose based on religion or sexual orientation when the qualifications are related to a bona fide religious purpose, unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.

b. The rental or leasing of a dwelling in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of the housing accommodations.

c. The rental or leasing of less than four rooms within a single dwelling by the occupant or owner of the dwelling, if the occupant or owner resides in the dwelling.

d. Discrimination on the basis of familial status involving dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program that the agency determines to be consistent with determinations made by the United States secretary of housing and urban development, and

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housing for older persons. As used in this paragraph, *"housing for older persons"* means housing communities consisting of dwellings intended for either of the following:

(1) For eighty percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(2) For and occupied solely by persons sixty-two years of age or older.

e. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit or exemption under chapter 425, subchapter I.

f. Discrimination on the basis of sex involving the rental, leasing, or subleasing of a dwelling within which residents of both sexes would be forced to share a living area.

2. The exceptions to the requirements of sections 216.8 and 216.8A provided for dwellings specified in subsection 1, paragraphs *"b"*, *"c"*, and *"e"*, do not apply to advertising related to those dwellings.

[C71, §105A.14; C73, §601A.14; C75, 77, §601A.11; C79, 81, §601A.12]

89 Acts, ch 205, §3, 4; 91 Acts, ch 184, §5 – 7; 92 Acts, ch 1129, §6 – 9

C93, §216.12

95 Acts, ch 129, §5 – 7; 2007 Acts, ch 191, §14; 2024 Acts, ch 1170, §259; 2025 Acts, ch 1, §22; 2026 Acts, ch 1115, §126, 148

2026 amendment to subsection 1, paragraph e applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 1, paragraph e amended

216.12A Additional housing exception.

Sections 216.8 and 216.8A do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, sexual orientation, religion, national origin, disability, or familial status in appraising real estate.

91 Acts, ch 184, §8

CS91, §601A.12A

92 Acts, ch 1129, §10

C93, §216.12A

2007 Acts, ch 191, §15; 2025 Acts, ch 1, §23

216.13 Exceptions for retirement plans, abortion coverage, life, disability, and health benefits.

The provisions of this chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter.

1. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of that person's age. This subsection does not prohibit the involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policymaking position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars. This retirement benefit test may be adjusted according to the regulations prescribed by the United States secretary of labor pursuant to Pub. L. No. 95-256, section 3.

2. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

3. An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all

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the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

[C71, §105A.15; C73, §601A.15; C75, 77, §601A.12; C79, 81, §601A.13]
84 Acts, ch 1011, §1
C93, §216.13
2006 Acts, ch 1010, §65; 2018 Acts, ch 1026, §69

216.14 Promotion or transfer.

After a person with a disability is employed, the employer shall not be required under this chapter to promote or transfer the person to another job or occupation, unless, prior to the transfer, the person with the disability, by training or experience, is qualified for the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of the agreement.

[C73, §601A.16; C75, 77, §601A.13; C79, 81, §601A.14]
C93, §216.14
96 Acts, ch 1129, §29

216.15 Complaint — hearing.

1. Any person claiming to be aggrieved by a discriminatory or unfair practice may, in person or by an attorney, make, sign, and file with the agency a verified, written complaint, which shall state the name and address of the person, employer, employment agency, or labor organization alleged to have committed the discriminatory or unfair practice of which complained, shall set forth the particulars thereof, and shall contain such other information as may be required by the agency. Agency staff, a commissioner, or the attorney general may in like manner make, sign, and file such complaint.

2. Any place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of this chapter may file with the agency a verified written complaint in triplicate asking the agency for assistance to obtain their compliance by conciliation or other remedial action.

3. *a.* After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in subsection 4. Agency staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

b. For purposes of this chapter, an administrative law judge issuing a determination of probable cause or no probable cause under this section is exempt from section 17A.17.

c. If the administrative law judge concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the agency shall promptly endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. If the administrative law judge finds that no probable cause exists, the administrative law judge shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent. A finding of probable cause shall not be introduced into evidence in an action brought under section 216.16.

d. The agency staff must endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion for a period of thirty days following the initial conciliation meeting between the respondent and the agency staff after a finding of probable cause. After the expiration of thirty days, the director may order the conciliation conference and persuasion procedure provided in this section to be bypassed when the director determines the procedure is unworkable by reason of past patterns and practices of the respondent, or a statement by the respondent that the respondent is unwilling to continue with the conciliation. Upon the bypassing of conciliation, the director shall state in writing the reasons for bypassing.

4. *a.* The agency may permit service of a complaint on a respondent by regular or electronic mail. If the respondent does not respond to the service by regular or electronic mail after ninety days, the agency shall serve the complaint on the respondent by certified

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mail within twenty days after the expiration of the ninety-day response period to service by regular or electronic mail.

b. The agency may also permit a party to file a response to a complaint, a document, information, or other material, by electronic mail.

c. The agency may issue a notice, determination, order, subpoena, request, correspondence, or any other document issued by the agency, by electronic mail.

5. The members of the commission and agency staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by mediation, conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation.

6. When the director is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, and the thirty-day period provided for in subsection 3 has expired without agreement, the director shall issue and cause to be served a written notice specifying the charges in the complaint as they may have been amended and the reasons for bypassing conciliation, if the conciliation is bypassed, and requiring the respondent to answer the charges of the complaint at a hearing before the agency, a commissioner, or a person designated by the agency to conduct the hearing, hereafter referred to as the administrative law judge, and at a time and place to be specified in the notice.

7. The case in support of such complaint shall be presented at the hearing by one of the agency's attorneys or agents. The investigating official shall not participate in the hearing except as a witness nor participate in the deliberations of the agency in such case.

8. The hearing shall be conducted in accordance with the provisions of chapter 17A for contested cases. The burden of proof in such a hearing shall be on the agency.

9. If upon taking into consideration all of the evidence at a hearing the agency determines that the respondent has engaged in a discriminatory or unfair practice, the agency shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the agency will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to any other public officers and persons as the agency deems proper.

a. For the purposes of this subsection and pursuant to the provisions of this chapter "remedial action" includes but is not limited to the following:

(1) Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.

(2) Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such programs.

(3) Admission of individuals to a public accommodation or an educational institution.

(4) Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

(5) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent denied to the complainant because of the discriminatory or unfair practice.

(6) Reporting as to the manner of compliance.

(7) Posting notices in conspicuous places in the respondent's place of business in form prescribed by the agency and inclusion of notices in advertising material.

(8) Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice, which damages shall include but are not limited to actual damages, court costs, and reasonable attorney fees.

(9) For an unfair or discriminatory practice relating to wage discrimination pursuant to section 216.6A, payment to the complainant of damages for an injury caused by the discriminatory or unfair practice, which damages shall include but are not limited to court costs, reasonable attorney fees, and either of the following:

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(a) An amount equal to two times the wage differential paid to another employee compared to the complainant for the period of time for which the complainant has been discriminated against.

(b) In instances of willful violation, an amount equal to three times the wage differential paid to another employee as compared to the complainant for the period of time for which the complainant has been discriminated against.

b. In addition to the remedies provided in the preceding provisions of this subsection, the agency may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the agency will carry out the purposes of this chapter as follows:

(1) In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the agency, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of the officer's or agent's employment, the agency shall so certify to the licensing agency. Unless the agency finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the licensing agency. If a certification is made pursuant to this subsection, the licensing agency may initiate licensee disciplinary procedures.

(2) In the case of a respondent who is found by the agency to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the state or political subdivision or agency, if the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of the officer's or agent's employment, the agency shall so certify to the contracting agency. Unless the agency's finding of a discriminatory or unfair practice is reversed in the course of judicial review, the finding of discrimination is binding on the contracting agency.

(3) Upon receiving a certification made under this subsection, a contracting agency may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this chapter; and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts.

c. The election of an affirmative order under paragraph *"b"* of this subsection shall not bar the election of affirmative remedies provided in paragraph *"a"* of this subsection.

10. *a.* The terms of a conciliation or mediation agreement reached with the respondent may require the respondent to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the agency will carry out the purposes of this chapter, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation or mediation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the agency of the violation at any time within six months of its occurrence. At any time in its discretion, the agency may investigate whether the terms of the agreement are being complied with by the respondent.

b. Upon a finding that the terms of the conciliation or mediation agreement are not being complied with by the respondent, the agency shall take appropriate action to assure compliance.

11. If, upon taking into consideration all of the evidence at a hearing, the agency finds that a respondent has not engaged in any such discriminatory or unfair practice, the agency shall issue an order denying relief and stating the findings of fact and conclusions of the agency, and shall cause a copy of the order dismissing the complaint to be served on the complainant and the respondent.

12. The agency shall establish rules to govern, expedite, and effectuate the procedures established by this chapter and its own actions thereunder.

13. Except as provided in section 614.8, a claim under this chapter shall not be maintained

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unless a complaint is filed with the agency within three hundred days after the alleged discriminatory or unfair practice occurred.

14. The agency or a party to a complaint may request mediation of the complaint at any time during the agency's processing of the complaint. If the complainant and respondent participate in mediation, any mediation agreement may be enforced pursuant to this section. Mediation may be discontinued at the request of any party or the agency.

[C66, 71, §105A.9; C73, §601A.9; C75, 77, §601A.14; C79, 81, §601A.15]

88 Acts, ch 1109, §27, 28

C93, §216.15

95 Acts, ch 129, §8 – 11; 98 Acts, ch 1202, §36, 46; 2005 Acts, ch 23, §1 – 3; 2007 Acts, ch 110, §1; 2008 Acts, ch 1028, §1; 2009 Acts, ch 96, §3; 2009 Acts, ch 178, §25, 26; 2023 Acts, ch 19, §1715; 2024 Acts, ch 1170, §260; 2025 Acts, ch 30, §39 – 42

Referred to in §216.15A, 216.16, 216.16A, 216.17

216.15A Additional proceedings — housing discrimination.

1. *a.* The agency may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation, the agency determines that the person should be alleged to have committed a discriminatory housing or real estate practice.

b. In addition to the information required in the notice, the agency shall include in a notice to a respondent joined under this subsection an explanation of the basis for the determination under this subsection that the person is properly joined as a respondent.

2. *a.* The agency shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the agency, to the extent feasible, engage in mediation with respect to the complaint.

b. A mediation agreement is an agreement between a respondent and the complainant and is subject to agency approval.

c. A mediation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a mediation agreement may authorize appropriate relief, including monetary relief.

d. A mediation agreement shall be made public unless the complainant and respondent agree otherwise, and the agency determines that disclosure is not necessary to further the purposes of this chapter relating to unfair or discriminatory practices in housing or real estate.

e. The proceedings or results of mediation shall not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons who are party to the mediation.

f. After the completion of the agency's investigation, the agency shall make available to the aggrieved person and the respondent information derived from the investigation and the final investigation report relating to that investigation.

g. When the agency has reasonable cause to believe that a respondent has breached a mediation agreement, the agency shall refer this matter to an assistant attorney general with a recommendation that a civil action be filed for the enforcement of the agreement. The assistant attorney general may commence a civil action in the appropriate district court not later than the expiration of ninety days after referral of the breach.

3. *a.* If the agency concludes, following the filing of a complaint, that prompt judicial action is necessary to carry out the purposes of this chapter relating to unfair or discriminatory housing or real estate practices, the agency may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

b. On receipt of the agency's authorization, the attorney general shall promptly file the action.

c. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable Iowa rules of civil procedure.

d. The filing of a civil action under this section does not affect the initiation or continuation of administrative proceedings in regard to an administrative hearing.

4. *a.* The agency shall prepare a final investigative report.

b. A final report under this section may be amended by the agency if additional evidence is discovered.

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5. *a.* The agency shall determine based on the facts whether probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur.

b. The agency shall make its determination under paragraph "*a*" not later than one hundred days after a complaint is filed unless any of the following applies:

(1) It is impracticable to make the determination within that time period.

(2) The agency has approved a mediation agreement relating to the complaint.

c. If it is impracticable to make the determination within the time period provided by paragraph "*b*", the agency shall notify the complainant and respondent in writing of the reasons for the delay.

d. If the agency determines that probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the agency shall immediately issue a determination unless the agency determines that the legality of a zoning or land use law or ordinance is involved as provided in subsection 7.

6. *a.* A determination issued under subsection 5 must include all of the following:

(1) Must consist of a short and plain statement of the facts on which the agency has found probable cause to believe that a discriminatory housing or real estate practice has occurred or is about to occur.

(2) Must be based on the final investigative report.

(3) Need not be limited to the facts or grounds alleged in the complaint.

b. Not later than twenty days after the agency issues a determination, the agency shall send a copy of the determination with information concerning the election under section 216.16A to all of the following persons:

(1) Each respondent, together with a notice of the opportunity for a hearing as provided under subsection 10.

(2) Each aggrieved person on whose behalf the complaint was filed.

7. If the agency determines that the matter involves the legality of a state or local zoning or other land use ordinance, the agency shall not issue a determination and shall immediately refer the matter to the attorney general for appropriate action.

8. *a.* If the agency determines that no probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the agency shall promptly dismiss the complaint.

b. The agency shall make public disclosure of each dismissal under this section.

9. The agency shall not issue a determination under this section regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

10. *a.* If a timely election is not made under section 216.16A, the agency shall provide for a hearing on the charges in the complaint.

b. Except as provided by paragraph "*c*", the hearing shall be conducted in accordance with chapter 17A for contested cases.

c. A hearing under this section shall not be continued regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved person under federal or state law seeking relief with respect to that discriminatory housing or real estate practice.

11. *a.* If the agency determines at a hearing under subsection 10 that a respondent has engaged or is about to engage in a discriminatory housing or real estate practice, the agency may order the appropriate relief, including actual damages, reasonable attorney fees, court costs, and other injunctive or equitable relief.

b. To vindicate the public interest, the agency may assess a civil penalty against the respondent in an amount that does not exceed the following applicable amount:

(1) Ten thousand dollars if the respondent has not been adjudged by the order of the commission or agency or a court to have committed a prior discriminatory housing or real estate practice.

(2) Except as provided by paragraph "*c*", twenty-five thousand dollars if the respondent has been adjudged by order of the commission or agency or a court to have committed one

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other discriminatory housing or real estate practice during the five-year period ending on the date of the filing of the complaint.

(3) Except as provided by paragraph "*c*", fifty thousand dollars if the respondent has been adjudged by order of the commission or agency or a court to have committed two or more discriminatory housing or real estate practices during the seven-year period ending on the date of the filing of the complaint.

c. If the acts constituting the discriminatory housing or real estate practice that is the object of the complaint are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing or real estate practice, the civil penalties in paragraph "*b*", subparagraphs (2) and (3) may be imposed without regard to the period of time within which any other discriminatory housing or real estate practice occurred.

d. At the request of the agency, the attorney general shall initiate legal proceedings to recover a civil penalty due under this section. Funds collected under this section shall be paid to the treasurer of state for deposit in the state treasury to the credit of the general fund.

12. This section applies only to the following:

a. Complaints which allege a violation of the prohibitions contained in section 216.8 or 216.8A.

b. Complaints which allege a violation of section 216.11 or 216.11A arising out of alleged violations of the prohibitions contained in section 216.8 or 216.8A.

13. If a provision of this section applies under the terms of subsection 12, and the provision of this section conflicts with a provision of section 216.15, then the provision contained within this section shall prevail. Similarly, if a provision of section 216.16A or 216.17A conflicts with a provision of section 216.16 or 216.17, then the provision contained in section 216.16A or 216.17A shall prevail.

91 Acts, ch 184, §9
CS91, §601A.15A
92 Acts, ch 1129, §11, 12; 92 Acts, ch 1163, §108
C93, §216.15A
2001 Acts, ch 24, §38; 2024 Acts, ch 1170, §261
Referred to in §216.11A, 216.16A, 216.17, 216.17A

216.15B Formal mediation — confidentiality.

1. A mediator may be designated in writing by the agency to conduct formal mediation of a complaint filed under this chapter. The written designation must specifically refer to this section.

2. If formal mediation is conducted by a mediator pursuant to this section, the confidentiality of all mediation communications is protected as provided in section 679C.108.

95 Acts, ch 129, §12; 98 Acts, ch 1062, §10; 99 Acts, ch 114, §12; 2001 Acts, ch 71, §1; 2005 Acts, ch 68, §3; 2024 Acts, ch 1170, §262
Referred to in §22.7(31)

216.16 Sixty-day administrative release.

1. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the agency in accordance with section 216.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A.

2. After the proper filing of a complaint with the agency, a complainant may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:

a. The complainant has timely filed the complaint with the agency as provided in section 216.15, subsection 13.

b. The complaint has been on file with the agency for at least sixty days and the agency has issued a release to the complainant pursuant to subsection 3.

3. *a.* Upon a request by the complainant, and after the expiration of sixty days from the

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timely filing of a complaint with the agency, the agency shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if any of the following apply:

(1) A finding of no probable cause has been made on the complaint by the administrative law judge charged with that duty under section 216.15, subsection 3.

(2) A conciliation agreement has been executed under section 216.15.

(3) The agency has served notice of hearing upon the respondent pursuant to section 216.15, subsection 6.

(4) The complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

b. Notwithstanding section 216.15, subsection 5, a party may obtain a copy of all documents contained in a case file where the agency has issued a release to the complainant pursuant to this subsection.

4. An action authorized under this section is barred unless commenced within ninety days after issuance by the agency of a release under subsection 3. If a complainant obtains a release from the agency under subsection 3, the agency is barred from further action on that complaint.

5. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

6. The district court may grant any relief in an action under this section which is authorized by section 216.15, subsection 9, to be issued by the agency. The district court may also award the respondent reasonable attorney fees and court costs when the court finds that the complainant's action was frivolous.

7. It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first one hundred twenty days.

8. This section does not authorize administrative closures if an investigation is warranted.

[C79, 81, §601A.16]

84 Acts, ch 1096, §2; 85 Acts, ch 197, §10; 86 Acts, ch 1245, §263; 88 Acts, ch 1109, §29; 90 Acts, ch 1040, §1, 2

C93, §216.16

2003 Acts, ch 44, §114; 2009 Acts, ch 41, §221; 2009 Acts, ch 133, §83; 2024 Acts, ch 1170, §263

Referred to in §216.15, 216.15A, 216.19

For provision governing conflicts between this section and section 216.16A, see §216.15A, subsection 13

216.16A Civil action elected — housing.

1. *a.* A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the charges asserted in the complaint decided in a civil action as provided by section 216.17A.

b. The election must be made not later than twenty days after the date of receipt by the electing person of service under section 216.15A, subsection 5, or in the case of the agency, not later than twenty days after the date the determination was issued.

c. The person making the election shall give notice to the agency and to all other complainants and respondents to whom the election relates.

d. The election to have the charges of a complaint decided in a civil action as provided in paragraph "*a*" is only available if one of the following is alleged:

(1) It is alleged that there has been a violation of section 216.8 or 216.8A.

(2) It is alleged that there has been a violation of section 216.11 or 216.11A arising out of an alleged violation of the prohibitions contained in section 216.8 or 216.8A.

2. *a.* An aggrieved person may file a civil action in district court not later than two years after the occurrence of the termination of an alleged discriminatory housing or real estate practice, or the breach of a mediation agreement entered into under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing or real estate practice or breach.

b. The two-year period does not include any time during which an administrative

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hearing under this chapter is pending with respect to a complaint or charge based on the discriminatory housing or real estate practice. This subsection does not apply to actions arising from a breach of a mediation agreement.

c. An aggrieved person may file an action under this subsection whether or not a discriminatory housing or real estate complaint has been filed under section 216.15, and without regard to the status of any discriminatory housing or real estate complaint filed under that section.

d. If the agency has obtained a mediation agreement with the consent of an aggrieved person, the aggrieved person shall not file an action under this subsection with respect to the alleged discriminatory practice that forms the basis for the complaint except to enforce the terms of the agreement.

e. An aggrieved person shall not file an action under this subsection with respect to an alleged discriminatory housing or real estate practice that forms the basis of a charge issued by the agency if the agency has begun a hearing on the record under this chapter with respect to the charge.

f. In an action filed in district court under this subsection, the court may, upon a finding of discrimination, order any of the remedies provided for in section 216.17A, subsection 6.

91 Acts, ch 184, §10
CS91, §601A.16A
92 Acts, ch 1129, §13, 14
C93, §216.16A
95 Acts, ch 129, §13, 14; 2024 Acts, ch 1170, §264, 265
Referred to in §216.15A, 216.17A

216.17 Judicial review — enforcement.

1. *a.* Judicial review of the actions of the agency or commission may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petition for judicial review may be filed in the district court in which an enforcement proceeding under subsection 2 may be brought.

b. For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, chapter 17A, specified by section 17A.19, the issuance of a final decision of the agency or commission under this chapter occurs on the date notice of the decision is mailed to the parties.

c. Notwithstanding the time limit provided in section 17A.19, subsection 3, a petition for judicial review of no-probable-cause decisions and other final agency actions which are not of general applicability must be filed within thirty days of the issuance of the final agency action.

2. The agency may obtain an order of court for the enforcement of agency or commission orders in a proceeding as provided in this section. Such an enforcement proceeding shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice which is the subject of the agency's or commission's order was committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

3. Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the agency shall file with the court a transcript of the record of the hearing before it. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the agency or commission, in whole or in part.

4. An objection that has not been urged before the agency or commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

5. Any party to the enforcement proceeding may move the court to remit the case to the agency or commission in the interests of justice for the purpose of adducing additional

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specified and material evidence and seeking findings thereof, providing such party shall show reasonable grounds for the failure to adduce such evidence before the agency or commission.

6. In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing commission action under section 17A.19.

7. The agency's or commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the agency's or commission's orders.

8. The commission may appear in court by its own attorney.

9. Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

10. If no proceeding to obtain judicial review is instituted within thirty days from the issuance of an order of the commission under section 216.15 or 216.15A, the agency may obtain an order of the court for the enforcement of the order upon showing that respondent is subject to the jurisdiction of the agency or commission and resides or transacts business within the county in which the petition for enforcement is brought.

[C66, 71, §105A.10; C73, §601A.10; C75, 77, §601A.15; C79, 81, §601A.17]

83 Acts, ch 57, §1; 92 Acts, ch 1129, §15

C93, §216.17

98 Acts, ch 1202, §37, 46; 2003 Acts, ch 44, §114; 2005 Acts, ch 23, §4; 2009 Acts, ch 41, §263; 2024 Acts, ch 1170, §266

Referred to in §216.15A, 216.19

For provision governing conflicts between this section and section 216.17A, see §216.15A, subsection 13

216.17A Civil proceedings — housing.

1. *a.* If timely election is made under section 216.16A, subsection 1, the agency shall authorize, and not later than thirty days after the election is made, the attorney general shall file a civil action on behalf of the aggrieved person in a district court seeking relief.

b. Venue for an action under this section is in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged discriminatory housing or real estate practice occurred.

c. An aggrieved person may intervene in the action.

d. If the district court finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may grant as relief any relief that a court may grant in a civil action under subsection 6.

e. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the district court shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the district court.

2. An agency order under section 216.15A, subsection 11, and an agency or commission order that has been substantially affirmed by judicial review, do not affect a contract, sale, encumbrance, or lease that was consummated before the agency or commission issued the order and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge issued under this chapter.

3. If the agency or commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the agency or commission, not later than thirty days after the date of issuance of the order, shall do all of the following:

a. Send copies of the findings and the order to the governmental agency.

b. Recommend to the governmental agency appropriate disciplinary action.

4. If the agency or commission issues an order against a respondent against whom another order was issued within the preceding five years under section 216.15A, subsection 11, the agency shall send a copy of each order issued under that section to the attorney general.

5. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory practice is alleged, the district court may appoint an attorney for the person.

6. In an action under subsection 1 and section 216.16A, subsection 2, if the district court

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finds that a discriminatory housing or real estate practice has occurred or is about to occur, the district court may award or issue to the plaintiff one or more of the following:

a. Actual and punitive damages.

b. Reasonable attorney's fees.

c. Court costs.

d. Subject to subsection 7, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering appropriate affirmative action.

7. Relief granted under this section does not affect a contract, sale, encumbrance, or lease that was consummated before the granting of the relief and involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint under this chapter or a civil action under this section.

8. *a.* On the request of the agency or commission, the attorney general may intervene in an action under section 216.16A, subsection 2, if the agency or commission certifies that the case is of general public importance.

b. The attorney general may obtain the same relief available to the attorney general under subsection 9.

9. *a.* On the request of the agency or commission, the attorney general may file a civil action in district court for appropriate relief if the agency or commission has reasonable cause to believe that any of the following applies:

(1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any housing right granted by this chapter.

(2) A person has been denied any housing right granted by this chapter and that denial raises an issue of general public importance.

b. In an action under this subsection and subsection 8, the district court may do any of the following:

(1) Order preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of housing rights as necessary to assure the full enjoyment of the housing rights granted by this chapter.

(2) Order another appropriate relief, including the awarding of monetary damages, reasonable attorney's fees, and court costs.

(3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed any of the following:

(a) Fifty thousand dollars for a first violation.

(b) One hundred thousand dollars for a second or subsequent violation.

c. A person may intervene in an action under this section if the person is any of the following:

(1) An aggrieved person to the discriminatory housing or real estate practice.

(2) A party to a mediation agreement concerning the discriminatory housing or real estate practice.

10. The attorney general, on behalf of the agency or other party at whose request a subpoena is issued, may enforce the subpoena in appropriate proceedings in district court.

11. A court in a civil action brought under this section or the agency in an administrative hearing under section 216.15A, subsection 11, may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party.

91 Acts, ch 184, §11
CS91, §601A.17A
92 Acts, ch 1129, §16, 17
C93, §216.17A
95 Acts, ch 129, §15 – 17; 2024 Acts, ch 1170, §267 – 271
Referred to in §216.15A, 216.16A

216.18 Rules of construction.

1. This chapter shall be construed broadly to effectuate its purposes.

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2. This chapter shall not be construed to allow marriage between persons of the same sex, in accordance with chapter 595.

[C66, 71, §105A.11; C73, §601A.11; C75, 77, §601A.16; C79, 81, §601A.18]
C93, §216.18
2009 Acts, ch 133, §192

216.19 Local laws implementing chapter.

1. All cities shall, to the extent possible, protect the rights of the citizens of this state secured by the Iowa civil rights Act. A city or local government shall not enact or enforce any ordinance or other law which is broader or has different categories of unfair or discriminatory practices than those provided in this chapter. Nothing in this chapter shall be construed as indicating any of the following:

a. An intent on the part of the general assembly to occupy the field in which this chapter operates to the exclusion of local laws not inconsistent with this chapter that deal with the same subject matter.

b. An intent to prohibit an agency or commission of local government having as its purpose the investigation and resolution of violations of this chapter from developing procedures and remedies necessary to insure the protection of rights secured by this chapter.

2. A city may maintain an independent local civil rights agency or commission consistent with agency rules adopted pursuant to chapter 17A. An agency or commission for which a staff is provided shall have control over such staff. A city that maintains a local civil rights agency or commission shall structure and adequately fund the agency or commission in order to effect cooperative undertakings with the Iowa office of civil rights and to aid in effectuating the purposes of this chapter.

3. An agency or commission of local government and the Iowa office of civil rights shall cooperate in the sharing of data and research, and coordinating investigations and conciliations in order to expedite claims of unlawful discrimination and eliminate needless duplication. The Iowa office of civil rights may enter into cooperative agreements with any local agency or commission to effectuate the purposes of this chapter. Such agreements may include technical and clerical assistance and reimbursement of expenses incurred by the local agency or commission in the performance of the agency's or commission's duties if funds for this purpose are appropriated by the general assembly.

4. The director may designate an unfunded local agency or commission as a referral agency. A local agency or commission shall not be designated a referral agency unless the ordinance creating it provides the same rights and remedies as are provided in this chapter. The director shall establish by rules the procedures for designating a referral agency and the qualifications to be met by a referral agency.

5. The director may adopt rules establishing the procedures for referral of complaints. A referral agency may refuse to accept a case referred to it by the Iowa office of civil rights if the referral agency is unable to effect proper administration of the complaint. It shall be the burden of the referral agency to demonstrate that it is unable to properly administer that complaint.

6. A complainant who files a complaint with a referral agency having jurisdiction shall be prohibited from filing a complaint with the agency alleging violations based upon the same acts or practices cited in the original complaint; and a complainant who files a complaint with the agency shall be prohibited from filing a complaint with the referral agency alleging violations based upon the same acts or practices cited in the original complaint. However, the agency in its discretion may refer a complaint filed with the agency to a referral agency having jurisdiction over the parties for investigation and resolution; and a referral agency in its discretion may refer a complaint filed with that agency to the office for investigation and resolution.

7. A final decision by a referral agency shall be subject to judicial review as provided in section 216.17 in the same manner and to the same extent as a final decision of the agency.

8. The referral of a complaint by the Iowa office of civil rights to a referral agency or by a referral agency to the Iowa office of civil rights shall not affect the right of a complainant to commence an action in the district court under section 216.16.

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9. Any complaint filed with a local agency or local commission where a party is a political subdivision shall be referred to the Iowa office of civil rights for processing.

10. *a.* A local agency or local commission complaint, upon request by any party, shall be transferred to the Iowa office of civil rights for processing if the complaint alleges a violation of this chapter and has not been resolved within twelve months of the filing date of the complaint.

b. The local agency or local commission shall within three hundred days of the filing date of the complaint do all of the following:

(1) (a) Send notice to all parties of a party's right to direct transfer of the complaint to the Iowa office of civil rights from the local agency or local commission after twelve months if the complaint alleges a violation of this chapter. The notice shall be sent to all parties by verified mail, or electronic notice if the party is enrolled in electronic notification.

(b) The local agency or local commission shall notify the Iowa office of civil rights of the complaint upon the provision of notice to all parties.

(2) Cross file a complaint with the Iowa office of civil rights if the local agency or local commission complaint arises from an alleged violation of a state law, rule, or regulation under the jurisdiction of the Iowa office of civil rights. This subparagraph shall not be construed to prohibit a local agency or local commission from cross filing a complaint with any other federal or state agency, commission, or entity, if the local agency or local commission complaint arises from an alleged violation of a state or federal law, rule, or regulation of a state or federal agency, commission, or entity.

11. The term of a commissioner appointed to a local agency or local commission shall be for two years.

12. A local agency or local commission that accepts complaints shall inform a person filing a complaint that the person may file the complaint with the Iowa office of civil rights in lieu of filing with the local agency or local commission.

[C66, 71, §105A.12; C73, §601A.12; C75, 77, §601A.17; C79, 81, §601A.19]

90 Acts, ch 1166, §1

C93, §216.19

2009 Acts, ch 133, §214; 2024 Acts, ch 1170, §272; 2026 Acts, ch 1002, §1 – 4, 6; 2026 Acts, ch 1200, §40

Subsection 1, unnumbered paragraph 1 amended
Subsection 1, paragraph c stricken
Subsection 2 amended
NEW subsections 9, 10, 11, and 12

216.20 Effect on other law.

1. This chapter does not affect:

a. A reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling.

b. Tenancy of an individual that would constitute a direct threat to the health or safety of other individuals or tenancy that would result in substantial physical damage to the property of others.

2. This chapter does not affect a requirement of nondiscrimination in other state or federal law.

91 Acts, ch 184, §12

CS91, §601A.20

92 Acts, ch 1129, §18

C93, §216.20

216.21 Documents to attorney or party.

If a party is represented by an attorney during the proceedings of the agency or commission, with permission of the attorney for the party or of the party, the agency or commission shall provide copies of all relevant documents including an order or decision to either the attorney for the party or the party, but not to both.

2009 Acts, ch 178, §27; 2024 Acts, ch 1170, §273

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216.22 Franchisor-franchisee relationship.

1. For purposes of this section, *"franchisee"* and *"franchisor"* mean the same as defined in section 523H.1.

2. For purposes of this chapter, a franchisor shall not be considered to be an employer of a franchisee or of an employee of a franchisee unless any of the following conditions apply:

a. The franchisor has agreed in writing to be considered to be the employer of the franchisee or of the employees of the franchisee.

b. The franchisor has been found by the agency to have exercised a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand.

2019 Acts, ch 21, §5, 6; 2021 Acts, ch 76, §47; 2024 Acts, ch 1170, §274

CHAPTER 216A

DEPARTMENT OF HEALTH AND HUMAN SERVICES — HUMAN RIGHTS

Referred to in §11.6, 256E.7, 256E.23, 261E.9

SUBCHAPTER I

ADMINISTRATION

216A.1 Department of health and human services — human rights — purpose.
216A.2 Appointment of department director, deputy director, and administrators — duties. Repealed by 2023 Acts, ch 19, §1357.
216A.3 Human rights board.
216A.4 Definitions.
216A.5 Repeal. Repealed by 97 Acts, ch 52, §1.
216A.6 Confidentiality of individual client advocacy records.
216A.7 Access to information.
216A.8 through 216A.10 Reserved.

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LATINO AFFAIRS

216A.11 Definitions. Repealed by 2024 Acts, ch 1170, §448.
216A.12 Commission of Latino affairs established. Repealed by 2024 Acts, ch 1170, §448.
216A.13 Commission of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.
216A.14 Office of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.
216A.15 Duties. Repealed by 2024 Acts, ch 1170, §448.
216A.16 and 216A.17 Repealed by 2010 Acts, ch 1031, §168, 170.
216A.18 through 216A.50 Reserved.

SUBCHAPTER III

STATUS OF WOMEN

216A.51 Definitions. Repealed by 2024 Acts, ch 1170, §450.
216A.52 Office on the status of women. Repealed by 2024 Acts, ch 1170, §450.
216A.53 Commission on the status of women established. Repealed by 2024 Acts, ch 1170, §450.
216A.54 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §450.
216A.55 through 216A.60 Repealed by 2010 Acts, ch 1031, §168, 170.
216A.61 through 216A.70 Reserved.

SUBCHAPTER IV

PERSONS WITH DISABILITIES

216A.71 Definitions. Repealed by 2024 Acts, ch 1170, §451.
216A.72 Office of persons with disabilities. Repealed by 2024 Acts, ch 1170, §451.
216A.73 Ex officio members. Repealed by 2010 Acts, ch 1031, §168, 170.
216A.74 Commission of persons with disabilities established. Repealed by 2024 Acts, ch 1170, §451.
216A.75 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §451.
216A.76 through 216A.79 Repealed by 2010 Acts, ch 1031, §168, 170.
216A.80 through 216A.90 Reserved.

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COMMUNITY ACTION AGENCIES

216A.91 Definitions.

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216A.92 Community action agencies.
216A.92A Commission established. Repealed by 2024 Acts, ch 1170, §470.
216A.92B Commission powers and duties. Repealed by 2024 Acts, ch 1170, §470.
216A.93 Establishment of community action agencies.
216A.94 Community action agency board.
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216A.101 Emergency weatherization fund. Repealed by 2010 Acts, ch 1031, §168, 170.
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216A.103 Iowa affordable heating program established. Repealed by 2010 Acts, ch 1031, §168, 170.
216A.104 Energy utility assessment and resolution program.
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216A.107 Family development and self-sufficiency — grant program.
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216A.111 Definitions.
216A.112 Office of deaf services. Repealed by 2024 Acts, ch 1170, §460.
216A.113 Deaf services commission established.
216A.114 Commission powers and duties.
216A.115 through 216A.117 Repealed by 2010 Acts, ch 1031, §168, 170.
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216A.121 Iowa Abraham Lincoln bicentennial commission. Repealed by its own terms; 2007 Acts, ch 99, §1.
216A.122 through 216A.130 Reserved.

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216A.131A Criminal and juvenile justice planning.
216A.132 Board established — terms — compensation. Repealed by 2024 Acts, ch 1170, §443.
216A.133 Department duties.
216A.133A Public safety advisory board — duties. Repealed by 2019 Acts, ch 156, §8.
216A.134 Administrator. Repealed by 2010 Acts, ch 1031, §168, 170.
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216A.136 Statistical analysis center — access to records. Repealed by 2026 Acts, ch 1169, §20.
216A.137 Correctional policy project. Repealed by 2026 Acts, ch 1169, §20.
216A.138 Multiagency database concerning juveniles. Repealed by 2026 Acts, ch 1169, §20.
216A.139 Sex offender research council. Repealed by 2019 Acts, ch 156, §8.
216A.140 State of Iowa youth advisory council.

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STATUS OF AFRICAN AMERICANS

216A.141 Definitions. Repealed by 2024 Acts, ch 1170, §461.
216A.142 Commission on the status of African Americans established. Repealed by 2024 Acts, ch 1170, §461.
216A.143 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §461.
216A.144 and 216A.145 Repealed by 2010 Acts, ch 1031, §168, 170.
216A.146 Office on the status of African Americans. Repealed by 2024 Acts, ch 1170, §461.
216A.147 through 216A.149 Repealed by 2010 Acts, ch 1031, §168, 170.
216A.150 Reserved.

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ASIAN AND PACIFIC ISLANDER AFFAIRS

216A.151 Definitions. Repealed by 2024 Acts, ch 1170, §462.
216A.152 Commission of Asian and Pacific Islander affairs established. Repealed by 2024 Acts, ch 1170, §462.
216A.153 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §462.
216A.154 Office of Asian and Pacific Islander affairs. Repealed by 2024 Acts, ch 1170, §462.
216A.155 through 216A.160 Repealed by 2010 Acts, ch 1031, §168, 170.

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NATIVE AMERICAN AFFAIRS

216A.161 Definitions. Repealed by 2024 Acts, ch 1170, §464.
216A.162 Establishment — purpose. Repealed by 2024 Acts, ch 1170, §464.

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216A.163 Term of office. Repealed by 2024 Acts, ch 1170, §464.
216A.164 Meetings of the commission. Repealed by 2010 Acts, ch 1031, §168, 170.
216A.165 Duties. Repealed by 2024 Acts, ch 1170, §464.
216A.166 Office of Native American affairs. Repealed by 2024 Acts, ch 1170, §464.
216A.167 Limitations on authority.
216A.168 through 216A.170 Repealed by 2010 Acts, ch 1031, §168, 170.

SUBCHAPTER I

ADMINISTRATION

216A.1 Department of health and human services — human rights — purpose.

1. The department of health and human services shall be responsible for all of the following:

a. Community advocacy and services on behalf of underrepresented populations in the state.

b. Community action agencies.

c. Criminal and juvenile justice planning.

2. The purpose of the department under this chapter and as otherwise provided by law is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers.

3. The department shall implement the comprehensive strategic plan approved by the board under section 216A.3 and shall issue an annual report to the governor and the general assembly no later than November 1 of each year concerning the operations of the department relating to responsibilities for human rights.

86 Acts, ch 1245, §1201
C87, §601K.1
87 Acts, ch 115, §70; 88 Acts, ch 1277, §27; 89 Acts, ch 83, §78; 90 Acts, ch 1180, §2; 91 Acts, ch 50, §2; 91 Acts, ch 109, §8
C93, §216A.1
2004 Acts, ch 1020, §2; 2008 Acts, ch 1184, §38; 2010 Acts, ch 1031, §101, 170; 2023 Acts, ch 19, §285; 2024 Acts, ch 1170, §445
Minority impact statements, see §2.56

216A.2 Appointment of department director, deputy director, and administrators — duties. Repealed by 2023 Acts, ch 19, §1357.

216A.3 Human rights board.

1. A human rights board is created within the department.

2. The board shall consist of twelve members, including seven voting members and five nonvoting members, determined as follows:

a. The voting members shall consist of seven voting members who shall be appointed by the governor, subject to confirmation by the senate pursuant to section 2.32, and shall represent underrepresented populations in the state. All voting members shall reside in the state. The term of office for voting members is four years.

b. The nonvoting members shall consist of the department director, two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

3. A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two-thirds of the voting members present is necessary for any substantive action taken by the board. The board shall select a chairperson from the voting members of the board.

4. The board shall do all of the following:

a. Develop and monitor implementation of a comprehensive strategic plan to remove

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barriers for underrepresented populations or groups and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.

b. Study the opportunities for and changing needs of the underrepresented populations or groups in the state.

c. Serve as a liaison between the department and the public, sharing information and gathering constituency input.

d. Recommend to the department the adoption of rules pursuant to chapter 17A as the board deems necessary.

e. Recommend legislative and executive action to the governor and general assembly to advance the interests of underrepresented populations or groups and to improve the status of low-income persons in the state.

f. Establish advisory committees, work groups, or other coalitions as appropriate.

g. Advance the interests of underrepresented populations or groups in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

86 Acts, ch 1245, §1203
C87, §601K.3
88 Acts, ch 1277, §28; 90 Acts, ch 1180, §4
C93, §216A.3
2010 Acts, ch 1031, §103, 170; 2010 Acts, ch 1189, §44; 2013 Acts, ch 140, §18; 2019 Acts, ch 156, §1; 2023 Acts, ch 19, §286; 2024 Acts, ch 1170, §446
Referred to in §216A.1

216A.4 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Asian or Pacific Islander"* means an individual from any of the countries of Asia or islands of the Pacific.
2. *"Board"* means the human rights board.
3. *"Department"* means the department of health and human services.
4. *"Director"* means the director of health and human services.
5. *"Tribal government"* means the governing body of a federally recognized Indian tribe.
6. *"Underrepresented"* means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

86 Acts, ch 1245, §1204
C87, §601K.4
90 Acts, ch 1180, §5
C93, §216A.4
2010 Acts, ch 1031, §104, 170; 2023 Acts, ch 19, §287; 2024 Acts, ch 1170, §447

216A.5 Repeal. Repealed by 97 Acts, ch 52, §1.

216A.6 Confidentiality of individual client advocacy records.

1. For purposes of this section, unless the context otherwise requires:

a. "Advocacy services" means services in which a department staff member writes or speaks in support of a client or a client's cause or refers a person to another service to help alleviate or solve a problem.

b. "Individual client advocacy records" means those files or records which pertain to problems divulged by a client to the department or any related papers or records which are released to the department about a client for the purpose of assisting the client.

2. Information pertaining to clients receiving advocacy services shall be held confidential, including but not limited to the following:

a. Names and addresses of clients receiving advocacy services.

b. Information about a client reported on the initial advocacy intake form and all

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documents, information, or other material relating to the advocacy issues or to the client which could identify the client, or divulge information about the client.

c. Information concerning the social or economic conditions or circumstances of particular clients who are receiving or have received advocacy services.

d. Department or office evaluations of information about a person seeking or receiving advocacy services.

e. Medical or psychiatric data, including diagnoses and past histories of disease or disability, concerning a person seeking or receiving advocacy services.

f. Legal data, including records which represent or constitute the work product of an attorney, which are related to a person seeking or receiving advocacy services.

3. Information described in subsection 2 shall not be disclosed or used by any person or agency except for purposes of administration of advocacy services, and shall not be disclosed to or used by a person or agency outside the department except upon consent of the client as evidenced by a signed release.

4. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of clients served or assisted, and results of an advocacy program administered by the department, and other general and statistical information, so long as the information does not identify particular clients or persons provided with advocacy services.

88 Acts, ch 1106, §1
C89, §601K.6
C93, §216A.6
2011 Acts, ch 34, §48; 2023 Acts, ch 19, §288

216A.7 Access to information.

Upon request of the director, or an office, a commission, or a council created under this chapter, all boards, agencies, departments, and offices of the state shall make available nonconfidential information, records, data, and statistics which are relevant to the populations or groups served by the offices, councils, and commissions.

2010 Acts, ch 1031, §105, 170; 2023 Acts, ch 19, §289

216A.8 through 216A.10 Reserved.

SUBCHAPTER II

LATINO AFFAIRS

216A.11 Definitions. Repealed by 2024 Acts, ch 1170, §448.

216A.12 Commission of Latino affairs established. Repealed by 2024 Acts, ch 1170, §448.

216A.13 Commission of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.

216A.14 Office of Latino affairs — duties. Repealed by 2024 Acts, ch 1170, §448.

216A.15 Duties. Repealed by 2024 Acts, ch 1170, §448.

216A.16 and 216A.17 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.18 through 216A.50 Reserved.

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SUBCHAPTER III

STATUS OF WOMEN

216A.51 Definitions. Repealed by 2024 Acts, ch 1170, §450.

216A.52 Office on the status of women. Repealed by 2024 Acts, ch 1170, §450.

216A.53 Commission on the status of women established. Repealed by 2024 Acts, ch 1170, §450.

216A.54 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §450.

216A.55 through 216A.60 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.61 through 216A.70 Reserved.

SUBCHAPTER IV

PERSONS WITH DISABILITIES

216A.71 Definitions. Repealed by 2024 Acts, ch 1170, §451.

216A.72 Office of persons with disabilities. Repealed by 2024 Acts, ch 1170, §451.

216A.73 Ex officio members. Repealed by 2010 Acts, ch 1031, §168, 170.

216A.74 Commission of persons with disabilities established. Repealed by 2024 Acts, ch 1170, §451.

216A.75 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §451.

216A.76 through 216A.79 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.80 through 216A.90 Reserved.

SUBCHAPTER V

COMMUNITY ACTION AGENCIES

216A.91 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. *"Community action agency"* means a public agency or a private nonprofit agency which is authorized under its charter or bylaws to receive funds to administer community action programs and is designated by the governor to receive and administer the funds.

2. *"Community action program"* means a program conducted by a community action agency which includes projects to provide a range of services to improve the conditions of poverty in the area served by the community action agency.

86 Acts, ch 1245, §1240
C87, §601K.91
90 Acts, ch 1242, §1
C93, §216A.91
2023 Acts, ch 19, §295; 2024 Acts, ch 1170, §465
Referred to in §16.57B, 23A.2, 256I.8

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216A.92 Community action agencies.

1. The department shall strengthen, supplement, and coordinate efforts to develop the full potential of each citizen by recognizing certain community action agencies and supporting certain community-based programs delivered by community action agencies.

2. The department shall do all of the following:

a. Provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant and subject to the funding made available for the program.

b. Administer the community services block grant, the low-income energy assistance block grants, department of energy funds for weatherization, and other possible funding sources. If a political subdivision is the community action agency, the financial assistance shall be allocated to the political subdivision.

c. Implement accountability measures for its programs and require regular reporting on the measures by the community action agencies.

d. Issue an annual report to the governor and general assembly by July 1 of each year.

86 Acts, ch 1245, §1241
C87, §601K.92
90 Acts, ch 1242, §2
C93, §216A.92
2010 Acts, ch 1031, §122, 170; 2023 Acts, ch 19, §296

216A.92A Commission established. Repealed by 2024 Acts, ch 1170, §470.

216A.92B Commission powers and duties. Repealed by 2024 Acts, ch 1170, §470.

216A.93 Establishment of community action agencies.

The department shall recognize and assist in the designation of certain community action agencies to assist in the delivery of community action programs. These programs shall include but not be limited to outreach, community services block grant, low-income energy assistance, and weatherization programs. If a community action agency is in effect and currently serving an area, that community action agency shall become the designated community action agency for that area. If any geographic area of the state ceases to be served by a designated community action agency, the department may solicit applications and assist the governor in designating a community action agency for that area in accordance with current community services block grant requirements. The department shall supervise the collection of data regarding the scope of services provided by the community action agencies.

86 Acts, ch 1245, §1242
C87, §601K.93
C93, §216A.93
2010 Acts, ch 1031, §126, 170; 2023 Acts, ch 19, §298; 2024 Acts, ch 1170, §466
Referred to in §423.3

216A.94 Community action agency board.

1. A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall be as follows:

a. One-third of the members of the board shall be elected public officials currently holding office or their representatives. However, if the number of elected officials available and willing to serve is less than one-third of the membership of the board, the membership of the board consisting of appointive public officials may be counted as fulfilling the requirement that one-third of the members of the board be elected public officials.

b. At least one-third of the members of the board shall be chosen in accordance with procedures established by the community action agency to assure representation of the poor in an area served by the agency.

c. The remainder of the members of the board shall be members of business, industry, labor, religious, welfare, education, or other major groups or interests in the community.

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2. Notwithstanding subsection 1, a public agency shall establish an advisory board to assist the governing board in meeting the requirements of section 216A.95. The advisory board shall be composed of the same type of membership as a board of directors for community action agencies under subsection 1. In addition, the advisory board of the community action agency shall have the sole authority to determine annual program budget requests.

86 Acts, ch 1245, §1243
C87, §601K.94
87 Acts, ch 115, §73; 90 Acts, ch 1242, §5
C93, §216A.94
93 Acts, ch 56, §1; 2010 Acts, ch 1031, §127, 170

216A.95 Duties of board.

1. The governing board or advisory board shall fully participate in the development, planning, implementation, and evaluation of programs to serve low-income communities.

2. The governing board may:

a. Own, purchase, and dispose of property necessary for the operation of the community action agency.

b. Receive and administer funds and contributions from private or public sources which may be used to support community action programs.

c. Receive and administer funds from a federal or state assistance program pursuant to which a community action agency could serve as a grantee, a contractor, or a sponsor of a project appropriate for inclusion in a community action program.

86 Acts, ch 1245, §1244
C87, §601K.95
C93, §216A.95
2010 Acts, ch 1031, §128, 170
Referred to in §216A.94

216A.96 Duties of community action agency.

A community action agency shall:

1. Plan and implement strategies to alleviate the conditions of poverty and encourage self-sufficiency for citizens in its service area and in Iowa. In doing so, an agency shall plan for a community action program by establishing priorities among projects, activities, and areas to provide for the most efficient use of possible resources.

2. Obtain and administer assistance from available sources on a common or cooperative basis, in an attempt to provide additional opportunities to low-income persons.

3. Establish effective procedures by which the concerned low-income persons and area residents may influence the community action programs affecting them by providing for methods of participation in the implementation of the community action programs and by providing technical support to assist persons to secure assistance available from public and private sources.

4. Encourage and support self-help, volunteer, business, labor, and other groups and organizations to assist public officials and agencies in supporting a community action program by providing private resources, developing new employment opportunities, encouraging investments in areas of concentrated poverty, and providing methods by which low-income persons can work with private organizations, businesses, and institutions in seeking solutions to problems of common concern.

86 Acts, ch 1245, §1245
C87, §601K.96
C93, §216A.96
2010 Acts, ch 1031, §129, 130, 170; 2011 Acts, ch 34, §49

216A.97 Administration.

A community action agency may administer the components of a community action program when the program is consistent with plans and purposes and applicable law. The

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community action programs may be projects which are eligible for assistance from any source. The programs shall be developed to meet local needs and may be designed to meet eligibility standards of a federal or state program.

86 Acts, ch 1245, §1246
C87, §601K.97
C93, §216A.97
2010 Acts, ch 1031, §131, 170; 2011 Acts, ch 34, §50

216A.98 Audit.

Each community action agency shall be audited annually but shall not be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the department in a manner prescribed by the department.

86 Acts, ch 1245, §1247
C87, §601K.98
89 Acts, ch 264, §9
C93, §216A.98
2010 Acts, ch 1031, §132, 170; 2011 Acts, ch 75, §36; 2023 Acts, ch 19, §299

216A.99 Allocation of financial assistance.

1. The department shall provide financial assistance for community action agencies to implement community action programs, as permitted by the community service block grant, administer the low-income energy assistance block grants, department of energy funds for weatherization received in Iowa, and other possible funding sources.
2. If a political subdivision is the agency, the financial assistance shall be allocated to the political subdivision.

86 Acts, ch 1245, §1248
C87, §601K.99
C93, §216A.99
2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §300

216A.100 Reserved.

216A.101 Emergency weatherization fund. Repealed by 2010 Acts, ch 1031, §168, 170.

216A.102 Energy crisis fund.

1. An energy crisis fund is created in the state treasury. Moneys deposited in the fund shall be used to assist low-income families who qualify for the low-income home energy assistance program to avoid loss of essential heating.
2. The fund may receive moneys including, but not limited to, the following:

a. Moneys appropriated by the general assembly for the fund.

b. After July 1, 1988, unclaimed patronage dividends of electric cooperative corporations or associations shall be applied to the fund following the time specified in section 556.12 for claiming the dividend from the holder.

c. The fund may also receive contributions from customer contribution funds established under section 476.66.

3. Under rules adopted by the department, the fund may be used to negotiate reconnection of essential utility services with the energy provider.

88 Acts, ch 1175, §6
C89, §601K.102
91 Acts, ch 270, §6
C93, §216A.102
2002 Acts, ch 1119, §146; 2008 Acts, ch 1126, §14, 33; 2010 Acts, ch 1031, §133, 170; 2023 Acts, ch 19, §301

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216A.103 Iowa affordable heating program established. Repealed by 2010 Acts, ch 1031, §168, 170.

216A.104 Energy utility assessment and resolution program.

1. The general assembly finds that provision of assistance to prevent utility disconnections will also prevent the development of public health risks due to such disconnections. The department shall establish an energy utility assessment and resolution program administered by each community action agency for persons with low incomes who have or need a deferred payment agreement or are in need of an emergency fuel delivery to address home energy utility costs.

2. A person must meet all of the following requirements to be eligible for the program:

a. The person is eligible for the federal low-income home energy assistance program.

b. The person is a residential customer of an energy utility approved for the program by the department.

c. The person has or is in need of a deferred payment agreement to address the person's home energy utility costs.

d. The person is able to maintain or regain residential energy utility service in the person's own name.

e. The person provides the information necessary to determine the person's eligibility for the program.

f. The person complies with other eligibility requirements adopted in rules by the department.

3. The program components shall include but are not limited to all of the following:

a. Analysis of a program participant's current financial situation.

b. Review of a program participant's resource and money management options.

c. Skills development and assistance for a program participant in negotiating a deferred payment agreement with the participant's energy utility.

d. Development of a written household energy affordability plan.

e. Provision of energy conservation training and assistance.

f. A requirement that a program participant must make uninterrupted, regular utility payments while participating in the program.

2007 Acts, ch 218, §136; 2010 Acts, ch 1031, §134, 170; 2023 Acts, ch 19, §302, 303

216A.105 and 216A.106 Reserved.

216A.107 Family development and self-sufficiency — grant program.

1. The council on health and human services shall do all of the following:

a. Identify the factors and conditions that place Iowa families at risk of dependency upon the family investment program. The council shall seek to use relevant research findings and national and Iowa-specific data on the family investment program.

b. Identify the factors and conditions that place Iowa families at risk of family instability. The council shall seek to use relevant research findings and national and Iowa-specific data on family stability issues.

c. Subject to the availability of funds for this purpose, award grants to public or private organizations for provision of family development services to families at risk of dependency on the family investment program or of family instability. Not more than five percent of any funds appropriated by the general assembly for the purposes of this lettered paragraph may be used for staffing and administration of the grants. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:

(1) Designation of families to be served that meet one or more criteria for being at risk of dependency on the family investment program or of family instability, and agreement to serve clients that are referred by the department from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program

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or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.

(2) Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, child rearing, child education preparation, and goal setting. Grant proposals shall indicate the support groups and support systems to be developed for the families served during the transition between the need for assistance and self-sufficiency.

(3) Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance use disorder treatment, support group counseling, food, clothing, and housing.

(4) Designation of the process for training of the staff which provides services, and the appropriateness of the training for the purposes of meeting family development and self-sufficiency goals of the families being served.

(5) Designation of the support available within the community for the program and for meeting subsequent needs of the clients, and the manner in which community resources will be made available to the families being served.

(6) Designation of the manner in which the program will be subject to audit and to evaluation.

(7) Designation of agreement provisions for tracking and reporting performance measures developed pursuant to paragraph *"d"*.

d. Develop appropriate performance measures for the grant program to demonstrate how the program helps families achieve self-sufficiency.

e. Seek to enlist research support from the Iowa research community in meeting the duties outlined in paragraphs *"a"* through *"d"*.

f. Seek additional support for the funding of grants under the program, including but not limited to funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

g. Make recommendations to the governor and the general assembly on the effectiveness of programs in Iowa and throughout the country that provide family development services that lead to self-sufficiency for families at risk of welfare dependency.

2. *a.* The department shall administer the family development and self-sufficiency grant program.

b. To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the department shall comply with all federal requirements for the block grant. The department is responsible for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant program.

c. The department shall ensure that expenditures of moneys appropriated to the department from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

d. The department shall consider the recommendations of the council on health and human services in adopting rules pertaining to the grant program.

e. The department shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

2008 Acts, ch 1072, §1; 2010 Acts, ch 1031, §135, 170; 2023 Acts, ch 19, §304 – 306; 2024 Acts, ch 1170, §471

Referred to in §232.69, 239B.8

216A.108 through 216A.110 Reserved.

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SUBCHAPTER VI

DEAF SERVICES

216A.111 Definitions.

For purposes of this subchapter, unless the context otherwise requires, *"commission"* means the commission of deaf services.

86 Acts, ch 1245, §1250
C87, §601K.111
C93, §216A.111
2010 Acts, ch 1031, §136, 137, 170; 2023 Acts, ch 19, §307; 2024 Acts, ch 1170, §452

216A.112 Office of deaf services. Repealed by 2024 Acts, ch 1170, §460.

216A.113 Deaf services commission established.

1. The commission of deaf services is established, and shall consist of seven voting members appointed by the governor. Membership of the commission shall include at least four members who are deaf or hard of hearing, and three members who are representatives of telephone companies. The commission shall also include the director, or the director's designee, as a nonvoting member. All members shall reside in Iowa.

2. Voting members of the commission shall serve four-year staggered terms which shall begin and end pursuant to section 69.19. Voting members whose terms expire may be reappointed. Vacancies on the commission may be filled for the remainder of the term in the same manner as the original appointment. Voting members shall receive actual expenses incurred while serving in their official capacity, subject to statutory limits. Voting members may also be eligible to receive compensation as provided in section 7E.6.

3. The voting members of the commission shall appoint a chairperson and vice chairperson and other officers as the commission deems necessary. A majority of the voting members currently appointed to the commission shall constitute a quorum. A quorum shall be required for the conduct of business of the commission, and the affirmative vote of a majority of the currently appointed voting members is necessary for any substantive action taken by the commission. A voting member shall not vote on any action if the voting member has a conflict of interest on the matter, and a statement by the voting member of a conflict of interest shall be conclusive for this purpose.

86 Acts, ch 1245, §1252
C87, §601K.113
C93, §216A.113
2010 Acts, ch 1031, §139, 170; 2010 Acts, ch 1193, §42, 80; 2020 Acts, ch 1102, §9; 2024 Acts, ch 1170, §453
Referred to in §477C.3, 477C.4

216A.114 Commission powers and duties.

The commission shall have the following powers and duties:

1. Study the changing needs and opportunities for the deaf and hard-of-hearing people in this state.

2. Serve as a liaison between the department and the public, sharing information and gathering constituency input.

3. Recommend to the board for adoption rules pursuant to chapter 17A as it deems necessary for the commission and office.

4. Recommend legislative and executive action to the governor and general assembly.

5. Establish advisory committees, work groups, or other coalitions as appropriate.

6. Advise the utilities commission on the planning, establishment, administration, and promotion of a statewide program to provide dual party relay service and to secure, finance, and distribute telecommunications devices for the deaf and hard of hearing pursuant to chapter 477C.

86 Acts, ch 1245, §1253

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C87, §601K.114
87 Acts, ch 115, §75; 89 Acts, ch 54, §1
C93, §216A.114
93 Acts, ch 75, §4; 2003 Acts, ch 145, §286; 2010 Acts, ch 1031, §140, 170; 2024 Acts, ch 1170, §369, 454

216A.115 through 216A.117 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.118 through 216A.120 Reserved.

SUBCHAPTER VII

216A.121 Iowa Abraham Lincoln bicentennial commission. Repealed by its own terms; 2007 Acts, ch 99, §1.

216A.122 through 216A.130 Reserved.

SUBCHAPTER VIII

CRIMINAL AND JUVENILE JUSTICE PLANNING

216A.131 Definitions.
For the purpose of this subchapter, unless the context otherwise requires, *"department"* means the department of health and human services.
88 Acts, ch 1277, §14
C89, §601K.131
90 Acts, ch 1124, §1
C93, §216A.131
2010 Acts, ch 1193, §151; 2019 Acts, ch 156, §2; 2023 Acts, ch 19, §308; 2024 Acts, ch 1170, §439

216A.131A Criminal and juvenile justice planning.
The department shall fulfill the responsibilities of this subchapter, including the duties specified in sections 216A.133, 216A.135, and 216A.140.
2010 Acts, ch 1031, §141, 170; 2019 Acts, ch 156, §3; 2023 Acts, ch 19, §309; 2026 Acts, ch 1169, §10
Section amended

216A.132 Board established — terms — compensation. Repealed by 2024 Acts, ch 1170, §443.

216A.133 Department duties.
1. The department shall do all of the following:
a. Develop short-term and long-term goals to improve the criminal and juvenile justice systems.
b. Identify and analyze justice system issues, including the impact of present criminal and juvenile justice policy, and make recommendations for policy change.
c. Develop and assist others in implementing recommendations and plans for justice system improvement.
d. Report criminal justice system needs to the governor, the general assembly, and other decision makers to improve the criminal justice system.
e. Report juvenile justice system needs to the governor, the general assembly, and other decision makers to address issues specifically affecting the juvenile justice system, including evidence-based programs for group foster care placements and the state training school, diversion, and community-based services for juvenile offenders.

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f. Provide technical assistance upon request to state and local agencies.

g. Administer federal funds and funds appropriated by the state or that are otherwise available in compliance with applicable laws, regulations, and other requirements for purposes of study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.

h. Make grants to cities, counties, and other entities pursuant to applicable law.

i. Provide input and make recommendations to the director including in the development of a budget for the department.

j. Share information and gather constituency input.

k. Recommend legislative and executive action to the governor and general assembly.

l. Establish advisory committees, work groups, or other coalitions as appropriate.

m. Provide the general assembly with an analysis and recommendations of current criminal code provisions and proposed legislation which include but are not limited to all of the following:

(1) Truth in sentencing.

(2) Victims.

(3) The proportionality of specific sentences.

(4) Sentencing procedures.

(5) Best practices related to the department of corrections including recidivism rates, safety and the efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(6) Best practices related to the state mortality review committee established in section 135.43.

n. Study and make recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community, in areas which include but are not limited to all of the following:

(1) The effectiveness of electronically monitoring sex offenders.

(2) The cost and effectiveness of special sentences pursuant to chapter 903B.

(3) Risk assessment models created for sex offenders.

(4) Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.

(5) The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.

(6) Any other related issues the board deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.

o. Provide expertise and advice to the legislative services agency, the department of management, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

2. The department shall submit reports, in accordance with section 216A.135, to the governor and general assembly regarding actions taken, issues studied, and council recommendations.

88 Acts, ch 1277, §16

C89, §601K.133

90 Acts, ch 1124, §3; 92 Acts, ch 1231, §47

C93, §216A.133

2010 Acts, ch 1031, §145, 146, 170; 2010 Acts, ch 1193, §153, 154; 2019 Acts, ch 89, §9; 2019 Acts, ch 156, §5; 2023 Acts, ch 19, §312, 313; 2024 Acts, ch 1170, §440; 2026 Acts, ch 1169, §11 – 13

Referred to in §216A.131A

Subsection 1 amended and editorially internally renumbered and redesignated

216A.133A Public safety advisory board — duties. Repealed by 2019 Acts, ch 156, §8.

216A.134 Administrator. Repealed by 2010 Acts, ch 1031, §168, 170.

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216A.135 Plan and report.

1. The department shall submit a three-year criminal and juvenile justice plan for the state, beginning December 1, 2020, and every three years thereafter, by December 1. The three-year plan shall be updated annually. Each three-year plan and annual updates of the three-year plan shall be submitted to the governor and the general assembly by December 1.

2. The three-year plan and annual updates shall include but are not limited to the following:

a. Short-term and long-term goals for the criminal and juvenile justice systems.

b. The identification of issues and studies on the effective treatment and supervision of adult and juvenile sex offenders in institutions, community-based programs, and the community.

c. Analysis of and recommendations regarding current criminal code provisions.

d. The effectiveness and efficiencies of current criminal and juvenile justice policies, practices, and services.

e. Recommendations to improve the criminal and juvenile justice systems.

88 Acts, ch 1277, §18
C89, §601K.135
92 Acts, ch 1231, §48
C93, §216A.135
2010 Acts, ch 1193, §156; 2019 Acts, ch 156, §6; 2020 Acts, ch 1063, §75; 2024 Acts, ch 1170, §441; 2026 Acts, ch 1169, §14
Referred to in §216A.131A, 216A.133
Subsection 2, paragraph e stricken and former paragraph f redesignated as e

216A.136 Statistical analysis center — access to records. Repealed by 2026 Acts, ch 1169, §20.

216A.137 Correctional policy project. Repealed by 2026 Acts, ch 1169, §20.

216A.138 Multiagency database concerning juveniles. Repealed by 2026 Acts, ch 1169, §20.

216A.139 Sex offender research council. Repealed by 2019 Acts, ch 156, §8.

216A.140 State of Iowa youth advisory council.

1. *Definitions.* For the purposes of this section, unless the context otherwise requires:

a. *"Youth"* means children and young persons who are ages six through twenty-one years.

b. *"Youth advisory council"* means the state of Iowa youth advisory council created by this section.

2. *State of Iowa youth advisory council.* A state of Iowa youth advisory council is created to provide input to the governor, general assembly, and state and local policymakers on youth issues.

a. The purpose of the youth advisory council is to foster communication among a group of engaged youth and the governor, general assembly, and state and local policymakers regarding programs, policies, and practices affecting youth and families; to advocate for youth on important issues affecting youth; and to improve the lives and futures of Iowa's youth.

b. The youth advisory council shall consist of no more than twenty-one youth ages fourteen through twenty years who reside in Iowa. Membership shall be for two-year staggered terms. The director or the director's designee shall select council members using an application process. The director or the director's designee shall strive to maintain a diverse council membership and shall take into consideration race, ethnicity, disabilities, gender, and geographic location of residence of the applicants.

c. Except as otherwise provided by law, the youth advisory council shall determine its own rules of procedure and operating policies, subject to approval by the director or the director's designee.

d. The youth advisory council shall do all of the following:

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(1) Adopt and apply positive youth development principles and practices at the state and local levels.

(2) Increase the quality, efficiency, and effectiveness of opportunities and services and other supports for youth.

(3) Improve, coordinate, and prioritize state youth policy and programs across state agencies.

(4) Align all policies around the vision that all Iowa youth will be safe, healthy, successful, and prepared for adulthood.

(5) Review indicator data, identify barriers to youth success, and develop strategies to address the barriers.

(6) Strengthen partnerships with the nonprofit and private sectors to gather input, build consensus, and maximize the use of existing resources and leverage new resources to improve the lives of youth and their families.

(7) Report annually by February 1 to the governor and the general assembly.

3. *Lead agency.* The lead agency for support of the state of Iowa youth advisory council is the department. The department shall coordinate activities and, with funding made available to it for such purposes, provide staff support for the youth advisory council.

2009 Acts, ch 53, §1; 2009 Acts, ch 179, §35; 2010 Acts, ch 1031, §295; 2023 Acts, ch 19, §317, 318; 2024 Acts, ch 1170, §444

Referred to in §216A.131A

SUBCHAPTER IX

STATUS OF AFRICAN AMERICANS

216A.141 Definitions. Repealed by 2024 Acts, ch 1170, §461.

216A.142 Commission on the status of African Americans established. Repealed by 2024 Acts, ch 1170, §461.

216A.143 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §461.

216A.144 and 216A.145 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.146 Office on the status of African Americans. Repealed by 2024 Acts, ch 1170, §461.

216A.147 through 216A.149 Repealed by 2010 Acts, ch 1031, §168, 170.

216A.150 Reserved.

SUBCHAPTER X

ASIAN AND PACIFIC ISLANDER AFFAIRS

216A.151 Definitions. Repealed by 2024 Acts, ch 1170, §462.

216A.152 Commission of Asian and Pacific Islander affairs established. Repealed by 2024 Acts, ch 1170, §462.

216A.153 Commission powers and duties. Repealed by 2024 Acts, ch 1170, §462.

216A.154 Office of Asian and Pacific Islander affairs. Repealed by 2024 Acts, ch 1170, §462.

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216A.155 through 216A.160 Repealed by 2010 Acts, ch 1031, §168, 170.

SUBCHAPTER XI

NATIVE AMERICAN AFFAIRS

216A.161 Definitions. Repealed by 2024 Acts, ch 1170, §464.

216A.162 Establishment — purpose. Repealed by 2024 Acts, ch 1170, §464.

216A.163 Term of office. Repealed by 2024 Acts, ch 1170, §464.

216A.164 Meetings of the commission. Repealed by 2010 Acts, ch 1031, §168, 170.

216A.165 Duties. Repealed by 2024 Acts, ch 1170, §464.

216A.166 Office of Native American affairs. Repealed by 2024 Acts, ch 1170, §464.

216A.167 Limitations on authority.

1. The board and department shall not have the authority to do any of the following:

a. Implement or administer the duties of the state of Iowa under the federal Indian Gaming Regulatory Act, shall not have any authority to recommend, negotiate, administer, or enforce any agreement or compact entered into between the state of Iowa and Indian tribes located in the state pursuant to section 10A.104, and shall not have any authority relative to Indian gaming issues.

b. Administer the duties of the state under the federal National Historic Preservation Act, the federal Native American Graves Protection and Repatriation Act, and chapter 263B. The board shall also not interfere with the advisory role of a separate Indian advisory council or committee established by the state archeologist by rule for the purpose of consultation on matters related to ancient human skeletal remains and associated artifacts.

2. This subchapter shall not diminish or inhibit the right of any tribal government to interact directly with the state or any of its departments or agencies for any purpose which a tribal government desires to conduct its business or affairs as a sovereign governmental entity.

2008 Acts, ch 1184, §45; 2010 Acts, ch 1031, §166, 167, 170; 2024 Acts, ch 1170, §463

216A.168 through 216A.170 Repealed by 2010 Acts, ch 1031, §168, 170.

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CHAPTER 216B

DEPARTMENT FOR THE BLIND

Referred to in §7E.5

This chapter not enacted as a part of this title; transferred from chapter 601L in Code 1993

216B.1	Definitions.	216B.5	Commission employees.
216B.2	Commission created.	216B.6	Powers.
216B.3	Commission duties.	216B.7	Report.
216B.3A	Director — duties.	216B.8	Contract bids.
216B.4	Federal aid.		

216B.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Commission"* means the commission for the blind.

2. *"Department"* means the department for the blind.
3. *"Director"* means the director of the department for the blind.

86 Acts, ch 1245, §1256
C87, §601K.121
88 Acts, ch 1277, §29, 31
C89, §601L.1
C93, §216B.1

216B.2 Commission created.

1. The commission for the blind is established consisting of three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve three-year terms beginning and ending as provided in section 69.19. A majority of the members of the commission shall constitute a quorum.

2. Commission members shall be reimbursed for actual expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6.

3. The commission shall adopt rules concerning programs and services for blind persons provided under this chapter.

86 Acts, ch 1245, §1257
C87, §601K.122
88 Acts, ch 1277, §31
C89, §601L.2
C93, §216B.2
99 Acts, ch 96, §23; 2021 Acts, ch 76, §48; 2023 Acts, ch 19, §2471, 2475
Confirmation, see §2.32

216B.3 Commission duties.

The commission shall:

1. Prepare and maintain a complete register of the blind of the state which shall describe the condition, cause of blindness, ability to receive education and industrial training, and other facts the commission deems of value.

2. Assist in marketing of products of blind workers of the state.

3. Ameliorate the condition of the blind by promoting visits to them in their homes for the purpose of instruction and by other lawful methods as the commission deems expedient.

4. Make inquiries concerning the causes of blindness to ascertain what portion of cases are preventable, and cooperate with the other organized agents of the state in the adoption and enforcement of proper preventive measures.

5. Provide for suitable vocational training if the commission deems it advisable and necessary. The commission may establish workshops for the employment of the blind, paying suitable wages for work under the employment. The commission may provide or pay for, during their training period, the temporary lodging and support of persons receiving vocational training. The commission may use receipts or earnings that accrue from the operation of workshops as provided in this chapter, but a detailed statement of receipts or earnings and expenditures shall be made monthly to the director of the department of management.

6. Establish, manage, and control a special training, orientation, and adjustment center or centers for the blind. Training in the centers shall be limited to persons who are sixteen years of age or older, and the department shall not provide or cause to be provided any academic education or training to children under the age of sixteen except that the commission may provide library services to these children. The commission may provide for the maintenance, upkeep, repair, and alteration of the buildings and grounds designated as centers for the blind including the expenditure of funds appropriated for that purpose. Nonresidents may be admitted to Iowa centers for the blind as space is available, upon terms determined by rule.

7. Establish and maintain offices for the department and commission.

8. Accept gifts, grants, devises, or bequests of real or personal property from any source

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for the use and purposes of the department. Notwithstanding sections 8.33 and 12C.7, the interest accrued from moneys received under this section shall not revert to the general fund of the state.

9. Provide library services to persons who are blind and persons with disabilities.

10. Act as a bureau of information and industrial aid for the blind, such as assisting the blind in finding employment.

11. Be responsible for the budgetary and personnel decisions for the department and commission.

12. Manage and control the property, both real and personal, belonging to the department. The commission shall, according to the schedule established in this subsection, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners. For purposes of this subsection, *"recycled content"* means that the content of the product contains a minimum of thirty percent postconsumer material.

a. By July 1, 1991, one hundred percent of the purchases of inks which are used for newsprint paper for printing services performed internally or contracted for by the commission shall be soybean-based.

b. By July 1, 1995, a minimum of ten percent of the purchases of garbage can liners made by the commission shall be plastic garbage can liners with recycled content. The percentage purchased shall increase by ten percent annually until fifty percent of the purchases of garbage can liners are plastic garbage can liners with recycled content.

c. By July 1, 1993, one hundred percent of the purchases of inks, other than inks which are used for newsprint printing services, and which are used internally or contracted for by the commission, shall be soybean-based to the extent formulations for such inks are available.

d. The commission shall report to the general assembly on February 1 of each year, the following:

(1) A listing of plastic products which are regularly purchased by the commission for which recycled content product alternatives are available, including the cost of the plastic products purchased and the cost of the recycled content product alternatives.

(2) Information relating to soybean-based inks and plastic garbage can liners with recycled content regularly purchased by the commission, including the cost of purchasing soybean-based inks and plastic garbage can liners with recycled content and the percentages of soybean-based inks and plastic garbage can liners with recycled content that have been purchased.

e. The department of natural resources shall review the procurement specifications currently used by the commission to eliminate, wherever possible, discrimination against the procurement of products manufactured with recycled content and soybean-based inks.

f. The department of natural resources shall assist the commission in locating suppliers of products with recycled content and soybean-based inks, and collecting data on recycled content and soybean-based ink purchases.

g. The commission, in conjunction with the department of natural resources, shall adopt rules to carry out the provisions of this section.

h. The department of natural resources shall cooperate with the commission in all phases of implementing this section.

13. The commission shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, *"packing material"* means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

14. Purchase and use recycled printing and writing paper in accordance with the schedule established in section 8A.315; establish a wastepaper recycling program in accordance with the recommendations made by the department of natural resources and requirements of section 8A.329; and, in accordance with section 8A.311, require product content statements and compliance with requirements regarding contract bidding.

15. Develop a plan to provide telephone yellow pages information without charge to

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persons declared to be blind under the standards in section 422.12, subsection 2, paragraph *"a"*, subparagraph (5). The department may apply for federal funds to support the service. The program shall be limited in scope by the availability of funds.

16. *a.* Provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The commission shall compile information regarding compliance with the provisions of this paragraph in the same manner as the department of administrative services pursuant to section 8A.369. The commission shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this paragraph as provided in section 8A.369.

b. Of all new passenger vehicles and light pickup trucks purchased by the commission, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

c. The provisions of paragraph *"b"* do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

17. Comply with the requirements for the purchase of lubricating oils, industrial oils, greases, and hydraulic fluids as established pursuant to section 8A.316.

18. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

19. Plan, establish, administer, and promote a statewide program to provide audio news and information services to blind or visually impaired persons residing in this state.

a. The commission may enter into necessary contracts and arrangements with the national federation for the blind to provide for the delivery of newspapers over the telephone, furnished by the national federation for the blind.

b. The commission may enter into necessary contracts and arrangements with the Iowa radio reading information service for the blind and print handicapped to provide for the delivery of newspapers, magazines, and other printed materials over the radio, furnished by the Iowa radio reading information service for the blind and print handicapped.

86 Acts, ch 1244, §61
C87, §601K.123
88 Acts, ch 1185, §4; 88 Acts, ch 1277, §31
C89, §601L.3
89 Acts, ch 83, §79; 89 Acts, ch 272, §39; 90 Acts, ch 1237, §5, 6; 91 Acts, ch 97, §59; 91 Acts, ch 194, §8; 91 Acts, ch 254, §23; 92 Acts, ch 1095, §4
C93, §216B.3
93 Acts, ch 26, §2; 93 Acts, ch 176, §38; 94 Acts, ch 1119, §24; 95 Acts, ch 44, §1; 95 Acts, ch 62, §2; 96 Acts, ch 1129, §30; 98 Acts, ch 1082, §3; 99 Acts, ch 114, §14; 99 Acts, ch 121, §8; 2000 Acts, ch 1109, §3; 2003 Acts, ch 145, §207; 2004 Acts, ch 1176, §10; 2006 Acts, ch 1142, §59, 60; 2007 Acts, ch 22, §52; 2008 Acts, ch 1104, §3; 2008 Acts, ch 1169, §37, 42; 2009 Acts, ch 41, §222; 2009 Acts, ch 133, §230; 2010 Acts, ch 1079, §1; 2022 Acts, ch 1067, §38
Referred to in §8A.302, 8A.321, 8A.322, 8A.369

216B.3A Director — duties.

1. The director of the department shall be appointed by the governor, subject to

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confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by section 8A.461.

2. The director shall be the executive officer of the commission and shall be responsible for implementing policy set by the commission. The director shall carry out programs and policies as determined by the commission.

2023 Acts, ch 19, §2472, 2475; 2024 Acts, ch 1182, §162, 168
Confirmation, see §2.32

216B.4 Federal aid.

1. The director may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library, news, and information services to persons who are blind and persons with disabilities.

2. A contribution or grant shall not be accepted if a condition is attached to it for its use or administration other than that it be used for assistance to the blind.

86 Acts, ch 1245, §1258
C87, §601K.124
88 Acts, ch 1277, §31
C89, §601L.4
C93, §216B.4
96 Acts, ch 1129, §31; 2002 Acts, ch 1119, §28; 2004 Acts, ch 1176, §11; 2010 Acts, ch 1079, §2

216B.5 Commission employees.

The commission may employ staff who shall be qualified by experience to assume the responsibilities of the offices.

86 Acts, ch 1245, §1259
C87, §601K.125
88 Acts, ch 1277, §31
C89, §601L.5
C93, §216B.5
2023 Acts, ch 19, §2473, 2475

216B.6 Powers.

The commission shall have all powers necessary to carry out the functions and duties specified in this chapter, including, but not limited to the power to establish advisory committees on special studies, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and department, and to contract with public and private groups to conduct its business. All departments, divisions, agencies, and offices of the state shall make available upon request of the commission information which is pertinent to the subject matter of the study and which is not by law confidential.

86 Acts, ch 1245, §1260
C87, §601K.126
88 Acts, ch 1277, §31
C89, §601L.6
C93, §216B.6
99 Acts, ch 96, §24

216B.7 Report.

The commission shall make a detailed report of its activities, studies, conclusions and recommendations to the general assembly not later than February 15 of each odd-numbered year.

86 Acts, ch 1245, §1261
C87, §601K.127
88 Acts, ch 1277, §31

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C89, §601L.7
C93, §216B.7

216B.8 Contract bids.

A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

90 Acts, ch 1161, §5
C91, §601L.8
C93, §216B.8

CHAPTER 216C

RIGHTS OF PERSONS WITH DISABILITIES

This chapter not enacted as a part of this title;
transferred from chapter 601D in Code 1993

216C.1	Participation by persons with disabilities.	216C.9	Curb ramps and sloped areas for persons with disabilities.
216C.1A	Definitions.	216C.10	Use of hearing dog.
216C.2	Public employment.	216C.11	Service animals and service-animals-in-training — penalty.
216C.3	Free use of public facilities.	216C.12	Immunity from liability for injury or damage caused by service animals and service-animals-in-training.
216C.4	Accommodations.		
216C.5	Use of guide dogs.		
216C.6	Failure to use cane or dog not negligence.		
216C.7	Penalty for denying rights.		
216C.8	White cane safety day.		

216C.1 Participation by persons with disabilities.

1. It is the policy of this state to encourage and enable persons who are blind or partially blind and persons with disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

2. To encourage participation by persons with disabilities, it is the policy of this state to ensure compliance with federal requirements concerning persons with disabilities.

[C71, §93B.1; C73, 75, 77, 79, 81, §601D.1]
C93, §216C.1
93 Acts, ch 95, §6; 96 Acts, ch 1129, §32; 2010 Acts, ch 1079, §3

216C.1A Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Disability"* means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases.

2. *"Service animal"* means a dog or miniature horse as set forth in the implementing regulations of Tit. II and Tit. III of the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

3. *"Service-animal-in-training"* means a dog or miniature horse that is undergoing a

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course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.

2019 Acts, ch 65, §4

216C.2 Public employment.

Persons who are blind or partially blind and persons with disabilities shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds, on the same terms and conditions as other persons, unless it is shown that the particular disability prevents the performance of the work required.

[C71, §93B.2; C73, 75, 77, 79, 81, §601D.2]

C93, §216C.2

96 Acts, ch 1129, §33; 2010 Acts, ch 1079, §4

Referred to in §331.324

216C.3 Free use of public facilities.

Persons who are blind or partially blind and persons with disabilities have the same right as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places.

[C62, 66, §351.31; C71, §93B.3; C73, 75, 77, 79, 81, §601D.3]

C93, §216C.3

96 Acts, ch 1129, §34; 2010 Acts, ch 1079, §5

Referred to in §216C.5, 216C.10, 216C.11

216C.4 Accommodations.

Persons who are blind or partially blind and persons with disabilities are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

[C71, §93B.4; C73, 75, 77, 79, 81, §601D.4]

C93, §216C.4

96 Acts, ch 1129, §35; 2010 Acts, ch 1079, §6

Referred to in §216C.5, 216C.10, 216C.11

216C.5 Use of guide dogs.

Every blind or partially blind person shall have the right to be accompanied by a guide dog, under control and especially trained for the purpose, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the guide dog. A landlord shall waive lease restrictions on the keeping of a guide dog for a blind person. The blind person is liable for damage done to the premises or facilities by a guide dog.

[C62, 66, §351.30; C71, §93B.5; C73, 75, 77, 79, 81, §601D.5]

83 Acts, ch 46, §3

C93, §216C.5

216C.6 Failure to use cane or dog not negligence.

A blind or partially blind pedestrian not carrying a cane or using a guide dog in any place shall have all of the rights and privileges conferred by law upon other persons, and the failure of a blind or partially blind pedestrian to carry a cane or to use a guide dog in any place shall not be held to constitute or be evidence of contributory negligence.

[C71, §93B.6; C73, 75, 77, 79, 81, §601D.6]

C93, §216C.6

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216C.7 Penalty for denying rights.

Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with the rights of any person under this chapter shall be guilty of a simple misdemeanor.

[C62, 66, §351.32; C71, §93B.7; C73, 75, 77, 79, 81, §601D.7]
C93, §216C.7

216C.8 White cane safety day.

The governor shall annually take suitable public notice of October 15 as "White Cane Safety Day". The governor shall issue a proclamation commenting upon the significance of the white cane; calling upon the citizens to observe the provisions of this chapter and sections 321.332 and 321.333 and to take precautions necessary for the safety of persons with disabilities; reminding the citizens of the policies herein declared and urging the citizens to cooperate in giving effect to them; and emphasizing the need of the citizens to be aware of the presence of persons with disabilities in the community and to offer assistance to persons with disabilities upon appropriate occasions.

[C71, §93B.8; C73, 75, 77, 79, 81, §601D.8]
C93, §216C.8
96 Acts, ch 1129, §36

216C.9 Curb ramps and sloped areas for persons with disabilities.

1. If a street, road, or highway in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road.

2. Curb ramps and sloped areas that are required pursuant to this section shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the federal Americans With Disabilities Act, including but not limited to the guidelines issued by the federal architectural and transportation barriers compliance board.

[C75, 77, 79, 81, §601D.9]
C93, §216C.9
93 Acts, ch 95, §7; 96 Acts, ch 1129, §37; 2010 Acts, ch 1079, §7; 2010 Acts, ch 1193, §43
Referred to in §331.361

216C.10 Use of hearing dog.

1. A deaf or hard-of-hearing person has the right to be accompanied by a hearing dog, under control and especially trained to assist the deaf or hard-of-hearing by responding to sound, in any place listed in sections 216C.3 and 216C.4 without being required to make additional payment for the hearing dog. A landlord shall waive lease restrictions on the keeping of dogs for a deaf or hard-of-hearing person with a hearing dog. The deaf or hard-of-hearing person is liable for damage done to any premises or facility by a hearing dog.

2. A person who denies or interferes with the right of a deaf or hard-of-hearing person under this section is, upon conviction, guilty of a simple misdemeanor.

86 Acts, ch 1245, §1263
C87, §601D.10
C93, §216C.10
93 Acts, ch 75, §5; 2010 Acts, ch 1079, §8

216C.11 Service animals and service-animals-in-training — penalty.

1. A person with a disability, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service animal has the right to be accompanied by a service animal or service-animal-in-training, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service animal or service-animal-in-training. The

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person is liable for damage done to any premises or facility by a service animal or a service-animal-in-training.

2. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

3. *a.* A person who intentionally misrepresents an animal as a service animal or a service-animal-in-training is, upon conviction, guilty of a simple misdemeanor.

b. A person commits the offense of intentional misrepresentation of an animal as a service animal or a service-animal-in-training if, for the purpose of obtaining any of the rights or privileges set forth in state or federal law, the person intentionally misrepresents an animal in one's possession as one's service animal or service-animal-in-training or a person with a disability's service animal or service-animal-in-training whom the person is assisting by controlling.

88 Acts, ch 1067, §1
C89, §601D.11
91 Acts, ch 69, §1
C93, §216C.11
96 Acts, ch 1129, §113; 2009 Acts, ch 163, §1; 2010 Acts, ch 1069, §27; 2010 Acts, ch 1079, §9; 2019 Acts, ch 65, §5; 2025 Acts, ch 111, §1

216C.12 Immunity from liability for injury or damage caused by service animals and service-animals-in-training.

1. For purposes of this section, unless the context otherwise requires:

a. "Owner" means the owner of real property, a contract for deed vendee, receiver, personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly in control of the real property.

b. "Real property" includes any physical location or portion of real property that federal or state law or local ordinance requires to be accessible to a person with a disability who is using a service animal or a service-animal-in-training, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service animal.

2. An owner is not liable for any injury or damage caused by a service animal or service-animal-in-training if all of the following criteria are met:

a. The owner believes in good faith that the animal is a service animal or a service-animal-in-training and the person using the animal is a person with a disability, a person assisting a person with a disability by controlling a service animal or a service-animal-in-training, or a person training a service-animal-in-training.

b. The injury or damage is not caused by the owner's negligence, recklessness, or willful misconduct.

2019 Acts, ch 65, §6

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CHAPTER 216D

OPERATION OF FOOD SERVICE IN PUBLIC BUILDINGS

Referred to in §331.361

This chapter not enacted as a part of this title;
transferred from chapter 601C in Code 1993

216D.1 Public policy.
216D.2 Definitions.
216D.3 Agreement with commission for blind.
216D.4 Other public buildings.

216D.1 Public policy.

It is the policy of this state to provide maximum opportunities for training blind persons, helping them to become self-supporting and demonstrating their capabilities. This chapter shall be construed to carry out this policy.

[C71, §93C.1; C73, 75, 77, 79, 81, §601C.1]
C93, §216D.1

216D.2 Definitions.

For the purposes of this chapter:

1. *"Food service"* includes restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of these.

2. *"Public office building"* means the state capitol, all county courthouses, all city halls, and all buildings used primarily for governmental offices of the state or any county or city. It does not include public schools or buildings at institutions of the state board of regents or the department of health and human services.

[C71, §93C.2; C73, 75, 77, 79, 81, S81, §601C.2; 81 Acts, ch 117, §1095]
83 Acts, ch 96, §157, 159
C93, §216D.2
94 Acts, ch 1173, §9; 2023 Acts, ch 19, §322

216D.3 Agreement with commission for blind.

A governmental agency which proposes to operate or continue a food service in a public office building shall first attempt in good faith to make an agreement for the commission for the blind to operate the food service without payment of rent. The governmental agency shall not offer or grant to any other party a contract or concession to operate such food service unless the governmental agency determines in good faith that the commission for the blind is not willing to or cannot satisfactorily provide such food service. This chapter shall not impair any valid contract existing on July 1, 1969, and shall not preclude renegotiation of such contract on the same terms and with the same parties.

[C71, §93C.3; C73, 75, 77, 79, 81, §601C.3]
C93, §216D.3
Referred to in §216D.4

216D.4 Other public buildings.

With respect to all state, county, municipal, and school buildings which are not subject to section 216D.3, the governmental agency in charge of the building shall consider allowing the commission for the blind to operate any existing or proposed food service in the building, and shall discuss such operation with the commission for the blind upon its request.

[C71, §93C.4; C73, 75, 77, 79, 81, §601C.4]
C93, §216D.4

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CHAPTER 216E
ASSISTIVE DEVICES

216E.1 Definitions.
216E.2 Express warranties.
216E.3 Assistive device replacement or refund.
216E.4 Manufacturer's duty to provide reimbursement or a loaner for temporary replacement of assistive devices — penalties.
216E.5 Nonconformity disclosure requirement.
216E.6 Remedies.
216E.7 Exemptions.

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216E.1 Definitions.

As used in this chapter, unless the context otherwise provides:

1. *"Assistive device"* means any item, piece of equipment, or product system which is purchased, or whose transfer is accepted in this state, and which is used to increase, maintain, or improve the functional capabilities of individuals with disabilities concerning a major life activity. *"Assistive device"* does not mean any medical device, surgical device, or organ implanted or transplanted into or attached directly to an individual. *"Assistive device"* does not mean any device for which a certificate of title is issued by the state department of transportation but does mean any item, piece of equipment, or product system otherwise meeting the definition of *"assistive device"* that is incorporated, attached, or included as a modification in or to such a certificated device.

2. *"Assistive device dealer"* means a person who is in the business of selling assistive devices.

3. *"Assistive device lessor"* means a person who leases assistive devices to consumers, or who holds the lessor's rights, under a written lease.

4. *"Collateral costs"* means expenses incurred by a consumer in connection with the repair of a nonconformity, including the cost of shipping, sales tax, and of obtaining an alternative assistive device.

5. *"Consumer"* means any one of the following:

a. The purchaser of an assistive device, if the assistive device was purchased from an assistive device dealer or manufacturer for purposes other than resale.

b. A person to whom the assistive device is transferred for purposes other than resale, if the transfer occurs before the expiration of an express warranty applicable to the assistive device.

c. A person who may enforce the warranty.

d. A person who leases an assistive device from an assistive device lessor under a written lease.

6. *"Demonstrator"* means an assistive device used primarily for the purpose of demonstration to the public.

7. *"Early termination costs"* means any expense or obligation that an assistive device lessor incurs as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive device to the manufacturer. *"Early termination costs"* includes a penalty for prepayment under a finance arrangement.

8. *"Early termination savings"* means any expense or obligation that an assistive device lessor avoids as a result of both the termination of a written lease before the termination date set forth in the lease and the return of an assistive device to a manufacturer which shall include an interest charge that the assistive device lessor would have paid to finance the assistive device or, if the assistive device lessor does not finance the assistive device, the difference between the total payments remaining for the period of the lease term remaining after the early termination and the present value of those remaining payments at the date of the early termination.

9. *"Loaner"* means an assistive device, provided free of charge to the consumer, for use by the consumer, that need not be new or be identical to, or have functional capabilities equal

to or greater than, those of the original assistive device, but that meets all of the following conditions:

a. The loaner is in good working order.

b. The loaner performs, at a minimum, the most essential functions of the original assistive device, in light of the disabilities of the consumer.

c. Any differences between the loaner and the original assistive device do not create a threat to the consumer's health or safety.

10. *"Major life activity"* includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

11. *"Manufacturer"* means a person who manufactures or assembles assistive devices and agents of that person, including an importer, a distributor, a factory branch, distributor branch, and any warrantors of the assistive device, but does not include an assistive device dealer or assistive device lessor.

12. *"Nonconformity"* means any defect, malfunction, or condition which substantially impairs the use, value, or safety of an assistive device or any of its component parts, but does not include a condition, defect, or malfunction that is the result of abuse, neglect, or unauthorized modification or alteration of the assistive device by the consumer.

13. *"Reasonable attempt to repair"* means any of the following occurring within the terms of an express warranty applicable to a new assistive device or within one year after first delivery of the assistive device to a consumer, whichever is sooner:

a. The manufacturer, assistive device lessor, or any of the manufacturer's authorized assistive device dealers accepts return of the new assistive device for repair at least two times.

b. The manufacturer, assistive device lessor, or any of the manufacturer's authorized assistive device dealers places the assistive device out of service for an aggregate of at least thirty cumulative days because of warranty nonconformities.

98 Acts, ch 1042, §1; 2006 Acts, ch 1159, §9, 10
Referred to in §321.1

216E.2 Express warranties.

1. A manufacturer or assistive device lessor who sells or leases an assistive device to a consumer, either directly or through an assistive device dealer, shall furnish the consumer with an express warranty for the assistive device, warranting the assistive device to be free of any nonconformity. The duration of the express warranty shall be not less than one year after first delivery of the assistive device to the consumer. If a manufacturer fails to furnish an express warranty as required by this section, the assistive device shall be covered by an express warranty as if the manufacturer had furnished an express warranty to the consumer as required by this section.

2. An express warranty does not take effect until the consumer takes possession of the new assistive device.

98 Acts, ch 1042, §2

216E.3 Assistive device replacement or refund.

1. If an assistive device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive device lessor, or any of the manufacturer's authorized assistive device dealers, and makes the assistive device available for repair before one year after first delivery of the device to the consumer or within the period of the express warranty if the warranty is longer than one year, a reasonable attempt to repair the nonconformity shall be made.

2. If, after a reasonable attempt to repair, the nonconformity is not repaired, the manufacturer shall carry out the requirements of either paragraph *"a"* or *"b"* upon the request of a consumer.

a. The manufacturer shall provide for a refund by doing one of the following:

(1) If the assistive device was purchased by the consumer, accept return of the assistive device and refund to the consumer and to any holder of perfected security interest in the consumer's assistive device, as the holder's interest may appear, the full purchase price plus

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any finance charge paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use.

(2) If the assistive device was leased by the consumer, accept return of the assistive device, refund to the assistive device lessor and to any holder of a perfected security interest in the assistive device, as the holder's interest may appear, the current value of the written lease and refund to the consumer the amount that the consumer paid under the written lease plus any collateral costs, less a reasonable allowance for use. The manufacturer shall have a cause of action against the dealer or lessor for reimbursement of any amount that the manufacturer pays to a consumer which exceeds the net price received by the manufacturer for the assistive device.

b. The manufacturer shall provide a comparable new assistive device or offer a refund to the consumer if the consumer does any one of the following:

(1) Offers to transfer possession of the assistive device to the manufacturer. No later than thirty days after that offer, the manufacturer shall provide the consumer with the comparable new assistive device or a refund. When the manufacturer provides the new assistive device or refund, the consumer shall return the assistive device having the nonconformity to the manufacturer, along with any endorsements necessary to transfer legal possession to the manufacturer.

(2) Offers to return the assistive device to the manufacturer. No later than thirty days after the offer, the manufacturer shall provide a refund to the consumer. When the manufacturer provides a refund, the consumer shall return the assistive device having the nonconformity to the manufacturer.

(3) Offers to transfer possession of a leased assistive device to the manufacturer. No later than thirty days after the offer, the manufacturer shall provide a refund to the assistive device lessor. When the manufacturer provides the refund, the assistive device lessor shall provide to the manufacturer any endorsements necessary to transfer legal possession to the manufacturer.

3. Under the provisions of this section, the current value of the written lease equals the total amount for which that lease obligates the consumer during the period of the lease remaining after its early termination, plus the assistive device lessor's early termination costs and the value of the assistive device at the lease expiration date if the lease sets forth that value, less the assistive device lessor's early termination savings.

4. Under the provisions of this section, a reasonable allowance for use shall not exceed the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is one thousand eight hundred twenty-five and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the manufacturer, assistive device lessor, or assistive device dealer.

5. A person shall not enforce a lease against a consumer after the consumer receives a refund.

98 Acts, ch 1042, §3

216E.4 Manufacturer's duty to provide reimbursement or a loaner for temporary replacement of assistive devices — penalties.

1. Whenever an assistive device covered by a manufacturer's express warranty is tendered by a consumer to the dealer from whom the assistive device was purchased or exchanged for the repair of any defect, malfunction, or nonconformity to which the warranty is applicable, the manufacturer shall provide the consumer, at the consumer's choice, for the duration of the repair period, either a rental assistive device reimbursement of up to twenty dollars per day, or a loaner, without cost to the consumer, if a loaner is reasonably available or obtainable by the manufacturer, assistive device lessor, or assistive device dealer, if any of the following applies:

a. The repair period exceeds ten working days, including the day on which the device is tendered to the manufacturer or an assistive device dealer designated by the manufacturer for repairs. If the assistive device dealer does not tender the assistive device to the manufacturer in a timely enough manner for the manufacturer to make the repairs within

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ten days, the manufacturer shall have a cause of action against the assistive device dealer for reimbursement of any penalties that the manufacturer must pay.

b. The nonconformity is the same for which the assistive device has been tendered to the assistive device dealer for repair on at least two previous occasions.

2. The provisions of this section regarding a manufacturer's duty shall apply for the period of the applicable express warranty, or until the date any repair required by the warranty is completed and the assistive device is returned to the consumer with the nonconformity eliminated, whichever is later, even if the assistive device is returned after the end of the warranty period.

98 Acts, ch 1042, §4

216E.5 Nonconformity disclosure requirement.

An assistive device returned by a consumer or assistive device lessor in this state or any other state for nonconformity shall not be sold or leased again in this state unless full written disclosure of the reason for return is made to any prospective buyer or lessee by the manufacturer, assistive device dealer, or assistive device lessor.

98 Acts, ch 1042, §5

216E.6 Remedies.

1. This chapter shall not limit rights or remedies available to a consumer under any other law.

2. Any waiver of rights by a consumer under this chapter is void.

3. In addition to pursuing any other remedy, a consumer may bring an action to recover any damages caused by a violation of this chapter. The court shall award a consumer who prevails in such an action no more than three times the amount of any pecuniary loss, together with costs and reasonable attorney fees, and any equitable relief that the court determines is appropriate.

98 Acts, ch 1042, §6

216E.7 Exemptions.

This chapter does not apply to a hearing aid sold, leased, or transferred to a consumer by an audiologist licensed under chapter 154F, or a hearing aid specialist licensed under chapter 154A, if the audiologist or specialist provides either an express warranty for the hearing aid or provides for service and replacement of the hearing aid.

98 Acts, ch 1042, §7; 2005 Acts, ch 3, §49; 2009 Acts, ch 41, §87; 2009 Acts, ch 133, §84; 2015 Acts, ch 57, §16

CHAPTER 216F

ANTISEMITISM

216F.1 Definition.
216F.2 Rules of construction.
216F.3 Determination of discriminatory acts — consideration of antisemitism.
216F.4 State personnel discrimination training.

216F.1 Definition.

For purposes of this chapter, *"antisemitism"* means the working definition of antisemitism adopted by the international holocaust remembrance alliance on May 26, 2016, and includes the contemporary examples of antisemitism identified by the international holocaust remembrance alliance.

2022 Acts, ch 1008, §1

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216F.2 Rules of construction.

This chapter shall not be construed to diminish or infringe upon any right protected under the first amendment to the United States Constitution, or the Constitution of the State of Iowa. This chapter shall not be construed to conflict with local, federal, or state discrimination laws.

2022 Acts, ch 1008, §2

216F.3 Determination of discriminatory acts — consideration of antisemitism.

1. In reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the state shall take into consideration the definition of antisemitism set forth in this chapter for purposes of determining whether the alleged act was motivated by discriminatory antisemitic intent.

2. A court or other relevant authority shall apply the same legal standard as applicable to like claims of discrimination arising under laws of this state protecting civil rights including chapter 216.

2022 Acts, ch 1008, §3

216F.4 State personnel discrimination training.

For the purposes of training of state personnel related to discrimination and anti-bias training, the definition of antisemitism shall be used as an educational tool to familiarize staff and officials with antisemitism.

2022 Acts, ch 1008, §4

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SUBTITLE 2

HUMAN SERVICES — INSTITUTIONS

Referred to in §714.8

CHAPTER 217

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Referred to in §252B.9

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SUBCHAPTER I

GENERAL PROVISIONS

217.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Council"* means the council on health and human services.
2. *"Department"* means the department of health and human services.
3. *"Director"* means the director of health and human services.
4. *"Health and human services district"* or *"HHS district"* means a geographic, multicounty area designated by the department under section 217.1B for statewide program and service delivery.

2023 Acts, ch 19, §323; 2026 Acts, ch 1064, §3, 22
Referred to in §225A.1, 234A.1
Former §217.1 transferred to §217.1A
NEW subsection 4

217.1A Programs of department.

There is established a department of health and human services to administer programs designed to protect and improve the health, well-being, and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of persons with mental illness or an intellectual disability, public health, and other related programs as provided by law.

[C71, 73, 75, 77, 79, 81, §217.1]

83 Acts, ch 96, §63, 159; 96 Acts, ch 1129, §38; 2012 Acts, ch 1019, §20; 2023 Acts, ch 19, §324

C2024, §217.1A
Department to develop and implement strategies to increase efficiencies by reducing paperwork, decreasing staff time, and providing more streamlined services; annual progress report to joint appropriations subcommittee on health and human services; 2010 Acts, ch 1031, §335

217.1B Health and human services districts.

1. The department shall divide the entirety of the state into designated health and human services districts. The initial HHS districts shall be the same as the behavioral health districts designated pursuant to section 225A.4, Code 2026, and that exist on April 30, 2026. Beginning the calendar year that begins January 1, 2032, and every ten consecutive calendar years thereafter, the department shall review the efficacy of the designated HHS districts in performing the HHS districts' functions during the immediately preceding ten consecutive calendar years.

2. *a.* The department may modify a designated HHS district. When modifying a designated HHS district, the department shall consider all of the following:

(1) City and county boundaries.
(2) The population size that can be effectively served in a specific area.
(3) Areas of high need for services.
(4) Patterns various populations exhibit when accessing or receiving services.

b. Notwithstanding chapter 17A, the manner in which the modification of an HHS district is made, including the determination of boundaries for a modified HHS district, shall not be subject to judicial review.

3. The department shall adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1064, §4, 22
Referred to in §217.1
NEW section

217.2 Council on health and human services.

1. *a.* There is created within the department a council on health and human services which shall act in an advisory capacity on matters within the jurisdiction of the department.

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The council shall consist of nine voting members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of health and human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. The voting members of the council shall serve for six-year staggered terms.

b. Each term of a voting member shall commence and end as provided by section 69.19.

c. All voting members of the council shall be electors of the state of Iowa. No more than five members shall belong to the same political party and no more than three members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. At least one member of the council shall be a physician licensed to practice medicine in Iowa. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

2. In addition to the voting members described in subsection 1, the membership of the council shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 4A.13.

[C71, 73, 75, 77, 79, 81, §217.2; 81 Acts, ch 78, §20, 21]

83 Acts, ch 96, §157, 159; 2009 Acts, ch 115, §1; 2023 Acts, ch 19, §325; 2024 Acts, ch 1170, §403

Referred to in §231.4
Confirmation, see §2.32

217.3 Duties of council.

The council shall:

1. Organize annually and select a chairperson and vice chairperson.

2. Advise the department on conduct of the department and the implementation of all services and programs administered by the department.

3. Report immediately to the governor any failure by the department to carry out any of the policy decisions or directives of the department.

4. Advise and make recommendations to the department on the budget of the department prior to submission to the governor. Prior to making recommendations on the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include recommendations for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council created in section 249A.4B, and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

5. Make recommendations to the department to ensure that all programs administered or services rendered by the department directly to any citizen or through a local agency to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency.

6. Recommend to the governor the names of individuals qualified for the position of director when a vacancy exists in the office.

[C71, 73, 75, 77, 79, 81, §217.3]

83 Acts, ch 96, §157, 159; 89 Acts, ch 283, §18; 95 Acts, ch 205, §36; 98 Acts, ch 1155, §7; 2005 Acts, ch 120, §1; 2019 Acts, ch 85, §90; 2021 Acts, ch 80, §107; 2023 Acts, ch 19, §326; 2024 Acts, ch 1170, §404

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217.3A Advisory committees.

The council may establish and utilize other ad hoc advisory committees as determined necessary to advise the council related to the subject matter under the purview of the department, including but not limited to child and family services, behavioral health, public health, and the department's interactions with the juvenile justice system. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

2010 Acts, ch 1031, §391; 2013 Acts, ch 10, §29; 2019 Acts, ch 85, §86, 87; 2023 Acts, ch 19, §327; 2024 Acts, ch 1170, §405

217.4 Meetings of council.

Meetings shall be called by the chairperson or upon written request of any three council members as necessary to carry out the duties of the council. The chairperson shall preside at all meetings or, in the absence of the chairperson, the vice chairperson shall preside. The members of the council shall be paid a per diem as specified in section 7E.6 and their reasonable and necessary expenses.

[C71, 73, 75, 77, 79, 81, §217.4]

90 Acts, ch 1256, §36; 2023 Acts, ch 19, §328; 2024 Acts, ch 1170, §102; 2026 Acts, ch 1040, §35

Mileage expense rate, see §70A.9
Section amended

217.5 Director of health and human services.

The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

[C71, 73, 75, 77, 79, 81, §217.5]

83 Acts, ch 96, §157, 159; 88 Acts, ch 1134, §43; 2018 Acts, ch 1041, §56; 2023 Acts, ch 19, §329

Confirmation, see §2.32

217.5A Attorneys — legal counsel and advice.

Notwithstanding section 13.7, the department may employ or retain attorneys to provide legal counsel and advice. However, section 13.7 shall govern the employment or retention of attorneys by the department to represent the department in any action or proceeding brought in any court or tribunal.

2023 Acts, ch 19, §330

217.6 Rules — organization of department.

1. The director may submit to the council for review and recommendation, rules necessary to administer the duties, functions, and programs of the department. The director may consider such recommendations in adopting rules for the department.

2. The rules adopted for the public benefits and programs administered by the department shall apply the residency eligibility restrictions required by federal and state law.

3. The director shall organize the department into subunits as necessary to most efficiently carry out the intent of this chapter and any other chapter the department is responsible for administering.

4. If the department requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept

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such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

[C71, 73, 75, 77, 79, 81, §217.6; 81 Acts, ch 78, §20, 22]

83 Acts, ch 96, §64, 159; 94 Acts, ch 1170, §27; 2006 Acts, ch 1115, §21; 2010 Acts, ch 1031, §406; 2011 Acts, ch 34, §52; 2011 Acts, ch 122, §19, 23; 2020 Acts, ch 1062, §26; 2023 Acts, ch 19, §331; 2024 Acts, ch 1170, §406

217.7 Administrators of divisions. Repealed by 2023 Acts, ch 19, §1357.

217.8 Division of child and family services. Repealed by 2023 Acts, ch 112, §54.

217.9 Additional duties. Repealed by 2023 Acts, ch 19, §1357.

217.9A Commission on children, youth, and families. Repealed by 98 Acts, ch 1206, §19.

217.10 Administrator of division of mental health and disability services. Repealed by 2023 Acts, ch 19, §1357.

217.11 and 217.12 Repealed by 2008 Acts, ch 1072, §6.

217.13 Department subunit for volunteerism — volunteer liability.

1. A subunit for volunteerism is created within the department under the department's administrative authority to establish volunteer programs designed to enhance the services provided by the department and to provide administrative support for the nonpolicymaking duties of the Iowa commission on volunteer service as delegated pursuant to section 15H.4.

2. *a.* The director shall appoint an executive director to oversee the administration of the department subunit for volunteerism and to carry out the nonpolicymaking duties of the Iowa commission on volunteer service as delegated pursuant to section 15H.4.

b. The department may employ personnel for the subunit for volunteerism as necessary to carry out the duties of the subunit for volunteerism and the nonpolicymaking duties of the Iowa commission on volunteer service as delegated pursuant to section 15H.4.

3. All volunteers registered with programs administered under this section and in compliance with rules adopted by the department pursuant to chapter 17A shall be considered employees of the state for purposes of chapter 669. However, this section does not exempt a volunteer guardian from an action brought under section 658.1A, or a volunteer guardian or volunteer conservator from an action brought under section 658.3. This section shall not be construed to relieve a volunteer guardian or conservator from duties under chapter 633.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

88 Acts, ch 1170, §1; 2005 Acts, ch 175, §91; 2023 Acts, ch 19, §332; 2026 Acts, ch 1064, §26, 27

Referred to in §15H.4
Section stricken and rewritten

217.14 Reserved.

217.15 Administrator of division of administration. Repealed by 2023 Acts, ch 19, §1357.

217.16 Cooperation with other divisions. Repealed by 2023 Acts, ch 19, §1357.

217.17 State health improvement plan.

1. The department shall develop, implement, and administer a state health improvement plan to identify health priorities, goals, and measurable objectives, and outline strategies to improve health statewide.

2. The state health improvement plan shall be developed and updated in collaboration and in coordination with other state departments, stakeholders, and statewide organizations the department determines to be relevant.

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3. The state health improvement plan may be updated by the department at the department's discretion.

2024 Acts, ch 1161, §31, 137
Referred to in §225A.3, 234A.2

217.18 Official seal.

The department shall have an official seal with the words "Iowa Department of Health and Human Services" and such other design as the department prescribes engraved on the seal. Every commission, order, or other paper of an official nature executed by the department may be attested with the seal.

[S13, §2727-a1; SS15, §2727-a3; C24, 27, 31, 35, 39, §**3281;** C46, 50, 54, 58, 62, 66, §217.8; C71, 73, 75, 77, 79, 81, §217.18]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §333

217.19 Expenses.

1. The director and the director's staff, assistants, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the performance of official business.

2. The department of administrative services shall work with the department to develop and implement an expense policy applicable to the members of a board, commission, committee, or other body under the auspices of the department who meet the income requirements for payment of per diem in accordance with section 7E.6, subsection 2. The policy shall allow for the payment of the member's expenses to be addressed through use of direct billings, travel purchase card, prepaid expenses, or other alternative means of addressing the expenses in lieu of reimbursement of the member.

[S13, §2727-a5; C24, 27, 31, 35, 39, §**3282;** C46, 50, 54, 58, 62, 66, §217.9; C71, 73, 75, 77, 79, 81, §217.19]

2008 Acts, ch 1187, §113; 2023 Acts, ch 19, §334

217.20 Trips to other states. Repealed by 2011 Acts, ch 127, §56, 89. See §8A.512A.

217.21 Annual report.

The department shall annually report no later than October 1 on the period ending with the June 30 preceding, pursuant to section 217.22, itemized departmental expenditures concerning each program under the department's administration and adequate and complete statistical reports for the state as a whole concerning all payments made under the department's administration.

[S13, §2727-a9, -a12, -a16, -a34; SS15, §2727-a3; C24, 27, 31, 35, 39, §**3285;** C46, 50, 54, 58, 62, 66, §217.11; C71, 73, 75, 77, 79, 81, §217.21]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §335; 2024 Acts, ch 1018, §4, 13, 14
Referred to in §225D.2
2024 amendment applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

217.22 Publicly available reportable information.

The department shall make reportable information and data publicly available in the most cost-efficient manner including but not limited to through utilization of modernized, interactive displays found on the department's internet site. No later than January 1, 2027, any information and data publicly available within a modernized, interactive display shall be downloadable and contain the date and time of the download.

2024 Acts, ch 1018, §5, 13, 14
Referred to in §217.21, 231E.4, 235A.23, 235B.13, 249A.60
Section applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

217.23 Personnel — merit system — reimbursement for damaged property.

1. The director or the director's designee, shall employ personnel as necessary for the performance of the duties and responsibilities assigned to the department. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

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2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed three hundred dollars for each item. The department shall establish rules in accordance with chapter 17A to carry out the purpose of this section.

[C75, 77, 79, 81, §217.23]

85 Acts, ch 253, §7; 2003 Acts, ch 145, §208; 2007 Acts, ch 218, §37; 2023 Acts, ch 19, §336

217.24 Payment by electronic funds transfer.

1. The department shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

2. The department, in coordination with the department of management's division of information technology, shall seek the capacity to allow premium payments by program participants to be made by electronic benefits transfer for all programs administered by the department that require premium payments. By January 1, 2028, the department shall allow premium payments made by participants pursuant to section 249A.3, subsection 2, paragraph *"a"*, subparagraph (1), to be made by electronic benefits transfer.

2010 Acts, ch 1031, §407; 2023 Acts, ch 19, §337; 2026 Acts, ch 1160, §17, 18

Section amended

217.25 Information technology fund.

1. An information technology fund is created in the state treasury under the control of the department of health and human services. The fund shall consist of moneys appropriated or transferred to, or deposited in, the fund as provided by law. All moneys deposited or paid into the fund are appropriated to the department of health and human services to be used for information technology systems and related modernization initiatives.

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2025 Acts, ch 133, §4

217.26 through 217.29 Reserved.

217.30 Confidentiality of records — report of recipients.

1. For purposes of this section unless the context otherwise requires, *"person"* means the same as defined in section 4.1.

2. The following information relative to an individual receiving services or assistance from the department shall be held confidential except as otherwise provided in subsection 5:

a. The name and address of an individual receiving services or assistance from the department, and the type of services or amount of assistance provided.

b. Information concerning the social or economic conditions or circumstances of an individual who is receiving or has received services or assistance from the department.

c. An agency evaluation of information about an individual.

d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning an individual.

3. Information described in subsection 2 shall not be disclosed to or used by any person except for purposes of administration or evaluation of a program of services or assistance, and shall not, except as provided in subsection 5, be disclosed to or used by a person outside the department unless the person is subject to standards of confidentiality comparable to those imposed on the department by this section.

4. Nothing in this section shall restrict the disclosure or use of information regarding

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the cost, purpose, number of individuals served or assisted by, and results of any program administered by the department, and other general and statistical information, provided the information does not identify any particular individual served or assisted.

5. *a.* The general assembly finds and determines that the use and disclosure of information as provided in this subsection are for purposes directly connected with the administration of the programs of services and assistance referred to in this section and are essential for their proper administration.

b. Confidential information described in subsection 2 shall only be disclosed under the following circumstances:

(1) Upon written application to and with the approval of the director or the director's designee, confidential information described in subsection 2, paragraphs "*a*", "*b*", and "*c*", is required to be disclosed within the department and to a public official for use in connection with the department's or public official's duties relating to law enforcement, audits, the support and protection of children and families, and other purposes directly connected with the administration of the programs of services and assistance referred to in this section.

(2) If necessary for an individual to receive services, upon written application to and with the approval of the director or the director's designee, confidential information described in subsection 2 shall be disclosed to a state agency, or a person that is not subject to chapter 17A, and that is providing services to the individual pursuant to chapter 239B promoting independence and self-sufficiency through employment through the job opportunities and basic skills program.

(3) Information described in subsection 2, paragraphs "*a*", "*b*", and "*c*", in accordance with section 235A.15, subsection 10.

(4) To a multidisciplinary team as defined in section 235A.13, subsection 9, if the department approves the composition of the multidisciplinary team and the team's sole focus is identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking as defined in section 710A.1. Confidential information shall only be shared if a fully executed multidisciplinary agreement is in place between the department and the multidisciplinary team certifying that all confidential information shared between the parties to the multidisciplinary agreement shall be used solely for identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking.

c. It shall be unlawful for any person to solicit, disclose, receive, use, or to authorize or knowingly permit, participate in, or acquiesce in the use of any information obtained from any such report or record for commercial or political purposes.

6. If the director or the director's designee finds that any provision of this section will cause a program of services or assistance referred to in this section to be ineligible for federal funds, such provision shall be limited or restricted to the extent which is essential to make such program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, any rules necessary to implement this subsection.

7. This section shall apply to an individual receiving assistance pursuant to chapter 252. Any report required to be prepared by the department under this section regarding assistance or services provided pursuant to chapter 252 shall be prepared by the individual appointed pursuant to section 252.26.

8. An individual that violates this section commits a serious misdemeanor.

9. This section shall take precedence over section 17A.12, subsection 7.

[C39, §**3828.047;** C46, 50, 54, 58, §239.10, 241.25, 249.44; C62, 66, §239.10, 241.25, 241A.16, 249.44, 249A.18; C71, 73, §239.10, 241.25, 241A.16, 249.44, 249A.8; C75, 77, 79, 81, §217.30]

93 Acts, ch 54, §1; 93 Acts, ch 97, §8; 97 Acts, ch 41, §32; 2000 Acts, ch 1088, §1; 2000 Acts, ch 1123, §1; 2004 Acts, ch 1153, §1; 2008 Acts, ch 1072, §2; 2013 Acts, ch 90, §43; 2019 Acts, ch 125, §1; 2024 Acts, ch 1182, §152, 153; 2025 Acts, ch 30, §43

Referred to in §135G.12, 135H.13, 217.31, 232.71D, 235A.15, 235A.17, 235A.24, 237.9, 237.21, 239B.8, 299.13

For requirement to make available requested record of reasons for excluding child from attending a hearing or meeting, see §232.91

217.31 Action for damages.

1. Any person may institute a civil action for damages under chapter 669 or to restrain the

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dissemination of confidential records set out in section 217.30, subsection 2, paragraph *"b"*, *"c"*, or *"d"*, in violation of that section, and any person, agency, or governmental body proven to have disseminated or to have requested and received confidential records in violation of section 217.30, subsection 2, paragraph *"b"*, *"c"*, or *"d"*, shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

2. Any reasonable grounds that a public employee has violated any provision of section 217.30 shall be grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

[C75, 77, 79, 81, §217.31]

2013 Acts, ch 90, §44; 2019 Acts, ch 125, §2; 2026 Acts, ch 1040, §36
Subsection 1 amended

217.31A Internal audits and examinations.

1. An internal audit or examination conducted by or on behalf of the department shall be conducted in accordance with the most recent global internal audit standards published by the institute of internal auditors.

2. Information created or received by the department in the course of an internal audit or examination conducted by or on behalf of the department, including any allegations of misconduct or noncompliance, and all internal audit or examination workpapers, shall be treated as confidential.

3. Subsection 2 shall not be construed to limit the auditor of state's access to information the auditor of state is authorized to access under section 11.41. Any information treated as confidential under subsection 2 and shared by the department with the auditor of state shall not be disclosed by the auditor of state unless any of the following conditions apply:

a. The director authorizes such disclosure in writing.

b. The information is contained in the department's final report for the internal audit or examination.

2025 Acts, ch 135, §46

217.32 Office space in county.

When the department assigns personnel to an office located in a county for the purpose of performing in that county designated eligibility for economic and medical assistance programs and protective services duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county. The department shall at least annually, or more frequently if the department elects, reimburse the county for a portion, designated by law, of the cost of maintaining office space and providing supplies and equipment as required by this section, and also for a similar portion of the cost of providing the necessary office space if in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. The portion of the costs reimbursed to the county under this section shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.

[C75, 77, 79, 81, §217.32]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §338

217.33 Legal services.

The director pursuant to a state plan funded in part by the federal government may provide services for eligible persons by contract with nonprofit legal aid organizations.

[C77, 79, 81, §217.33]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §339

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217.34 Debt setoff.

The investigations division of the department of inspections, appeals, and licensing and the department shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph *"a"*, subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department. The department of inspections, appeals, and licensing, with approval of the department, shall adopt rules under chapter 17A necessary to assist the department of revenue in the implementation of the setoff under section 421.65 in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department shall adopt rules under chapter 17A necessary to assist the department of revenue in the implementation of the setoff under section 421.65, in regard to collections by child support services.

83 Acts, ch 96, §160; 83 Acts, ch 153, §2; 89 Acts, ch 250, §1; 2003 Acts, ch 145, §209; 2011 Acts, ch 120, §2; 2013 Acts, ch 138, §122, 127; 2020 Acts, ch 1064, §9, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §340, 1920; 2024 Acts, ch 1182, §154

217.35 Fraud and recoupment activities.

Notwithstanding the requirement for deposit of recovered moneys under section 239B.14, recovered moneys generated through fraud and recoupment activities are appropriated to the department to be used for additional fraud and recoupment activities performed by the department or the department of inspections, appeals, and licensing. The department may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

1. The director determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.

2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

2005 Acts, ch 175, §92; 2023 Acts, ch 19, §341, 1921

217.36 Distribution of earned income tax credit information.

1. The department shall ensure that educational materials relating to the federal and state earned income tax credits are provided in accordance with this section to each household receiving assistance or benefits under:

a. The Hawki program under chapter 514I.

b. The family investment program under chapter 239B.

c. The medical assistance program under chapter 249A.

d. The food programs defined in section 234.1 which are administered by the department.

e. Any other appropriate programs administered by, or under the oversight of, the department.

2. The department shall, by mail or through the internet, provide a household described in subsection 1 with access to:

a. Internal revenue service publications relating to the federal earned income tax credit.

b. Department of revenue publications relating to the state earned income tax credit.

c. Information prepared by tax preparers who provide volunteer or free federal or state income tax preparation services to low-income and other eligible persons and who are located in close geographic proximity to the person.

3. In January of each year, the department or a representative of the department shall mail to each household described in subsection 1 information about the federal and state earned income tax credit that provides the household with referrals to the resources described in subsection 2.

4. The mailings required by the department under this section do not have to be made as

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a separate mailing but may be included in existing mailings being made to the appropriate households.

2008 Acts, ch 1157, §1; 2023 Acts, ch 19, §342

217.37 Recovery of payment — assignment of liens — county attorney to enforce.

1. For purposes of this section, *"assistance"* means all of the following:

a. A payment by the state for services rendered through the behavioral health service system established under section 225A.3.

b. A payment by the state for aging and disability services rendered in accordance with chapter 231.

2. The department shall have the authority to investigate if a person is eligible to have assistance paid on the person's behalf and whether payment of assistance was proper.

3. Notwithstanding any provision of law to the contrary, assistance shall not be recoverable unless the department finds that the assistance was paid for the benefit of a person who was not entitled to have assistance paid on the person's behalf.

4. Assistance paid for the benefit of a person who was not entitled to have assistance paid on the person's behalf shall be recoverable from the entity to which the assistance was paid, from the person on whose behalf assistance was paid, or from a third party who is liable for the person's debts or support.

5. Upon the death of a person who was not entitled to have assistance paid on the person's behalf, the department shall have a lien equivalent in priority to liens described in section 633.425, subsection 6, against the person's estate for the portion of the assistance improperly paid which the department had not recovered at the time of the person's death.

6. The department may waive all or a portion of improperly paid assistance, or a lien created under subsection 5, if the department finds that collection would result in undue hardship.

7. The department shall adopt rules pursuant to chapter 17A to implement and administer this section.

2024 Acts, ch 1161, §32, 137

217.38 Restitution to individuals of Japanese ancestry.

Notwithstanding any other law of this state, payments paid to an eligible individual of Japanese ancestry under section 105 of the Civil Liberties Act of 1988, Pub. L. No. 100-383, Tit. I, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements and liens, except liens for child support, are not enforceable against these sums for any reason.

89 Acts, ch 285, §1; 2010 Acts, ch 1061, §180

217.39 Persecuted victims of World War II — reparations — heirs.

Notwithstanding any other law of this state, payments paid to and income from lost property of a victim of persecution for racial, ethnic, or religious reasons by Nazi Germany or any other Axis regime or as an heir of such victim which is described in section 422.7, subsection 35, Code 2018, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements, and liens, except liens for child support, are not enforceable against these sums for any reason.

2000 Acts, ch 1103, §1, 3; 2018 Acts, ch 1161, §100, 133, 134; 2021 Acts, ch 177, §1

217.40 Training for guardians and conservators.

The department, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the protected person, and how to best serve the protected person and the protected person's interests.

89 Acts, ch 178, §2; 2023 Acts, ch 19, §343; 2024 Acts, ch 1009, §35

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217.41 Refugee services foundation.

1. The department shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under chapter 504.

2. The foundation shall be created in a manner so that donations and bequests to the foundation qualify as tax deductible under federal and state income tax laws. The foundation is not a state agency and shall not exercise sovereign power of the state. The state is not liable for any debts of the foundation.

3. The refugee services foundation shall have a board of directors of five members. One member shall be appointed by the governor and four members shall be appointed by the director. Members of the board shall serve three-year terms beginning on July 1, and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two members appointed by the director shall be of the same gender or of the same political party.

4. The refugee services foundation may accept and administer trusts deemed by the board to be beneficial. Notwithstanding section 633.63, the foundation may act as trustee of such a trust.

2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §146; 2005 Acts, ch 3, §50; 2023 Acts, ch 19, §344

217.41A Electronic health records system task force. Repealed by 2008 Acts, ch 1188, §28.

217.41B State family planning services program — establishment — discontinuation of Medicaid family planning network waiver.

1. The department shall discontinue the Medicaid family planning network waiver effective July 1, 2017, and shall instead establish a state family planning services program. The state program shall replicate the eligibility requirements and other provisions included in the Medicaid family planning network waiver as approved by the centers for Medicare and Medicaid services of the United States department of health and human services in effect on June 30, 2017.

2. Distribution of family planning services program funds under this section shall be made in a manner that continues access to family planning services.

3. *a.* (1) Distribution of family planning services program funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed, which shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

(2) The department shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location.

(3) For the purposes of this section, *"nonprofit health care delivery system"* means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

b. For the purposes of this section, *"abortion"* does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

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4. Family planning services program funds distributed in accordance with this section shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing abortions as specified in subsection 3.

2017 Acts, ch 174, §90, 92; 2018 Acts, ch 1165, §83; 2023 Acts, ch 19, §345, 346

217.41C More options for maternal support program.

1. *a.* The department shall create the more options for maternal support program, a statewide program to promote healthy pregnancies and childbirth through nonprofit organizations that provide pregnancy support services.

b. The more options for maternal support program is designed to do all of the following:

(1) Provide an approach and personalized support to pregnant women to provide stabilization to families.

(2) Promote improved pregnancy outcomes, including reducing abortions, by helping women practice sound health-related behaviors and improve prenatal nutrition.

(3) Improve child health and development by helping parents provide responsible and competent care for their children.

(4) Improve family economic self-sufficiency by linking parents to services that address individual economic and social needs.

c. For the purposes of this section:

(1) *"Pregnancy support services"* means those nonmedical services that promote childbirth by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.

(2) *"Provider of pregnancy support services"* or *"provider"* means a nonprofit organization that provides pregnancy support services under contract with the program administrator or the department.

2. The program may provide and support all of the following pregnancy support services:

a. Nutritional services and education.

b. Housing, education, and employment assistance during pregnancy and up to one year following a birth.

c. Adoption education, planning, and services.

d. Child care assistance if necessary for a pregnant woman to receive pregnancy support services.

e. Parenting education and support services for up to one year following a child's birth.

f. Material items which are supportive of pregnancy and childbirth including but not limited to cribs, car seats, clothing, diapers, formula, or other safety devices.

g. Information regarding health care benefits, including but not limited to available Medicaid coverage for pregnancy care and health care coverage for a child following birth.

h. A call center for information or to schedule appointments.

i. Medical information and referrals for medical care, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screenings, ultrasound services, prenatal care, and birth classes and planning.

j. Counseling, mentoring, educational information, and classes relating to pregnancy, parenting, adoption, life skills, and employment readiness.

3. The department may administer the program directly through providers of pregnancy support services or may issue a request for proposals to select a program administrator for the program. If the department issues a request for proposals and selects a program administrator, the program administrator shall meet all of the following requirements:

a. Be a nonprofit entity incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Create and maintain, and have systems and processes in place to successfully manage, a statewide network of providers of pregnancy support services.

c. Have a commitment to promoting healthy pregnancies and childbirth instead of abortion as a fundamental part of the program administrator's mission.

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d. Maintain records for each provider of pregnancy support services.

e. Monitor compliance with the terms and conditions of a contract with a provider of pregnancy support services.

4. A provider of pregnancy support services under the program shall meet all of the following requirements:

a. Be a nonprofit organization incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Have a minimum of one year of operational experience in providing core pregnancy support services.

c. Have a primary mission of promoting healthy pregnancies and childbirth instead of abortion.

d. Have a system of financial accountability consistent with generally accepted accounting principles, including an annual budget.

e. Have a board that hires and supervises a director who manages the organization's operations.

f. Offer, at a minimum, counseling or services for women who are or may be experiencing unplanned pregnancies.

g. Provide confidential and free pregnancy support services and other program services.

h. Provide each pregnant woman with accurate information on the developmental characteristics of unborn children and babies.

i. Ensure that program funds are not used to provide or refer pregnant women for terminations of pregnancy, or to encourage or affirmatively counsel a pregnant woman to terminate a pregnancy unless the pregnant woman's attending physician confirms the termination of pregnancy is medically necessary to prevent the pregnant woman's death.

j. Maintain confidentiality of all data, files, and records related to the pregnancy support services provided to persons accessing the pregnancy support services through the program in compliance with state and federal laws.

5. The department shall adopt rules pursuant to chapter 17A to administer the program. If the department selects a program administrator through a request for proposals process, the department shall provide technical assistance to the program administrator, monitor the program administrator for adherence to state and federal requirements, and collect and maintain program data.

6. Beginning October 1, 2024, and on or before October 1 annually thereafter, the department shall submit to the general assembly the following program information relative to the prior fiscal year:

a. The total number of providers of pregnancy support services by geographical region and the total number of unduplicated clients served by each provider by gender and age.

b. A description of outreach efforts by an administrator, providers of pregnancy support services, and the department.

c. Total program expenditures.

d. The amounts attributable to any program administrator contract and to each contract with a provider of pregnancy support services.

e. The outcomes based on outcome measures included in the contracts with any program administrator and each provider of pregnancy support services.

2022 Acts, ch 1131, §67; 2023 Acts, ch 19, §347 – 350; 2024 Acts, ch 1016, §1 – 3

2024 amendment applies retroactively to July 1, 2022; 2024 Acts, ch 1016, §3

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SUBCHAPTER II

DEPARTMENT SERVICES ORGANIZATION

217.42 County offices.

1. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county,

the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

2. A county or group of counties may voluntarily enter into a chapter 28E agreement with the department to provide funding or staff persons to deliver field services in county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

92 Acts, ch 1079, §1; 2001 Acts, 2nd Ex, ch 4, §1, 9; 2010 Acts, ch 1031, §296, 401, 402; 2023 Acts, ch 19, §351

217.43 County advisory boards — location of county offices.

1. *a.* The department shall establish one or more advisory boards. Each of the county boards of supervisors shall appoint two advisory board members. All of the following requirements apply to the appointments made by a county board of supervisors:

(1) The membership shall be appointed in accordance with section 4A.12, relating to political affiliation.

(2) Not more than one of the members shall be a member of the board of supervisors.

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the department. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery.

3. The department shall determine the community in which each county office will be located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

92 Acts, ch 1079, §2; 93 Acts, ch 54, §2; 2001 Acts, 2nd Ex, ch 4, §2, 9; 2020 Acts, ch 1062, §27; 2023 Acts, ch 19, §352; 2024 Acts, ch 1004, §28

Referred to in §251.3, 251.5, 331.321, 331.323
Emergency relief duties of advisory board, see §251.5

217.44 Department offices — employee and volunteer record checks.

1. The record check evaluation system of the department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in department offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the record check evaluation system may conduct these checks in other states. If the record check evaluation system determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The record check evaluation system may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the record check

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evaluation system's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department office in a position having direct contact with the department's clients.

2000 Acts, ch 1112, §52; 2001 Acts, 2nd Ex, ch 4, §3, 9; 2023 Acts, ch 19, §353

217.45 Background investigations.

1. A background investigation may be conducted by the department on all of the following individuals:

a. An applicant for employment with the department.

b. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department.

2. An individual subject to this section shall authorize the release of the results of all of the following:

a. A work history.

b. A state criminal history background check.

c. A national criminal history check through the federal bureau of investigation.

3. An individual subject to this section shall provide the individual's fingerprints to the department. The department shall request the national criminal history check and shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation.

4. The department shall pay the actual cost of the fingerprinting and the national criminal history check, if any, unless otherwise agreed to as part of a vendor contract or other contract with the department.

5. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department may be subject to a background investigation by the department at least once every ten years after the date of the initial contract with the contractor or vendor or initial date of hire of the employee.

6. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22.

2017 Acts, ch 57, §1; 2023 Acts, ch 19, §354

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CHAPTER 217A

PARENTAL INVOLVEMENT

Repealed by 2006 Acts, ch 1030, §87

CHAPTER 218

INSTITUTIONS GOVERNED BY DEPARTMENT OF HEALTH AND HUMAN SERVICES

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218.21 Record of residents.
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218.55 Purchase from an institution.
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218.98 Canteen maintained.
218.99 Counties to be notified of personal accounts. Repealed by 2024 Acts, ch 1161, §135, 137.
218.100 Central warehouse and supply depot.

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218.1 Institutions controlled.

The director shall have the general and full authority given under statute to control, manage, direct, and operate the following institutions under the director's jurisdiction, and may at the director's discretion assign the powers and authorities given the director by statute to a superintendent:

1. Glenwood state resource center.
2. Woodward state resource center.
3. Mental health institute, Cherokee, Iowa.
4. Mental health institute, Independence, Iowa.
5. State training school.

6. Other facilities not attached to the campus of the main institution as program developments require.

[S13, §2727-a8, -a77; SS15, §2713-n2, 2727-a96; C24, 27, 31, 35, 39, §**3287;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.1; 81 Acts, ch 73, §1; 82 Acts, ch 1260, §18]

83 Acts, ch 96, §66, 157, 159; 83 Acts, ch 101, §37; 92 Acts, ch 1140, §21; 2000 Acts, ch 1112, §1, 45; 2019 Acts, ch 100, §1; 2023 Acts, ch 19, §355

Referred to in §218.2, 218.3, 232.69, 234.1, 237.4, 237C.1, 280.16, 282.33, 357H.1, 708.3A, 709.16

218.2 Powers of governor — report of abuses.

1. Nothing contained in section 218.1 shall limit the general supervisory or examining powers vested in the governor by the laws or Constitution of the State of Iowa, or legally vested by the governor in any committee appointed by the governor.

2. The superintendent to whom primary responsibility for a particular institution has been assigned shall make reports to the director as requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

[S13, §2727-a9, -a18; C24, 27, 31, 35, 39, §**3288, 3289;** C46, 50, 54, 58, 62, 66, §218.2, 218.3; C71, 73, 75, 77, 79, 81, §218.2]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §2; 2006 Acts, ch 1010, §67; 2019 Acts, ch 24, §104; 2020 Acts, ch 1062, §28; 2023 Acts, ch 19, §356

218.3 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Council"* means the council on health and human services.
2. *"Department"* means the department of health and human services.
3. *"Director"* means the director of health and human services.
4. *"Institution"* means an institution listed in section 218.1.
5. *"Resident"* means a person committed or admitted to an institution and is synonymous with patient, as appropriate to the institution.
6. *"Superintendent"* means the person to whom primary responsibility for a particular institution has been assigned.

[C71, 73, 75, 77, 79, 81, §218.3; 81 Acts, ch 78, §20, 24; 82 Acts, ch 1260, §19]

83 Acts, ch 96, §67, 157, 159; 83 Acts, ch 101, §38; 91 Acts, ch 258, §36; 94 Acts, ch 1170, §29; 2000 Acts, ch 1112, §3; 2023 Acts, ch 19, §357

218.4 Recommendation for rules.

1. The department shall adopt rules not inconsistent with law as necessary for the management of the institutions and the admission, treatment, care, custody, education and discharge of residents. It is the duty of the department to establish rules by which danger to life and property from fire will be minimized. The department may require any appointees to perform duties in addition to those required by statute.

2. Rules adopted by the department pursuant to chapter 17A shall be uniform and shall apply to all institutions under the department's jurisdiction. The primary rules for use in institutions where persons with mental illness are served shall, unless otherwise indicated, uniformly apply to county or private hospitals in which persons with mental illness are served, but the rules shall not interfere with proper medical treatment administered to such persons by competent physicians. Annually, signed copies of the rules shall be sent to the superintendent of each institution. Copies shall also be sent to the clerk of each district court, the chairperson of the board of supervisors of each county and, as appropriate, to the officer in charge of institutions or hospitals caring for persons with mental illness in each county who shall be responsible for seeing that the rules are posted in each institution or hospital in a prominent place. The rules shall be kept current to meet the public need and shall be revised and published annually.

3. The department of inspections, appeals, and licensing shall cause to be made an annual

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inspection of all the institutions and shall provide a written report of each inspection to the department.

[S13, §2727-a30, -a48, 5718-a3; SS15, §2727-a50, -a96; C24, 27, 31, 35, 39, §**3290;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.4]

83 Acts, ch 96, §157, 159, 160; 94 Acts, ch 1170, §30; 2000 Acts, ch 1112, §4; 2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §57; 2023 Acts, ch 19, §358, 1639; 2024 Acts, ch 1170, §407

218.5 Fire protection contracts.

The department may enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under the department's primary control, located in any municipal corporation or in territory contiguous to the municipal corporation, upon terms as may be agreed upon.

[C31, 35, §3290-d1; C39, §**3290.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.5]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §5; 2023 Acts, ch 19, §359

218.6 Transfer of appropriations made to institutions.

1. Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director may transfer funds between the appropriations made for the institutions, listed as follows:

a. The state resource centers.

b. The state mental health institutes.

c. The state training school.

d. The civil commitment unit for sexual offenders.

2. The department shall report any transfer made pursuant to subsection 1 during a fiscal quarter to the legislative services agency within thirty days of the beginning of the subsequent fiscal quarter.

2005 Acts, ch 175, §93; 2017 Acts, ch 174, §110; 2018 Acts, ch 1165, §121; 2023 Acts, ch 19, §360

Referred to in §229A.5C

218.7 and 218.8 Reserved.

218.9 Appointment of superintendents.

1. The director shall appoint the superintendent of the institution. The tenure of office of a superintendent shall be at the pleasure of the director. The director may transfer a superintendent from one institution to another.

2. The superintendent shall have immediate custody and control, subject to the orders and policies of the director, of all property used in connection with the institution except as provided in this chapter.

[S13, §2727-a24; C24, 27, 31, 35, 39, §**3292;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.9; 81 Acts, ch 27, §3, ch 73, §2, ch 78, §20, 25; 82 Acts, ch 1260, §20]

83 Acts, ch 96, §68, 157, 159; 83 Acts, ch 101, §39; 84 Acts, ch 1277, §17; 90 Acts, ch 1239, §4; 94 Acts, ch 1170, §31; 2000 Acts, ch 1112, §6; 2018 Acts, ch 1041, §58; 2019 Acts, ch 59, §61; 2023 Acts, ch 19, §361

218.10 Subordinate officers and employees.

The director shall determine the number of subordinate officers and employees for the institution. Subject to this chapter, the officers and employees shall be appointed and discharged by the superintendent or the superintendent's designee pursuant to chapter 8A, subchapter IV. The superintendent shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons for discharge.

[S13, §2727-a37; SS15, §2713-n2, 2727-a96; C24, 27, 31, 35, 39, §**3293;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.10]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1245, §260; 2000 Acts, ch 1112, §7; 2003 Acts, ch 145, §210; 2023 Acts, ch 19, §362

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218.11 Interagency case information service. Repealed by 2013 Acts, ch 19, §2.

218.12 Bonds.

Each officer and employee of an institution charged with the custody or control of any money or property belonging to the state shall provide an official bond, properly conditioned, and signed by sufficient sureties in a sum to be fixed by the director, which bond shall be approved by the director, and filed in the office of the secretary of state.

[S13, §2727-a31; C24, 27, 31, 35, 39, §**3295;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.12]

2023 Acts, ch 19, §363

218.13 Record checks.

1. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment or residence in the facility. The record check evaluation system shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. If the record check evaluation system determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the record check evaluation system's conditions relating to employment or residence which may include completion of additional training.

4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

91 Acts, ch 138, §3; 97 Acts, ch 169, §12; 2023 Acts, ch 19, §364

Referred to in §235A.15

218.14 Dwelling of superintendent or other employee.

1. The director may furnish the superintendent of the institution, in addition to salary, with a dwelling or with appropriate quarters in lieu of the dwelling, or may compensate the superintendent of the institution in lieu of furnishing a dwelling or quarters. If the superintendent of the institution is furnished with a dwelling or quarters, either of which is owned by the state, the superintendent may also be furnished with water, heat, and electricity.

2. The director may furnish assistant superintendents or other employees, or both, with a dwelling or with appropriate quarters, owned by the state. The assistant superintendent or employee, who is so furnished, shall pay rent for the dwelling or quarters in an amount to be determined by the director, which shall be the fair market rental value of the dwelling or

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quarters. If an assistant superintendent or employee is furnished with a dwelling or quarters, either of which is owned by the state, the assistant superintendent or employee may also be furnished with water, heat, and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the dwelling or quarters.

[S13, §2727-a38; SS15, §2713-n2, 2727-a96, 5717; C24, 27, 31, 35, 39, §**3297, 3746;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §218.14, 246.7; C81, §218.14]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §8; 2023 Acts, ch 19, §365

Similar provisions, see §904.305

218.15 Salaries — how paid.

The salaries and wages shall be included in the semimonthly payrolls and paid in the same manner as other expenses of the institutions.

[S13, §2727-a38; C24, 27, 31, 35, 39, §**3298;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.15]

2023 Acts, ch 19, §366

218.16 Reserved.

218.17 Authorized leave.

Vacations and sick leave with pay as authorized in section 70A.1 shall only be taken at such times as the superintendent or the superintendent's designee in charge of an officer or employee, as the case may be, may direct, and only after written authorization by the superintendent or the superintendent's designee, and for the number of days specified in the authorization. A copy of the authorization shall be attached to the institution's copy of the payroll of the institution, for audit purposes, for the period during which the vacation was taken, and the semimonthly payroll shall show the number of days the person was absent under the authorization.

[S13, §2727-a74c, -a74d; C24, 27, 31, 35, 39, §**3300;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.17]

2000 Acts, ch 1112, §9; 2023 Acts, ch 19, §367

218.18 Reserved.

218.19 Districts. Repealed by 2023 Acts, ch 19, §1357.

218.20 Place of commitments — transfers. Repealed by 2023 Acts, ch 19, §1357.

218.21 Record of residents.

The director shall, as to every person committed to any of the institutions, keep the following record:

1. Name.
2. Residence.
3. Sex.
4. Age.
5. Nativity.
6. Occupation.
7. Civil condition.
8. Date of entrance or commitment.
9. Date of discharge.
10. Whether a discharge was final.
11. Condition of the person when discharged.
12. The name of the institutions from which and to which such person has been transferred.

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13. If deceased, the date and cause of the person's death.

[S13, §2727-a22; C24, 27, 31, 35, 39, §**3304;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.21]

83 Acts, ch 96, §157, 159, 160; 2018 Acts, ch 1041, §59; 2023 Acts, ch 19, §368

Referred to in §218.22

218.22 Record privileged.

Except with the consent of the director, or on an order of a court of record, the record provided in section 218.21 shall be accessible only to the director and to assistants and proper clerks authorized by the director. The director may permit the department of administrative services to copy or reproduce by any photographic, photostatic, microfilm, microcard, or other process which accurately reproduces a durable medium for reproducing the original and to destroy in the manner described by law such records of residents designated in section 218.21.

[S13, §2727-a22; C24, 27, 31, 35, 39, §**3305;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.22]

83 Acts, ch 96, §157, 159, 160; 93 Acts, ch 48, §11; 2011 Acts, ch 132, §40, 106; 2023 Acts, ch 19, §369, 1401

218.23 Reports to director.

The superintendent of an institution shall, within ten days after the commitment or entrance of a person to the institution, cause a true copy of the person's entrance record to be made and forwarded to the director or the director's designee. When a resident leaves, or is discharged or transferred from, or dies in an institution, the superintendent or person in charge shall within ten days after that date send the information to the director or the director's designee on forms which the director prescribes.

[S13, §2727-a22; C24, 27, 31, 35, 39, §**3306;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.23]

83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §12; 2023 Acts, ch 19, §370

218.24 Questionable commitment.

The superintendent shall immediately notify the director if there is any question as to the propriety of the commitment or detention of any person received at an institution, and the director, upon notification, shall inquire into the matter presented, and take proper action.

[S13, §2727-a29; C24, 27, 31, 35, 39, §**3307;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.24]

2023 Acts, ch 19, §371

218.25 Religious beliefs.

The superintendent of an institution, receiving a person committed to the institution, shall inquire of the person as to the person's religious preference and enter the preference in the book kept for the purpose, and cause the person to sign the book.

[S13, §5718-a1; C24, 27, 31, 35, 39, §**3308;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.25]

2000 Acts, ch 1112, §13

218.26 Religious worship.

Any resident, during the time of the resident's detention, shall be allowed, for at least one hour weekly and in times of extreme sickness, and at such other suitable and reasonable times consistent with the resident's religious belief and proper discipline in the institution, to receive spiritual advice, instruction, and ministration from any recognized member of the clergy of the church or denomination which represents the resident's religious belief.

[S13, §5718-a1, -a2; C24, 27, 31, 35, 39, §**3309;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.26]

83 Acts, ch 96, §159, 160; 2023 Acts, ch 19, §372

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218.27 Religious belief of minors.

If a resident is a minor and has formed no choice, the minor's preference may, at any time, be expressed by the minor with the approval of parents or guardian, if the minor has a parent or guardian.

[S13, §5718-a3; C24, 27, 31, 35, 39, §**3310;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.27]

83 Acts, ch 96, §159, 160; 2023 Acts, ch 19, §373

218.28 Investigation.

The director or the director's designee shall visit, and minutely examine, at least once in six months, and more often if necessary or required by law, the institutions and the financial condition and management of the institutions.

[S13, §2727-a10, -a19; C24, 27, 31, 35, 39, §**3311;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.28]

83 Acts, ch 96, §157, 159; 2005 Acts, ch 3, §51; 2023 Acts, ch 19, §374

218.29 Scope of investigation.

The director or the director's designee shall, during such investigation and as far as possible, see every resident of each institution, especially those admitted since the director's or the director's designee's preceding visit, and shall give such residents suitable opportunity to converse with the director or the director's designee apart from the officers and attendants.

[S13, §2727-a19; C24, 27, 31, 35, 39, §**3312;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.29]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §375

218.30 Investigation of other facilities.

The director may investigate or cause the investigation of charges of abuse, neglect, or mismanagement on the part of an officer or employee of a private facility which is subject to the director's supervision or control.

[S13, §2727-a74b; C24, 27, 31, 35, 39, §**3313;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.30]

83 Acts, ch 96, §157, 159; 94 Acts, ch 1170, §32; 2000 Acts, ch 1112, §14; 2023 Acts, ch 19, §376; 2024 Acts, ch 1161, §33, 137

218.31 Witnesses.

In aid of any investigation, the department may summon and compel the attendance of witnesses; examine the witnesses under oath, which the director or the director's designee may administer; have access to all books, papers, and property material to such investigation; and order the production of any other books or papers material to the investigation. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

[S13, §2727-a10; C24, 27, 31, 35, 39, §**3314;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.31]

2021 Acts, ch 80, §108; 2022 Acts, ch 1032, §39; 2023 Acts, ch 19, §377

Referred to in §218.32

Witness fees, §622.69 – 622.75

218.32 Contempt.

Any person failing or refusing to obey the orders of the department issued under section 218.31, or to give or produce evidence when required, shall be reported by the department to the district court in the county where the offense occurs, and shall be dealt with by the court as for contempt of court.

[S13, §2727-a10; C24, 27, 31, 35, 39, §**3315;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.32]

2023 Acts, ch 19, §378

Contempts, chapter 665

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218.33 Transcript of testimony.

The department shall cause the testimony taken at such investigation to be transcribed and filed with the department within ten days after the testimony is taken, or as soon thereafter as practicable, and when filed the testimony shall be open for the inspection of any person.

[S13, §2727-a10; C24, 27, 31, 35, 39, §**3316;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.33]

2023 Acts, ch 19, §379

218.34 through 218.39 Reserved.

218.40 Services required. Repealed by 2023 Acts, ch 19, §1357.

218.41 Custody.

When a resident of an institution is working outside the institution proper, the resident is at all times in the actual custody of the superintendent of the institution.

[SS15, §5718-a11; C24, 27, 31, 35, 39, §**3324;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.41]

83 Acts, ch 96, §159, 160; 2023 Acts, ch 19, §380

218.42 Wages of residents.

If a resident performs services for the state at an institution, the department shall pay the resident a wage in accordance with federal wage and hour requirements. However, the wage amount shall not exceed the amount of the prevailing wage paid in the state for a like service or its equivalent.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §**3325;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.42]

83 Acts, ch 96, §159, 160; 95 Acts, ch 82, §1; 2023 Acts, ch 19, §381

Referred to in §218.43, 218.44

218.43 Deduction to pay court costs.

If wages are paid to a resident pursuant to section 218.42, the department may deduct from the wages an amount sufficient to pay all or a part of the costs taxed to the resident by reason of the resident's commitment to the institution. In such case the amount deducted shall be forwarded to the clerk of the district court or proper official.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §**3326;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.43]

83 Acts, ch 96, §159, 160; 2021 Acts, ch 80, §109; 2023 Acts, ch 19, §382

218.44 Wages paid to dependent — deposits.

If wages are paid to a resident pursuant to section 218.42, the department may pay all or any part of the wages directly to any dependent of the resident. The department may also deposit the wages to the account of the resident, or may deposit part of the wages and allow the resident a portion for the resident's own personal use, or may pay to the county of commitment all or any part of the resident's care, treatment, or subsistence while at the institution from any credit balance accruing to the account of the resident.

[SS15, §5718-a11a; C24, 27, 31, 35, 39, §**3327;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.44]

83 Acts, ch 96, §159, 160; 2021 Acts, ch 80, §110; 2022 Acts, ch 1032, §40; 2023 Acts, ch 19, §383

218.45 Conferences.

Quarterly conferences of the superintendents of the institutions shall be held with the director at Des Moines or at institutions under the director's jurisdiction, for the consideration of all matters relative to the management of the institutions. Full minutes of

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the conferences shall be preserved in the records of the department. The director may cause papers on appropriate subjects to be prepared and presented at the conferences.

[S13, §2727-a20; C24, 27, 31, 35, 39, §**3328;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.45]

2000 Acts, ch 1112, §15; 2023 Acts, ch 19, §384

218.46 Scientific investigation.

1. The director shall encourage the scientific investigation, on the part of the superintendent and medical staff of the institution, as to the most successful methods of institutional management and treatment of the persons committed to the institution. In addition, the department shall procure and furnish to the superintendent and medical staff information relative to such management and treatment and publish bulletins and reports of scientific and clinical work done in that type of institution.

2. The department may provide services and facilities for the scientific observation, rechecking, and treatment of persons with mental illness within the state. Application by, or on behalf of, any person for such services and facilities shall be made to the director on forms furnished by the department. The time and place of admission of any person to outpatient or clinical services and facilities for scientific observation, rechecking, and treatment and the use of such services and facilities for the benefit of persons who have already been hospitalized for psychiatric evaluation and appropriate treatment or involuntarily hospitalized as seriously mentally ill shall be in accordance with rules and regulations adopted by the department.

[S13, §2727-a27; C24, 27, 31, 35, 39, §**3329;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.46]

83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §16; 2023 Acts, ch 19, §385

Publications; §7A.27

218.47 Monthly report.

The superintendent of each institution or the superintendent's designee shall, on the first day of each month, account to the director or the director's designee for all state funds received during the preceding month, and at the same time remit the accounting to the treasurer of state.

[S13, §2727-a40; C24, 27, 31, 35, 39, §**3330;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.47]

2000 Acts, ch 1112, §17; 2023 Acts, ch 19, §386

218.48 Annual reports.

The superintendent of each institution or the superintendent's designee shall make an annual report to the director and include in the report a detailed and accurate inventory of the stock and supplies on hand, and their amount and value, under the following headings:

1. Livestock.
2. Farm produce on hand.
3. Vehicles.
4. Agricultural implements.
5. Machinery.
6. Mechanical fixtures.
7. Real estate.
8. Furniture.
9. Bedding in residents' department.
10. State property in superintendent's department.
11. Clothing.
12. Dry goods.
13. Provisions and groceries.
14. Drugs and medicine.
15. Fuel.

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16. Library.
17. All other state property under appropriate headings to be determined by the director.

[S13, §2705-b, 2727-a32; C24, 27, 31, 35, 39, §**3331;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.48]

2000 Acts, ch 1112, §18; 2017 Acts, ch 29, §52; 2023 Acts, ch 19, §387

218.49 Contingent fund.

The director may permit the superintendent of each institution or the superintendent's designee to retain a stated amount of funds under the superintendent's or superintendent's designee's supervision as a contingent fund for the payment of freight, postage, commodities purchased on authority of the particular superintendent involved on a cash basis, salaries, and bills granting discount for cash.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §**3332;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.49]

2000 Acts, ch 1112, §19; 2023 Acts, ch 19, §388

218.50 Requisition for contingent fund.

If necessary, the director shall make proper requisition upon the director of the department of administrative services for a warrant on the state treasurer to secure the contingent fund for each institution.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §**3333;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.50]

83 Acts, ch 96, §157, 159; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §389

218.51 Monthly reports of contingent fund.

A monthly report of the status of the contingent fund shall be submitted by the superintendent of each institution or the superintendent's designee to the director or the director's designee in accordance with applicable rules established by the director.

[SS15, §2727-a44; C24, 27, 31, 35, 39, §**3334;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.51]

2023 Acts, ch 19, §390

218.52 Supplies — competition.

The department shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

[S13, §2727-a46; SS15, §2727-a50; C24, 27, 31, 35, 39, §**3335;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.52]

2023 Acts, ch 19, §391

Preference to Iowa products, §8A.311, 73.1 et seq.

218.53 Dealers may file addresses. Repealed by 2023 Acts, ch 19, §1357.

218.54 Samples preserved. Repealed by 2023 Acts, ch 19, §1357.

218.55 Purchase from an institution.

The department may purchase supplies of any institution for use in any other institution, and reasonable payment for the supplies shall be made as in the case of other purchases.

[S13, §2727-a47; C24, 27, 31, 35, 39, §**3338;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.55]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §20; 2023 Acts, ch 19, §392

218.56 Purchase of supplies — vendor warrants.

1. The department shall adopt and make of record rules and regulations governing the purchase of all articles and supplies needed at the various institutions and the form and verification of vouchers for such purchases.

UNOFFICIAL VERSION 2027 EARLY RELEASE

2. The department shall mail vendor warrants for the department of corrections.

[S13, §2727-a41, -a42, -a49; C24, 27, 31, 35, 39, §**3339;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.56]

90 Acts, ch 1247, §4; 2019 Acts, ch 59, §63; 2023 Acts, ch 19, §393

218.57 Combining appropriations.

The director of the department of administrative services may combine the balances carried in all specific appropriations into a special account for each institution, except that the support fund for each institution shall be carried as a separate account.

[S13, §2727-a43; C24, 27, 31, 35, 39, §**3344;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.57]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §21; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §394

218.58 Construction, repair, and improvement projects — emergencies.

The department shall work with the department of administrative services to accomplish the following responsibilities:

1. The department shall prepare and submit to the director of the department of management, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the institutions.

2. The department shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects costing over the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a licensed architect or licensed professional engineer. Plans and specifications shall not be adopted and a project shall not proceed if the project would require an expenditure of money in excess of the appropriation.

3. The department of administrative services shall comply with the competitive bid procedures in chapter 26 to let all contracts under chapter 8A, subchapter III, for authorized construction, repair, or improvement of departmental buildings, grounds, or equipment.

4. If the director and the director of the department of administrative services determine that emergency repairs or improvements estimated to cost more than the competitive bid threshold in section 26.3, or as established in section 314.1B are necessary to assure the continued operation of a departmental institution, the requirements of subsections 2 and 3 for preparation of plans and specifications and competitive procurement procedures are waived. A determination of necessity for waiver by the director and the director of the department of administrative services shall be in writing and shall be entered in the project record for emergency repairs or improvements. Emergency repairs or improvements shall be accomplished using plans and specifications and competitive quotation or bid procedures, as applicable, to the greatest extent possible, considering the necessity for rapid completion of the project. A waiver of the requirements of subsections 2 and 3 does not authorize an expenditure in excess of an amount otherwise authorized for the repair or improvement.

5. A claim for payment relating to a project shall be itemized on a voucher form pursuant to section 8A.514, certified by the claimant and the architect or engineer in charge, and audited and approved by the department of administrative services. Upon approval by the department of administrative services, the director of the department of administrative services shall draw a warrant to be paid by the treasurer of state from funds appropriated for the project. A partial payment made before completion of the project does not constitute final acceptance of the work or a waiver of any defect in the work.

6. Subject to the prior approval of the director or the director's designee, minor projects costing five thousand dollars or less may be authorized and completed by the superintendent of the institution through the use of day labor.

84 Acts, ch 1256, §1; 86 Acts, ch 1245, §314; 2003 Acts, ch 145, §211, 286; 2006 Acts, ch 1017, §23, 42, 43; 2007 Acts, ch 126, §44; 2017 Acts, ch 131, §7; 2023 Acts, ch 19, §395

UNOFFICIAL VERSION: NOT FOR PUBLIC RELEASE

218.59 through 218.63 Reserved.

218.64 Investigation of death.

Upon the death of a resident of an institution, the county medical examiner shall conduct a preliminary investigation of the death as provided in section 331.802. The cost of the preliminary investigation shall be paid by the department.

2008 Acts, ch 1187, §134; 2023 Acts, ch 19, §396

Referred to in §222.12, 226.34, 331.802

218.65 Property of deceased resident.

The department shall, upon the death of any resident, immediately take possession of all property of the deceased left at the institution, and deliver the property to the duly appointed and qualified representative of the deceased.

[S13, §2727-a72; C24, 27, 31, 35, 39, §**3352;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.65]

83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §22; 2023 Acts, ch 19, §397

218.66 Property of small value.

If administration is not granted within one year from the date of the death of the decedent, and the value of the estate of the decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

[S13, §2727-a72; C24, 27, 31, 35, 39, §**3353;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.66]

2023 Acts, ch 19, §398

218.67 Estate administrator not identified.

If an estate administrator is not identified within one year from the death of a decedent in an institution, and a surviving spouse or heir is not known, the superintendent of the institution may convert all the decedent's property into cash and in so doing the superintendent shall have the powers possessed by a general administrator of an estate.

[S13, §2727-a72; C24, 27, 31, 35, 39, §**3354;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.67]

2000 Acts, ch 1112, §23

Referred to in §218.68

218.68 Money deposited with treasurer of state.

Moneys under section 218.67 shall be transmitted to the treasurer of state as soon after one year after the death of the intestate as practicable, and be credited to the support fund of the institution of which the intestate was a resident.

[S13, §2727-a72; C24, 27, 31, 35, 39, §**3355;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.68]

83 Acts, ch 96, §159, 160; 2020 Acts, ch 1063, §77

Referred to in §218.69, 218.70

218.69 Permanent record.

A complete permanent record of the money transmitted to the treasurer of state under section 218.68, showing by whom and with whom the money was left, the amount, the date of the death of the owner, the owner's reputed place of residence before the owner became a resident of the institution, the date on which the money was transmitted to the state treasurer, and any other facts which may tend to identify the intestate and explain the case, shall be kept by the department, and a transcript of the record shall be sent to and kept by the treasurer of state.

[S13, §2727-a72; C24, 27, 31, 35, 39, §**3356;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.69]

83 Acts, ch 96, §159, 160; 2000 Acts, ch 1112, §24; 2023 Acts, ch 19, §399

UNOFFICIAL VERSION: 2024 EARLY RELEASE

218.70 Payment to party entitled.

Moneys transmitted to the treasurer of state under section 218.68 shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled to the moneys. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

[S13, §2727-a73, -a74; C24, 27, 31, 35, 39, §**3357;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.70]

2020 Acts, ch 1063, §78; 2020 Acts, ch 1121, §63, 70; 2023 Acts, ch 19, §400

218.71 Reserved.

218.72 Temporary quarters in emergency.

In case the buildings at any institution are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the residents cannot be housed and cared for, the director shall make temporary provision for the housing and care of the residents at some other place in the state. Like provision may be made in case any pestilence breaks out among the residents. The reasonable cost of the change, including transfer of residents, shall be paid from any moneys in the state treasury not otherwise appropriated.

[C51, §3143; R60, §5156; C73, §4795; C97, §5693; SS15, §2713-n18; C24, 27, 31, 35, 39, §**3359;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.72]

83 Acts, ch 96, §157, 159, 160; 2000 Acts, ch 1112, §25; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §401

218.73 through 218.77 Reserved.

218.78 Institutional receipts deposited.

1. All institutional receipts of the department, including funds received from client participation at the state resource centers under section 222.78, shall be deposited in the general fund except for reimbursements for services provided to another institution or state agency, for receipts deposited in the revolving farm fund under section 904.706, for deposits into the medical assistance fund under section 249A.11, and for rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions.

2. If approved by the director, the department may use appropriated funds for the granting of educational leave.

[C77, 79, 81, §218.78, 218.101; 81 Acts, ch 11, §14, ch 75, §2]

83 Acts, ch 96, §157, 159; 85 Acts, ch 146, §1; 88 Acts, ch 1249, §5; 2000 Acts, ch 1112, §51; 2005 Acts, ch 167, §30, 66; 2010 Acts, ch 1141, §24; 2023 Acts, ch 19, §402; 2024 Acts, ch 1161, §34, 137

Referred to in §218.97

218.79 through 218.82 Reserved.

218.83 Administrative improvement.

The director shall cooperate with any department or agency of state government in any manner, including the exchange of employees, calculated to improve administration of the institutions.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.83]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §26; 2023 Acts, ch 19, §403

UNOFFICIAL VERSION: 2027 EARLY RELEASE

218.84 Abstracting claims and keeping accounts.

The director or the director's designee shall have sole charge of abstracting and certifying claims for payment and the keeping of a central system of accounts in institutions under the director's control.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.84]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §404

218.85 Uniform system of accounts.

The department shall install in all the institutions the most modern, complete, and uniform system of accounts, records, and reports possible. The system shall be prescribed by the director of the department of administrative services as authorized in section 8A.502, subsection 12, and, among other matters, shall clearly show the detailed facts relative to the handling and uses of all purchases.

[S13, §2727-a13; C24, 27, 31, 35, 39, §**3286;** C46, §217.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.85]

83 Acts, ch 96, §157, 159; 89 Acts, ch 284, §5; 2000 Acts, ch 1112, §27; 2003 Acts, ch 145, §212; 2023 Acts, ch 19, §405

Requirement of auditor of state, §11.5

218.86 Abstract of claims.

Vouchers for expenditures other than salaries shall be submitted to the director of the department of administrative services, who shall prepare in triplicate an abstract of claims submitted showing the name of the claimant and the institutions and institutional fund on account of which the payment is made. The claims and abstracts of claims shall be returned to the department where the correctness of the abstracts shall be certified. The original abstract shall be delivered to the director of the department of administrative services, the duplicate to be retained in the office of the director, and the triplicate forwarded to the proper institution to be retained as a record of claims paid.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.86]

94 Acts, ch 1107, §9; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §406

Referred to in §218.100

218.87 Warrants issued by director of the department of administrative services.

Upon such certificate the director of the department of administrative services shall, if the institution named has sufficient funds, issue the director's warrants upon the state treasurer, for the amounts and to the claimants indicated on the warrants. The director of the department of administrative services shall deliver the warrants issued to the department, who will cause the warrants to be transmitted to the payees of the warrants.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.87]

2003 Acts, ch 145, §286; 2023 Acts, ch 19, §407

Referred to in §218.100

218.88 Institutional payrolls.

At the close of each pay period, the superintendent of each institution shall prepare and forward to the director or the director's designee a semimonthly payroll which shall show the name of each officer and employee, the semimonthly pay, time paid for, the amount of pay, and any deductions. A substitute shall not be permitted to receive compensation in the name of the employee for whom the substitute is acting.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §218.88]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §28; 2023 Acts, ch 19, §408

Referred to in §218.100

218.89 Abstracts of payrolls. Repealed by 2003 Acts, ch 145, §291.

218.90 and 218.91 Reserved.

UNOFFICIAL VERSION 2027 EARLY RELEASE

218.92 Residents with dangerous mental disturbances.

When a resident of an institution has become so mentally disturbed as to constitute a danger to self, to other residents or staff of the institution, or to the public, and the institution cannot provide adequate security, the director or the director's designee, with the consent of the director of the Iowa department of corrections, may order the resident to be transferred to the Iowa medical and classification center, if the superintendent of the institution from which the resident is to be transferred, with the support of a majority of the medical staff, recommends the transfer in the interest of the resident, other residents, or the public. If the resident transferred was hospitalized pursuant to sections 229.6 through 229.15, the transfer shall be promptly reported to the court that ordered the hospitalization of the resident, as required by section 229.15, subsection 5. The Iowa medical and classification center has the same rights, duties, and responsibilities with respect to the resident as the institution from which the resident was transferred had while hospitalized in the institution. The cost of the transfer shall be paid from the funds of the institution from which the transfer is made.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.92; 82 Acts, ch 1100, §5]

83 Acts, ch 96, §69, 159; 89 Acts, ch 83, §34; 94 Acts, ch 1170, §33; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §29, 51; 2012 Acts, ch 1019, §21; 2021 Acts, ch 80, §111; 2023 Acts, ch 19, §409

Transfer of dangerous patients, see §226.30

218.93 Consultants for department.

The department may secure the services of consultants to furnish advice on administrative, professional, or technical problems to the director, department employees, or to provide in-service training and instruction for the employees. The department may pay the consultants at a rate to be determined by the department from funds under the department's control or from any institutional funding under the director's jurisdiction.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.93]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §30; 2023 Acts, ch 19, §410

218.94 Director may buy and sell real estate — options — fund.

1. *a.* The director shall have full power to secure options to purchase real estate, to acquire and sell real estate, and to grant utility easements, for the proper uses of the institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the director may determine. Upon sale of the real estate, the proceeds shall be deposited in a health and human services capital reinvestment fund created in the state treasury under the control of the department. There is appropriated from such capital reinvestment fund a sum equal to the proceeds deposited and credited to the capital reinvestment fund to the department, which may be used to purchase other real estate, for capital improvements upon property under the director's control, or for improvements to property which is owned by the state and utilized by the department.

b. Notwithstanding section 8.33, moneys in the capital reinvestment fund shall not revert at the close of a fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

c. Any proceeds from the sale of real estate that were credited to the general fund of the state pursuant to section 218.94, Code 2022, and that remain available on June 30, 2023, are transferred to the capital reinvestment fund to be used for the purposes of the fund.

2. The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including but not limited to appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which the real estate is located and the source from which the moneys were appropriated shall be reimbursed from the proceeds of the sale.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.94]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1244, §29; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §411; 2023 Acts, ch 112, §52; 2024 Acts, ch 1182, §155

UNOFFICIAL VERSION 2025 EARLY RELEASE

218.95 Synonymous terms.

1. For purposes of construing the provisions of this and the following subtitles of this title and chapters 904, 913, and 914 relating to persons with mental illness and reconciling these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

a. "Mentally ill" and *"insane"*, except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to section 229.27.

b. "Parole" and *"convalescent leave"*.

c. "Resident" and *"patient"*.

d. "Escape" and *"depart without proper authorization"*.

e. "Warrant" and *"order of admission"*.

f. "Escapee" and *"patient"*.

g. "Sane" and *"in good mental health"*.

h. "Commitment" and *"admission"*.

2. It is the policy of the general assembly that words which have come to have a degrading meaning shall not be employed in institutional records having reference to persons with various mental conditions and that in all records pertaining to persons with various mental conditions the less discriminatory of the foregoing synonyms shall be employed.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.95]

83 Acts, ch 96, §159, 160; 96 Acts, ch 1129, §39; 2009 Acts, ch 41, §263; 2015 Acts, ch 30, §71; 2016 Acts, ch 1073, §65; 2023 Acts, ch 19, §412

218.96 Gifts, grants, devises, and bequests.

The director may accept gifts, grants, devises, or bequests of real or personal property from the federal government or any source. The director may exercise such powers with reference to the property accepted as deemed essential to the property's preservation and the purposes for which given, granted, devised, or bequeathed.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.96]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §413

218.97 Retaining of revenue by mental health institutes.

Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R. §438.6(e) may be retained and expended by the mental health institute.

2024 Acts, ch 1157, §49

218.97A State resource centers — scope of services approach — time-limited assessment and respite services.

1. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of intermediate care facilities for persons with an intellectual disability services, in a manner which does not shift costs between the medical assistance program, mental health and disability services regions, or other sources of funding for the state resource centers.

2. The state resource centers may expand the time-limited assessment and respite services during a fiscal year.

2024 Acts, ch 1157, §51

218.98 Canteen maintained.

A canteen may be maintained at any institution for sale to persons residing in the institution of items including but not limited to toilet articles, candy, tobacco products, notions, and other sundries, and the necessary facilities, equipment, personnel, and merchandise for such sale may be provided. The department shall specify what commodities will be sold in the canteen.

UNOFFICIAL VERSION: 2027 EARLY RELEASE

The department may establish and maintain a permanent operating fund for each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

[C62, 66, 71, 73, 75, 77, 79, 81, §218.98]

83 Acts, ch 96, §157, 159; 2000 Acts, ch 1112, §31; 2023 Acts, ch 19, §414

218.99 Counties to be notified of personal accounts. Repealed by 2024 Acts, ch 1161, §135, 137.

218.100 Central warehouse and supply depot.

The department shall establish a fund for maintaining and operating a central warehouse as a supply depot and distribution facility for surplus government products, carload canned goods, paper products, other staples, and such other items as determined by the department. The fund shall be permanent and shall be composed of the receipts from the sales of merchandise, recovery of handling, operating and delivery charges of such merchandise, and from the funds contributed by the institutions in a contingent fund being used for this purpose. All claims for purchases of merchandise, operating, and salary expenses shall be subject to the provisions of sections 218.86, 218.87, and 218.88.

[C71, 73, 75, 77, 79, 81, §218.100]

83 Acts, ch 96, §157, 159; 2003 Acts, ch 145, §213; 2021 Acts, ch 80, §112; 2023 Acts, ch 19, §416

Legislative intent that upon completion of the central warehouse and supply depot of the department of corrections pursuant to §904.118A, the department of health and human services cease utilizing the central warehouse and supply depot established under this section; 2008 Acts, ch 1180, §19; 2023 Acts, ch 19, §1358

CHAPTER 219

STATE MEDICAL INSTITUTION

Repealed by 2010 Acts, ch 1141, §28

UNOFFICIAL VERSION: 2027 EARLY RELEASE

SUBTITLE 3

MENTAL HEALTH

Referred to in §714.8

CHAPTER 220

RESERVED

CHAPTER 220A

INTERAGENCY INFORMATION SERVICE
ON PERSONS WITH MENTAL DISABILITIES

Repealed by 2013 Acts, ch 19, §3

CHAPTER 221

INTERSTATE MENTAL HEALTH COMPACT

221.1	Mental health compact enacted.	221.4	Payments.
221.2	Compact administrator.	221.5	Consultation.
221.3	Supplementary agreements.	221.6	Distribution of compact.

UNOFFICIAL VERSION: 2021 EARLY RELEASE

221.1 Mental health compact enacted.

The interstate compact on mental health is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows, and the contracting states solemnly agree that:

1. *Article I.* The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

2. *Article II.* As used in this compact:

a. "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

b. "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

c. "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

d. "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

e. "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

f. *"Mental illness"* shall mean mental disease to such extent that a person so afflicted requires care and treatment for the person's own welfare, or the welfare of others, or of the community.

g. *"Mental deficiency"* shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing the person and the person's affairs, but shall not include mental illness as defined herein.

h. *"State"* shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

3. *Article III.*

a. Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, the person shall be eligible for care and treatment in an institution in that state irrespective of the person's residence, settlement or citizenship qualifications.

b. The provisions of paragraph *"a"* of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

c. No state shall be obliged to receive any patient pursuant to the provisions of paragraph *"b"* of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

d. In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that the interstate patient would be taken if the interstate patient were a local patient.

e. Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

4. *Article IV.*

a. Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

b. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

c. In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

5. *Article V.* Whenever a dangerous or potentially dangerous patient escapes from an

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institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, the patient shall be detained in the state where found pending disposition in accordance with law.

6. *Article VI.* The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

7. *Article VII.*

a. No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

b. The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

c. No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

d. Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

e. Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

8. *Article VIII.*

a. Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on the guardian's own behalf or in respect of any patient for whom the guardian may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state shall have the sole discretion to relieve a guardian appointed by it or continue the guardian's power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

b. The term "*guardian*" as used in paragraph "*a*" of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

9. *Article IX.*

a. No provision of this compact except article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

b. To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

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10. *Article X.*

a. Each party state shall appoint a "compact administrator" who, on behalf of the compact administrator's state, shall act as general coordinator of activities under the compact in the administrator's state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by the administrator's state either in the capacity of sending or receiving state. The compact administrator or the administrator's duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

b. The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

11. *Article XI.* The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

12. *Article XII.* This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

13. *Article XIII.*

a. A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

b. Withdrawal from any agreement permitted by article VII, paragraph *"b"*, as to costs or from any supplementary agreement made pursuant to article XI shall be in accordance with the terms of such agreement.

14. *Article XIV.* This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[C66, 71, 73, 75, 77, 79, 81, §218A.1]
C93, §221.1
2008 Acts, ch 1032, §201

221.2 Compact administrator.

The director of the department of health and human services shall designate a compact administrator. The compact administrator may cooperate with all departments, agencies, and officers of this state and its subdivisions in facilitating the proper administration of the compact and of any supplementary agreement entered into by this state under the compact.

[C66, 71, 73, 75, 77, 79, 81, §218A.2; 81 Acts, ch 78, §20, 26]
83 Acts, ch 96, §157, 159
C93, §221.2
94 Acts, ch 1170, §34; 2006 Acts, ch 1115, §23; 2023 Acts, ch 19, §417

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221.3 Supplementary agreements.

The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to articles VII and XI of the compact. In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this state or require or contemplate the provisions of any service by this state, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

[C66, 71, 73, 75, 77, 79, 81, §218A.3]
C93, §221.3

221.4 Payments.

The compact administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into under the compact.

[C66, 71, 73, 75, 77, 79, 81, §218A.4]
83 Acts, ch 96, §157, 159
C93, §221.4
2023 Acts, ch 19, §418

221.5 Consultation.

The compact administrator is hereby directed to consult with the immediate family of our proposed transferee and, in the case of a proposed transferee from an institution in this state to an institution in another party state, to take no final action without approval of the district court of the county of admission or commitment.

[C66, 71, 73, 75, 77, 79, 81, §218A.5]
C93, §221.5

221.6 Distribution of compact.

Duly authorized copies of this chapter shall, upon its approval be transmitted by the secretary of state to the governor of each state, the attorney general and the administrator of general services of the United States, and the council of state governments.

[C66, 71, 73, 75, 77, 79, 81, §218A.6]
C93, §221.6

CHAPTER 222

PERSONS WITH AN INTELLECTUAL DISABILITY

Referred to in §235B.2, 235B.3, 235E.1, 235E.2, 235F.1, 331.381, 726.24

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222.2 Definitions.
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222.4 Duties of superintendents.
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222.6 State districts. Repealed by 2023 Acts, ch 19, §1357.
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222.51 Costs collected. Repealed by 2013 Acts, ch 130, §34, 35.
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222.60A Cost of assessment.
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222.80 Liability to state.
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222.86 Payment for care from fund.
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222.88 Special intellectual disability unit. Repealed by 2024 Acts, ch 1161, §179, 180.
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222.90 Superintendent. Repealed by 2024 Acts, ch 1161, §179, 180.
222.91 Direct referral to special unit. Repealed by 2024 Acts, ch 1161, §179, 180.
222.92 Net general fund appropriation — state resource centers.

222.1 Purpose of chapter — state resource centers.

1. This chapter addresses the public and private services available in this state to meet the needs of persons with an intellectual disability.

2. The Glenwood state resource center and the Woodward state resource center are established and shall be maintained as the state's regional resource centers for the purpose of providing treatment, training, instruction, care, habilitation, and support of persons with an intellectual disability or other disabilities in this state, and providing facilities, services, and other support to the communities located in the region being served by a state resource center. In addition, the state resource centers are encouraged to serve as a training resource for community-based program staff, medical students, and other participants in professional education programs. A resource center may request the approval of the department to change the name of the resource center for use in communication with the public, in signage, and in other forms of communication.

[S13, §2727-a93, -a95; SS15, §2727-a93, -a96; C24, 27, 31, 35, 39, §**3465, 3468;** C46, 50, 54, 58, 62, §223.1, 223.4; C66, 71, 73, 75, 77, 79, 81, §222.1]

95 Acts, ch 82, §6; 98 Acts, ch 1155, §8; 2000 Acts, ch 1112, §46; 2012 Acts, ch 1019, §22; 2015 Acts, ch 69, §2; 2021 Acts, ch 80, §113; 2023 Acts, ch 19, §419; 2024 Acts, ch 1161, §35, 137, 167, 180; 2024 Acts, ch 1170, §408

Referred to in §222.73

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222.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Administrative services organization"* means the same as defined in section 225A.1.
2. *"Auditor"* means the county auditor or the auditor's designee.
3. *"Department"* means the department of health and human services.
4. *"Director"* means the director of health and human services.
5. *"Intellectual disability"* means the same as defined in section 4.1.
6. *"State resource centers"* or *"resource centers"* means the Glenwood state resource center and the Woodward state resource center.
7. *"Superintendents"* means the superintendents of the state resource centers.

[C97, §2699; C24, 27, 31, 35, 39, §**3411;** C46, 50, 54, 58, 62, §222.1; C66, 71, 73, 75, 77, 79, 81, §222.2; 81 Acts, ch 78, §20, 30]

83 Acts, ch 96, §157, 159; 94 Acts, ch 1170, §35; 96 Acts, ch 1183, §1; 97 Acts, ch 169, §14; 2000 Acts, ch 1112, §47 – 50; 2001 Acts, ch 155, §14; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §23; 2015 Acts, ch 69, §3, 4; 2021 Acts, ch 80, §114; 2023 Acts, ch 19, §420; 2024 Acts, ch 1161, §36, 37, 137, 168, 180; 2024 Acts, ch 1170, §409

222.3 Superintendents.

The director shall appoint a qualified superintendent for each of the resource centers who shall receive such salary as the director shall determine.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §**3466;** C46, 50, 54, 58, 62, §223.2; C66, 71, 73, 75, 77, 79, 81, §222.3]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §421

222.4 Duties of superintendents.

The superintendents shall:

1. Perform all duties required by law and by the director not inconsistent with law.
2. Oversee and insure individual treatment and professional care of each patient in the resource centers.
3. Maintain a full and complete record of the condition of each patient in the resource centers.
4. Have custody, control, and management of all patients in such manner as deemed best subject to the regulations of the department.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §**3467;** C46, 50, 54, 58, 62, §223.3; C66, 71, 73, 75, 77, 79, 81, §222.4]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §422

222.5 Preadmission diagnostic evaluation.

A person shall not be eligible for admission to a resource center until a preadmission diagnostic evaluation has been made by a resource center which confirms or establishes the need for admission.

[C24, 27, 31, 35, 39, §**3444;** C46, 50, 54, 58, 62, §222.34; C66, 71, 73, 75, 77, 79, 81, §222.5]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §423; 2024 Acts, ch 1161, §169, 180

222.6 State districts. Repealed by 2023 Acts, ch 19, §1357.

222.7 Transfers.

The department may transfer patients from one state resource center to the other and may at any time transfer patients from the resource centers to the hospitals for persons with mental illness. The department may also transfer patients from a hospital for persons with mental illness to a resource center if consent is given or obtained as follows:

1. In the case of a patient who entered the hospital for persons with mental illness voluntarily, consent is given in advance by the patient or, if the patient is a minor or is incompetent, the person responsible for the patient.
2. In the case of a patient hospitalized pursuant to sections 229.6 through 229.15, the

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consent of the court which hospitalized the patient is obtained in advance, rather than afterward as otherwise permitted by section 229.15, subsection 4.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §**3456, 3472, 3477;** C46, 50, 54, 58, 62, §222.46, 223.8, 223.11; C66, 71, 73, 75, 77, 79, 81, §222.7]

83 Acts, ch 96, §71, 159; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2020 Acts, ch 1063, §79; 2023 Acts, ch 19, §424; 2024 Acts, ch 1161, §170, 180

Referred to in §226.8

222.8 Communications by patients.

Persons admitted to the resource centers shall have all reasonable opportunity and facility for communication with their friends. Such persons shall be permitted to write and send letters, provided the letters contain nothing of an offensive character. Letters written by any patient to the director or to any state or county official shall be forwarded unopened.

[C24, 27, 31, 35, 39, §**3445;** C46, 50, 54, 58, 62, §222.35; C66, 71, 73, 75, 77, 79, 81, §222.8]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §425; 2024 Acts, ch 1161, §171, 180

222.9 Unauthorized departures.

If any person with an intellectual disability shall depart without proper authorization from a resource center, it shall be the duty of the superintendent and the superintendent's assistants and all peace officers of any county in which such patient may be found to take and detain the patient without a warrant or order and to immediately report such detention to the superintendent who shall immediately provide for the return of such patient to the resource center.

[C24, 27, 31, 35, 39, §**3460;** C46, 50, 54, 58, 62, §222.50; C66, 71, 73, 75, 77, 79, 81, §222.9]

96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1019, §25; 2024 Acts, ch 1161, §172, 180

222.10 Duty of peace officer.

When any person with an intellectual disability departs without proper authority from a facility in another state and is found in this state, any peace officer in any county in which such patient is found may take and detain the patient without warrant or order and shall report such detention to the department. The department shall provide for the return of the patient to the authorities in the state from which the unauthorized departure was made. Pending return, such patient may be detained temporarily at one of the institutions of this state governed by the department. The provisions of this section relating to the department shall also apply to the return of other nonresident persons with an intellectual disability having legal residency outside the state of Iowa.

[C58, 62, §222.55; C66, 71, 73, 75, 77, 79, 81, §222.10]

83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §26; 2012 Acts, ch 1120, §69, 130; 2023 Acts, ch 19, §426

222.11 Expense.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and transportation of such patients to the resource centers shall be paid on itemized vouchers, sworn to by the claimants, and approved by the superintendent and the director from any moneys in the state treasury not otherwise appropriated.

[C24, 27, 31, 35, 39, §**3461;** C46, 50, 54, 58, 62, §222.51; C66, 71, 73, 75, 77, 79, 81, §222.11]

2000 Acts, ch 1112, §51; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §427

222.12 Deaths investigated.

1. Upon the death of a patient of a resource center, a preliminary investigation of the death shall be conducted as required by section 218.64 by the county medical examiner as provided in section 331.802. Such a preliminary investigation shall also be conducted in the event of a sudden or mysterious death of a patient in a private institution for persons with an intellectual disability. The chief administrative officer of any private institution may request an investigation of the death of any patient by the county medical examiner.

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2. The parent, guardian, or other person responsible for the admission of a patient to a private institution for persons with an intellectual disability may also request such a preliminary investigation by the county medical examiner in the event of the death of the patient that is not sudden or mysterious. The person or persons making the request are liable for the expense of such preliminary investigation and payment for the expense may be required in advance.

[C24, 27, 31, 35, 39, §**3447;** C46, 50, 54, 58, 62, §222.37; C66, 71, 73, 75, 77, 79, 81, §222.12]

96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §51; 2008 Acts, ch 1187, §135; 2012 Acts, ch 1019, §27; 2013 Acts, ch 130, §18, 35; 2015 Acts, ch 69, §6; 2016 Acts, ch 1073, §67; 2024 Acts, ch 1161, §38, 137, 173, 180

222.13 Voluntary admissions.

1. If an adult person is believed to be a person with an intellectual disability, the adult person or the adult person's guardian may apply to the department and the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. The superintendent shall accept the application if a preadmission diagnostic evaluation confirms or establishes the need for admission, except that an application shall not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the resource center does not have an appropriate program for the treatment of an adult or minor person with an intellectual disability applying under this section or section 222.13A, the department shall arrange for the placement of the person in any public or private facility within or outside of the state, approved by the director, which offers appropriate services for the person.

[C24, 27, 31, 35, 39, §**3464, 3477.2;** C46, 50, 54, 58, 62, §222.54, 223.13; C66, 71, 73, 75, 77, 79, 81, §222.13]

83 Acts, ch 96, §157, 159; 95 Acts, ch 82, §7; 96 Acts, ch 1183, §2; 97 Acts, ch 169, §2; 2000 Acts, ch 1112, §51; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §28; 2012 Acts, ch 1120, §70, 130; 2013 Acts, ch 90, §45; 2015 Acts, ch 69, §7; 2023 Acts, ch 19, §428; 2024 Acts, ch 1161, §39, 137

Referred to in §222.14, 222.15, 222.33

222.13A Voluntary admissions — minors.

1. If a minor is believed to be a person with an intellectual disability, the minor's parent, guardian, or custodian may apply to the department for admission of the minor as a voluntary patient in a state resource center. If the resource center does not have appropriate services for the minor's treatment, the department may arrange for the admission of the minor in a public or private facility within or without the state, approved by the director, which offers appropriate services for the minor's treatment.

2. Upon receipt of an application for voluntary admission of a minor, the department shall provide for a preadmission diagnostic evaluation of the minor to confirm or establish the need for the admission. The preadmission diagnostic evaluation shall be performed by a person who meets the qualifications of a qualified intellectual disability professional who is designated by the department.

3. During the preadmission diagnostic evaluation, the minor shall be informed both orally and in writing that the minor has the right to object to the voluntary admission. Notwithstanding section 222.33, if the preadmission diagnostic evaluation determines that the voluntary admission is appropriate but the minor objects to the admission, the minor shall not be admitted to the state resource center unless the court approves of the admission. A petition for approval of the minor's admission may be submitted to the juvenile court by the minor's parent, guardian, or custodian.

4. As soon as practicable after the filing of a petition for approval of the voluntary admission, the court shall determine whether the minor has an attorney to represent the minor in the proceeding. If the minor does not have an attorney, the court shall assign an attorney to the minor. If the minor is unable to pay for an attorney, the attorney shall be

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compensated by an administrative services organization at an hourly rate to be established in substantially the same manner as provided in section 815.7.

5. The court shall order the admission of a minor who objects to the admission, only after a hearing in which it is shown by clear and convincing evidence that both of the following circumstances exist:

a. The minor needs and will substantially benefit from treatment or habilitation.

b. A placement which involves less restriction of the minor's liberties for the purposes of treatment or habilitation is not feasible.

95 Acts, ch 82, §8; 96 Acts, ch 1183, §3; 99 Acts, ch 135, §15; 2000 Acts, ch 1112, §51; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1019, §29; 2015 Acts, ch 69, §8; 2023 Acts, ch 19, §429; 2024 Acts, ch 1161, §40, 137

Referred to in §222.13, 222.15, 222.33

222.14 Care pending admission.

If the institution is unable to receive a patient, the superintendent shall notify an administrative services organization. Until such time as the patient is able to be received by the institution, or when application has been made for admission to a public or private facility as provided in section 222.13 and the application is pending, the care of the patient shall be provided as arranged by the administrative services organization.

[C24, 27, 31, 35, 39, §**3433;** C46, 50, 54, 58, 62, §222.23; C66, 71, 73, 75, 77, 79, 81, §222.14]

2015 Acts, ch 69, §9; 2024 Acts, ch 1161, §41, 137

222.15 Discharge of patients admitted voluntarily.

This section applies to any person who was voluntarily admitted to a state resource center or other facility in accordance with the provisions of section 222.13 or 222.13A. Except as otherwise provided by this section, if the person or the person's parent, guardian, or custodian submits a written request for the person's release, the person shall be immediately released.

1. If the person is an adult and was admitted pursuant to an application by the person or the person's guardian and the request for release is made by a different person, the release is subject to the agreement of the person voluntarily admitted or the person's guardian, if the guardian submitted the application.

2. If the person is a minor who was admitted pursuant to the provisions of section 222.13A, the person's release prior to becoming eighteen years of age is subject to the consent of the person's parent, guardian, or custodian, or to the approval of the court if the admission was approved by the court.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §**3473;** C46, 50, 54, 58, 62, §223.9; C66, 71, 73, 75, 77, 79, 81, §222.15]

95 Acts, ch 82, §9; 2000 Acts, ch 1112, §51; 2013 Acts, ch 130, §19, 35

Referred to in §222.33

222.16 through 222.32 Repealed by 2013 Acts, ch 130, §34, 35.

222.33 State resource center — admissions and discharge.

1. The department shall make all final determinations concerning whether a person may be admitted to a state resource center.

2. If a patient is admitted to a state resource center pursuant to section 222.13 or 222.13A, and the patient wishes to be placed outside of the state resource center, the discharge of the patient shall be made in accordance with section 222.15.

2024 Acts, ch 1161, §42, 137

Referred to in §222.13A

222.34 Guardianship proceedings.

If a guardianship is proposed for a person with an intellectual disability, guardianship proceedings shall be initiated and conducted as provided in chapter 232D or 633.

[C24, 27, 31, 35, 39, §**3431;** C46, 50, 54, 58, 62, §222.21; C66, 71, 73, 75, 77, 79, 81, §222.34]

84 Acts, ch 1299, §4; 96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §40; 2020 Acts, ch 1063, §80

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222.35 State — payor of last resort.

The department shall implement services and adopt rules pursuant to chapter 17A in a manner that ensures that the state is the payor of last resort, and that the department shall not make any payments for services that have been provided until the department has determined that the services provided are not payable by a third-party source.

2024 Acts, ch 1161, §43, 137

222.36 through 222.49 Repealed by 2013 Acts, ch 130, §34, 35.

222.50 County of residence or state to pay.

When the proceedings are instituted in a county in which the person who is alleged to have an intellectual disability was found but which is not the county of residence of the person, and the costs are not taxed to the petitioner, the person's county of residence or the state, as determined in accordance with section 222.60,* shall, on presentation of a properly itemized bill for such costs, repay the costs to the former county.

[C24, 27, 31, 35, 39, §**3451;** C46, 50, 54, 58, 62, §222.41; C66, 71, 73, 75, 77, 79, 81, §222.50]
96 Acts, ch 1129, §49; 2012 Acts, ch 1019, §46; 2012 Acts, ch 1120, §73, 130
*Section 222.60 repealed by 2024 Acts, ch 1161, §135; corrective legislation is pending

222.51 Costs collected. Repealed by 2013 Acts, ch 130, §34, 35.

222.52 Proceedings against delinquent — hearing on intellectual disability.

When in proceedings against an alleged delinquent or dependent child, the court is satisfied from any evidence that such child has an intellectual disability, the court may order a continuance of such proceeding, and may direct an officer of the court or some other proper person to file a petition against such child permitted under the provisions of this chapter. Pending hearing of the petition the court may by order provide proper custody for the child.

[C24, 27, 31, 35, 39, §**3453;** C46, 50, 54, 58, 62, §222.43; C66, 71, 73, 75, 77, 79, 81, §222.52]
2012 Acts, ch 1019, §48
Referred to in §222.53

222.53 Conviction — suspension.

If on the conviction in the district court of any person for any crime or for any violation of any municipal ordinance, or if on the determination in the court that a child is dependent, neglected, or delinquent and it appears from any evidence presented to the court before sentence, that such person has an intellectual disability within the meaning of this chapter, the court may suspend sentence or order, and may order any officer of the court or some other proper person to file a petition permitted under the provisions of this chapter against such person. Pending hearing of the petition, the court shall provide for the custody of such person as directed in section 222.52.

[C24, 27, 31, 35, 39, §**3454;** C46, 50, 54, 58, 62, §222.44; C66, 71, 73, 75, 77, 79, 81, §222.53]
2012 Acts, ch 1019, §49

222.54 through 222.58 Repealed by 2013 Acts, ch 130, §34, 35.

222.59 Alternative to state resource center placement. Repealed by 2024 Acts, ch 1161, §135, 137.

222.60 Costs paid by county or state — diagnosis and evaluation. Repealed by 2024 Acts, ch 1161, §135, 137.

222.60A Cost of assessment.

Notwithstanding any provision of this chapter to the contrary, any amount attributable to any assessment pursuant to section 249A.21 that would otherwise be the liability of any county shall be paid by the state. The department may transfer funds from the appropriation

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for medical assistance to pay any amount attributable to any assessment pursuant to section 249A.21 that is a liability of the state.

2004 Acts, ch 1085, §3, 10, 11; 2016 Acts, ch 1139, §50

222.61 Residency determined. Repealed by 2024 Acts, ch 1161, §135, 137.

222.62 Residency in another county. Repealed by 2024 Acts, ch 1161, §135, 137.

222.63 Finding of residency — objection. Repealed by 2024 Acts, ch 1161, §135, 137.

222.64 Foreign state or country or unknown residency. Repealed by 2024 Acts, ch 1161, §135, 137.

222.65 Investigation. Repealed by 2024 Acts, ch 1161, §135, 137.

222.66 Transfers — no residency in state or residency unknown — expenses. Repealed by 2024 Acts, ch 1161, §135, 137.

222.67 Charge on finding of residency. Repealed by 2024 Acts, ch 1161, §135, 137.

222.68 Costs paid in first instance. Repealed by 2024 Acts, ch 1161, §135, 137.

222.69 Payment by state. Repealed by 2024 Acts, ch 1161, §135, 137.

222.70 Residency disputes. Repealed by 2024 Acts, ch 1161, §135, 137.

222.71 and 222.72 Repealed by 2004 Acts, ch 1090, §55.

222.73 Billing of patient charges — computation of actual costs — cost settlement.

1. The superintendent of each resource center shall compute by February 1 the average daily patient charge and outpatient treatment charges for which each county will be billed for services provided to patients chargeable to the county during the fiscal year beginning the following July 1. The department shall certify the amount of the charges and notify the counties of the billing charges.

a. The superintendent shall compute the average daily patient charge for a resource center for services provided in the following fiscal year, in accordance with generally accepted accounting procedures, by totaling the expenditures of the resource center for the immediately preceding calendar year, by adjusting the expenditures by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the immediately preceding calendar year, and by dividing the adjusted expenditures by the total inpatient days of service provided during the immediately preceding calendar year.

b. The department shall compute the outpatient treatment charges, in accordance with generally accepted accounting procedures, on the basis of the actual cost of the outpatient treatment provided during the immediately preceding calendar year.

2. The superintendent shall compute in January the actual per-patient-per-day cost for each resource center for the immediately preceding calendar year, in accordance with generally accepted accounting procedures, by totaling the actual expenditures of the resource center for the calendar year and by dividing the total actual expenditures by the total inpatient days of service provided during the calendar year.

3. A superintendent of a resource center may request that the director enter into a contract with a person for the resource center to provide consultation or treatment services or for fulfilling other purposes which are consistent with the purposes stated in section 222.1. The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under this subsection may be retained by the resource center to defray the costs of providing the services or fulfilling the other purposes. Except for a contract voluntarily entered into by a county under this subsection,

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the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 and 2.

[SS15, §2727-a96; C24, 27, 31, 35, 39, §**3469;** C46, 50, 54, 58, 62, §223.5; C66, 71, 73, 75, 77, 79, 81, §222.73]

86 Acts, ch 1169, §1; 88 Acts, ch 1249, §6; 88 Acts, ch 1276, §38; 95 Acts, ch 82, §4; 96 Acts, ch 1183, §6 – 8; 98 Acts, ch 1155, §9; 2000 Acts, ch 1112, §51; 2001 Acts, ch 155, §15 – 17; 2004 Acts, ch 1090, §33; 2009 Acts, ch 41, §263; 2012 Acts, ch 1120, §86, 130; 2015 Acts, ch 69, §16, 17; 2017 Acts, ch 109, §1, 20, 21; 2023 Acts, ch 19, §436; 2024 Acts, ch 1161, §44, 137, 174, 180

222.74 Duplicate to county. Repealed by 2024 Acts, ch 1161, §135, 137.

222.75 Delinquent payments — penalty. Repealed by 2024 Acts, ch 1161, §135, 137.

222.76 Reserved.

222.77 Patients on leave.

The cost of support of patients placed on convalescent leave or removed as a habilitation measure from a resource center, except when living in the home of a person legally bound for the support of the patient, shall be paid by the state.

[C66, 71, 73, 75, 77, 79, 81, S81, §222.77; 81 Acts, ch 117, §1027]

83 Acts, ch 123, §83, 209; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1120, §87, 130; 2024 Acts, ch 1161, §45, 137

222.78 Parents and others liable for support.

1. The father and mother of any patient admitted to a resource center, as either an inpatient or an outpatient, and any person, firm, or corporation bound by contract made for support of the patient, are liable for the support of the patient. The patient and those legally bound for the support of the patient shall be liable to the state for all sums advanced relating to reasonable attorney fees and court costs for the patient's admission to the resource center, and for the treatment, training, instruction, care, habilitation, support, transportation, or other expenditures made on behalf of the patient pursuant to this chapter.

2. The liability of any person, other than the patient, who is legally bound for the support of a patient who is under eighteen years of age in a resource center or a special unit shall not exceed the average minimum cost of the care of a minor without an intellectual disability of the same age and sex as the minor patient. The department shall establish the scale for this purpose but the scale shall not exceed the standards for personal allowances established under the family investment program. The father or mother shall incur liability only during any period when the father or mother either individually or jointly receive a net income from whatever source, commensurate with that upon which they would be liable to make an income tax payment to this state. The father or mother of a patient shall not be liable for the support of the patient upon the patient attaining eighteen years of age. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost as established by the department for caring for the patient with an intellectual disability.

[C39, §**3477.5;** C46, 50, 54, 58, 62, §223.16, 223.20; C66, 71, 73, 75, 77, 79, 81, §222.78]

93 Acts, ch 97, §27; 98 Acts, ch 1218, §70; 2000 Acts, ch 1112, §51; 2012 Acts, ch 1019, §57; 2012 Acts, ch 1120, §88, 130; 2013 Acts, ch 130, §28, 35; 2023 Acts, ch 19, §437; 2024 Acts, ch 1161, §46, 137

Referred to in §218.78, 222.79, 222.80, 222.81, 222.82, 226.8, 234.39

222.79 Certification statement presumed correct.

In actions to enforce the liability imposed by section 222.78, the superintendent shall submit a certification statement stating the sums charged, and the certification statement shall be considered presumptively correct.

[C66, 71, 73, 75, 77, 79, 81, §222.79]

2001 Acts, ch 155, §20; 2012 Acts, ch 1120, §89, 130; 2024 Acts, ch 1161, §47, 137

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222.80 Liability to state.

A person admitted to a county institution or admitted at state expense to a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support as a patient with an intellectual disability shall be liable to the state for the reasonable cost of the support as provided in section 222.78.

[C66, 71, 73, 75, 77, 79, 81, §222.80]

96 Acts, ch 1129, §50; 2012 Acts, ch 1019, §58; 2012 Acts, ch 1120, §90, 130; 2013 Acts, ch 130, §29, 35; 2024 Acts, ch 1161, §48, 137

222.81 Claim against estate.

The total amount of liability provided in section 222.78 shall be allowed as a claim of the sixth class against the estate of the person or against the estate of the father or mother of such person.

[C66, 71, 73, 75, 77, 79, 81, §222.81]

222.82 Collection of liabilities and claims.

If liabilities and claims exist as provided in section 222.78 or any other provision of this chapter, the state may proceed as provided in this section. The state may compromise any and all liabilities to the state arising under this chapter when such compromise is deemed to be in the best interests of the state. Any collections and liens shall be limited in conformance to section 614.1, subsection 4.

[C39, §**3477.6;** C46, 50, 54, 58, 62, §223.17; C66, 71, 73, 75, 77, 79, 81, §222.82]

2012 Acts, ch 1120, §91, 130; 2024 Acts, ch 1161, §49, 137

222.83 Nonresident patients.

The estates of all nonresident patients who are provided treatment, training, instruction, care, habilitation, and support in or by a resource center, and all persons legally bound for the support of such persons, shall be liable to the state for the reasonable value of such services. The certificate of the superintendent of the resource center in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due therefrom as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value of such services furnished such patient by the resource center.

[C66, 71, 73, 75, 77, 79, 81, §222.83]

2000 Acts, ch 1112, §51; 2024 Acts, ch 1161, §175, 180

222.84 Patients' personal deposit fund.

There is established at each resource center a patients' personal deposit fund.

[C66, 71, 73, 75, 77, 79, 81, §222.84]

2000 Acts, ch 1112, §51; 2020 Acts, ch 1063, §81; 2023 Acts, ch 19, §438; 2024 Acts, ch 1161, §176, 180

222.85 Deposit of moneys — exception to guardians.

1. Any funds coming into the possession of the superintendent or any employee of a resource center belonging to any patient in that institution shall be deposited in the name of the patient in the patients' personal deposit fund, except that if a guardian of the property has been appointed for the person, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires, and comforts for the patient.

2. Moneys paid to a resource center from any source other than state appropriated funds and intended to pay all or a portion of the cost of care of a patient, which cost would otherwise be paid from state funds or from the patient's own funds, shall not be deemed "funds belonging to a patient" for the purposes of this section.

[C66, 71, 73, 75, 77, 79, 81, §222.85]

2000 Acts, ch 1112, §51; 2018 Acts, ch 1041, §60; 2024 Acts, ch 1161, §50, 137, 177, 180

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222.86 Payment for care from fund.

If a patient is not receiving medical assistance under chapter 249A and the amount in the account of any patient in the patients' personal deposit fund exceeds two hundred dollars, the department may apply any amount of the excess to reimburse the state for liability incurred by the state for the payment of care, support, and maintenance of the patient when billed by the state.

[C66, 71, 73, 75, 77, 79, 81, S81, §222.86; 81 Acts, ch 11, §15]

2000 Acts, ch 1112, §51; 2012 Acts, ch 1120, §92, 130; 2023 Acts, ch 19, §439; 2024 Acts, ch 1161, §51, 137

222.87 Deposit in bank.

The department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid on the account may be used for recreational purposes for the patients at the resource center.

[C66, 71, 73, 75, 77, 79, 81, §222.87]

2000 Acts, ch 1112, §51; 2023 Acts, ch 19, §440; 2024 Acts, ch 1161, §178, 180

222.88 Special intellectual disability unit. Repealed by 2024 Acts, ch 1161, §179, 180.

222.89 Location — staff and personnel. Repealed by 2024 Acts, ch 1161, §179, 180.

222.90 Superintendent. Repealed by 2024 Acts, ch 1161, §179, 180.

222.91 Direct referral to special unit. Repealed by 2024 Acts, ch 1161, §179, 180.

222.92 Net general fund appropriation — state resource centers.

1. The department shall operate the state resource centers on the basis of net appropriations from the general fund of the state. The appropriation amounts shall be the net amounts of state moneys projected to be needed for the state resource centers for the fiscal year of the appropriations. The purpose of utilizing net appropriations is to encourage the state resource centers to operate with increased self-sufficiency, to improve quality and efficiency, and to support collaborative efforts between the state resource centers and providers of funding for the services available from the state resource centers. The state resource centers shall not be operated under the net appropriations in a manner that results in a cost increase to the state or in cost shifting between the state, the medical assistance program, or other sources of funding for the state resource centers.

2. The net appropriation made for a state resource center may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for purposes of cash flow management, a state resource center may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

3. Subject to the approval of the department, except for revenues segregated as provided in section 249A.11, revenues received that are attributed to a state resource center for a fiscal year shall be credited to the state resource center's account and shall be considered appropriated receipts as defined in section 8.2, including but not limited to all of the following:

a. The federal share of medical assistance program revenue received under chapter 249A.

b. Federal Medicare program payments.

c. Moneys received from client financial participation.

d. Other revenues generated from current, new, or expanded services that the state resource center is authorized to provide.

4. Notwithstanding section 8.33, up to five hundred thousand dollars of a state resource center's revenue that remains unencumbered or unobligated at the close of the fiscal year

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shall not revert but shall remain available for expenditure for purposes of the state resource center until the close of the succeeding fiscal year.

2005 Acts, ch 175, §94; 2012 Acts, ch 1120, §93, 130; 2015 Acts, ch 69, §18; 2024 Acts, ch 1161, §52, 53, 137; 2024 Acts, ch 1185, §155, 156

CHAPTERS 223 to 224B

RESERVED

CHAPTER 225

PSYCHIATRIC HOSPITAL

Referred to in §229.1

225.1 Establishment — definitions.
225.2 State psychiatric hospital name — location.
225.3 State board of regents control.
225.4 State psychiatric hospital — admissions.
225.5 Cooperation of hospitals.
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225.7 Classes of patients.
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225.10 Voluntary public patients. Repealed by 2024 Acts, ch 1161, §135, 137.
225.11 Initiating commitment procedures.
225.12 Voluntary public patient — physician's or physician associate's report.
225.13 Financial condition.
225.14 Patient costs.
225.15 Examination and treatment.
225.16 Voluntary public patients — admission.
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225.18 Attendants.
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225.20 Compensation for physician. Repealed by 2006 Acts, ch 1059, §14.
225.21 Compensation claims — filing — approval. Repealed by 2024 Acts, ch 1161, §135, 137.
225.22 Liability of private patients — payment.
225.23 Collection for treatment.
225.24 Collection of preliminary expense.
225.25 Commitment of private patient as public.
225.26 Private patients — disposition of funds.
225.27 Discharge — transfer.
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225.29 Reserved.
225.30 Blanks — audit.
225.31 Reserved.
225.32 Report and order to accompany patient.
225.33 Death of patient — disposal of body.
225.34 Reserved.
225.35 Expense collected.

225.1 Establishment — definitions.

1. The state psychiatric hospital is established. The hospital shall be especially designed, kept, and administered for the care, observation, and treatment of those persons who are afflicted with abnormal mental conditions.

2. For the purposes of this chapter, unless the context otherwise requires:

a. *"Administrative services organization"* means the same as defined in section 225A.1.

b. *"Department"* means the department of health and human services.

c. *"Respondent"* means the same as defined in section 229.1.

[C24, 27, 31, 35, §3954; C39, §**3482.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.1]
2015 Acts, ch 69, §19; 2023 Acts, ch 19, §442; 2024 Acts, ch 1161, §54, 137
Referred to in §225.2

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225.2 State psychiatric hospital name — location.

The hospital established in section 225.1 shall be known as the state psychiatric hospital, and shall be located at Iowa City, and integrated with the university of Iowa college of medicine and university hospital of the state university of Iowa.

[C24, 27, 31, 35, §3955; C39, §**3482.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.2]
2001 Acts, ch 74, §9; 2026 Acts, ch 1040, §37
Section amended

225.3 State board of regents control.

The state board of regents shall have full power to manage, control, and govern the state psychiatric hospital the same as other institutions already under its control.

[C24, 27, 31, 35, §3957; C39, §**3482.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.3]
2026 Acts, ch 1040, §38
Section amended

225.4 State psychiatric hospital — admissions.

The department shall make all final determinations concerning whether a person may be admitted to the state psychiatric hospital.

2024 Acts, ch 1161, §55, 137

225.5 Cooperation of hospitals.

The medical director of the state psychiatric hospital shall seek to bring about systematic cooperation between the state mental health institutes and the state psychiatric hospital.

[C24, 27, 31, 35, §3959; C39, §**3482.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.5]
96 Acts, ch 1129, §113; 2023 Acts, ch 19, §443

225.6 Reserved.

225.7 Classes of patients.

Patients admitted to the said state psychiatric hospital shall be divided into four classes:

1. Voluntary private patients.
2. Committed private patients.
3. Voluntary public patients.
4. Committed public patients.

[C24, 27, 31, 35, §3961; C39, §**3482.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.7]

225.8 Maintenance.

All voluntary private patients and committed private patients shall be kept and maintained without expense to the state, and the voluntary public patients and committed public patients shall be kept and maintained by the state.

[C24, 27, 31, 35, §3962; C39, §**3482.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.8]

225.9 Voluntary private patients.

Voluntary private patients may be admitted in accordance with the regulations to be established by the state board of regents, and their care, nursing, observation, treatment, medicine, and maintenance shall be without expense to the state. However, the charge for such care, nursing, observation, treatment, medicine, and maintenance shall not exceed the cost of the same to the state. The physicians or physician associates who meet the qualifications set forth in the definition of a mental health professional in section 228.1 on the hospital staff may charge such patients for their medical services under such rules, regulations, and plan therefor as approved by the state board of regents.

[C24, 27, 31, 35, §3963; C39, §**3482.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.9]
2022 Acts, ch 1066, §22; 2026 Acts, ch 1008, §3
Code editor directive applied

225.10 Voluntary public patients. Repealed by 2024 Acts, ch 1161, §135, 137.

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225.11 Initiating commitment procedures.

When a court finds upon completion of a hearing held pursuant to section 229.12 that the contention that a respondent is seriously mentally impaired has been sustained by clear and convincing evidence, and the application filed under section 229.6 also contends or the court otherwise concludes that it would be appropriate to refer the respondent to the state psychiatric hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13, the judge may order that a financial investigation be made in the manner prescribed by section 225.13. If the costs of a respondent's evaluation or treatment are payable in whole or in part by an administrative services organization, an order under this section shall be for referral of the respondent by an administrative services organization for an evaluation and referral of the respondent to an appropriate placement or service, which may include the state psychiatric hospital for additional evaluation or treatment.

[C77, 79, 81, §225.11]

96 Acts, ch 1183, §9; 2004 Acts, ch 1090, §33; 2015 Acts, ch 69, §21; 2024 Acts, ch 1161, §56, 137

Referred to in §225.17

225.12 Voluntary public patient — physician's or physician associate's report.

A physician or a physician associate who meets the qualifications set forth in the definition of a mental health professional in section 228.1 shall submit a detailed history of the case to an administrative services organization as will be likely to aid in the observation, treatment, and hospital care of the person.

[C24, 27, 31, 35, §3966; C39, §**3482.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.12]

2002 Acts, ch 1119, §29; 2006 Acts, ch 1059, §2; 2015 Acts, ch 69, §22; 2022 Acts, ch 1066, §25; 2024 Acts, ch 1161, §57, 137; 2026 Acts, ch 1008, §3

Referred to in §225.16

Code editor directive applied

225.13 Financial condition.

Administrative services organizations shall be responsible for investigating the financial condition of a person and of those legally responsible for the person's support.

[C24, 27, 31, 35, §3967; C39, §**3482.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.13]

2006 Acts, ch 1059, §3; 2015 Acts, ch 69, §23; 2016 Acts, ch 1073, §69; 2024 Acts, ch 1161, §58, 137

Referred to in §225.11, 225.14, 225.25

225.14 Patient costs.

If it is determined through the financial condition investigation made pursuant to section 225.13 that a person is a committed or voluntary private patient, the person or those legally responsible for the person's support are liable for expenses as provided in section 225.22. The costs of a committed or voluntary public patient shall be paid by the state as provided in section 225.28.

[C24, 27, 31, 35, §3968; C39, §**3482.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.14]

2006 Acts, ch 1059, §4

225.15 Examination and treatment.

When a respondent arrives at the state psychiatric hospital, the admitting physician, or a physician associate who meets the qualifications set forth in the definition of a mental health professional in section 228.1, shall examine the respondent and determine whether or not, in the physician's or physician associate's judgment, the respondent is a fit subject for observation, treatment, and hospital care. If, upon examination, the physician or physician associate who meets the qualifications set forth in the definition of a mental health professional in section 228.1 decides that the respondent should be admitted to the hospital, the respondent shall be provided a proper bed in the hospital. The physician or physician associate who meets the qualifications set forth in the definition of a mental health professional in section 228.1 who has charge of the respondent shall proceed with observation, medical treatment, and hospital care as in the physician's or physician

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associate's judgment are proper and necessary, in compliance with sections 229.13, 229.14, this section, and section 229.16. After the respondent's admission, the observation, medical treatment, and hospital care of the respondent may be provided by a mental health professional, as defined in section 228.1, who is licensed as a physician, advanced registered nurse practitioner, or physician associate.

[C24, 27, 31, 35, §3969; C39, §**3482.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.15]

96 Acts, ch 1183, §10; 2004 Acts, ch 1090, §33; 2012 Acts, ch 1120, §55; 2015 Acts, ch 69, §24; 2016 Acts, ch 1073, §70; 2021 Acts, ch 80, §115; 2022 Acts, ch 1066, §26; 2024 Acts, ch 1161, §59, 137; 2026 Acts, ch 1008, §3

Referred to in §225.16, 225.17
Code editor directive applied

225.16 Voluntary public patients — admission.

1. If the department finds from the physician's information or from the information of a physician associate who meets the qualifications set forth in the definition of a mental health professional in section 228.1 which was filed under the provisions of section 225.12 that it would be appropriate for the person to be admitted to the state psychiatric hospital, and the department finds that the person and those who are legally responsible for the person are not able to pay the expenses incurred at the hospital, or are able to pay only a part of the expenses, the person shall be considered to be a voluntary public patient and shall be sent to the state psychiatric hospital for observation, treatment, and hospital care.

2. When the patient arrives at the hospital, the patient shall be cared for in the same manner as is provided for committed public patients in section 225.15.

[C24, 27, 31, 35, §3970; C39, §**3482.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.16]

2006 Acts, ch 1059, §5; 2015 Acts, ch 69, §25; 2022 Acts, ch 1066, §27; 2024 Acts, ch 1161, §60, 137; 2026 Acts, ch 1008, §3

Code editor directive applied

225.17 Committed private patient — treatment.

1. If the judge of the district court finds pursuant to section 225.11 that the respondent is an appropriate subject for placement at the state psychiatric hospital, and that the respondent, or those legally responsible for the respondent, are able to pay the expenses associated with the placement, the judge shall enter an order directing that the respondent shall be sent to the state psychiatric hospital at the state university of Iowa for observation, treatment, and hospital care as a committed private patient.

2. When the respondent arrives at the hospital, the respondent shall receive the same treatment as is provided for committed public patients in section 225.15, in compliance with sections 229.13 through 229.16.

[C24, 27, 31, 35, §3971; C39, §**3482.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.17]

96 Acts, ch 1183, §11; 2004 Acts, ch 1090, §33; 2006 Acts, ch 1059, §6; 2015 Acts, ch 69, §26; 2016 Acts, ch 1073, §71; 2021 Acts, ch 80, §116; 2024 Acts, ch 1161, §61, 137

225.18 Attendants.

An administrative services organization may appoint an attendant to accompany the committed public patient or the voluntary public patient or the committed private patient from the place where the patient may be to the state psychiatric hospital, or to accompany the patient from the hospital to a place as may be designated by the administrative services organization. If a patient is moved pursuant to this section, at least one attendant shall be of the same gender as the patient.

[C24, 27, 31, 35, §3974; C39, §**3482.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.18]

85 Acts, ch 99, §4; 2006 Acts, ch 1059, §7; 2015 Acts, ch 69, §27; 2024 Acts, ch 1161, §62, 137

225.19 Compensation for attendant. Repealed by 2024 Acts, ch 1161, §135, 137.

225.20 Compensation for physician. Repealed by 2006 Acts, ch 1059, §14.

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225.21 Compensation claims — filing — approval. Repealed by 2024 Acts, ch 1161, §135, 137.

225.22 Liability of private patients — payment.

Every committed private patient, if the patient has an estate sufficient for that purpose, or if those legally responsible for the patient's support are financially able, shall be liable to the state for all expenses paid by the state on behalf of such patient. All bills for the care, nursing, observation, treatment, medicine, and maintenance of such patients shall be paid by the director of the department of administrative services in the same manner as those of committed and voluntary public patients as provided in this chapter, unless the patient or those legally responsible for the patient make such settlement with the state psychiatric hospital.

[C24, 27, 31, 35, §3978; C39, §**3482.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.22]
2003 Acts, ch 145, §286; 2024 Acts, ch 1161, §63, 137
Referred to in §225.14

225.23 Collection for treatment.

If the bills for a committed or voluntary private patient are paid by the state, the state psychiatric hospital shall file a certified copy of the claim for the bills with the department of administrative services. The department shall proceed to collect the claim in the name of the state psychiatric hospital.

[C24, 27, 31, 35, §3979; C39, §**3482.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.23]
2003 Acts, ch 145, §286; 2006 Acts, ch 1059, §10; 2012 Acts, ch 1120, §94, 130
Referred to in §225.35, 331.502

225.24 Collection of preliminary expense.

Unless a committed private patient or those legally responsible for the patient's support offer to settle the amount of the claims, the department shall collect, by action if necessary, the amount of all claims for per diem and expenses that have been approved by an administrative services organization and paid by the administrative services organization. Any amount collected shall be credited to the behavioral health fund established in section 225A.7.

[C24, 27, 31, 35, §3980; C39, §**3482.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.24]
2006 Acts, ch 1059, §11; 2015 Acts, ch 69, §30; 2016 Acts, ch 1011, §39; 2021 Acts, ch 177, §81, 108; 2024 Acts, ch 1161, §64, 137
Referred to in §225.35, 331.502

225.25 Commitment of private patient as public.

If a patient is committed to the state psychiatric hospital as a private patient and after admission it is determined through an investigation made pursuant to section 225.13 that the person is a public patient, the expense of keeping and maintaining the patient from the date of the filing of the information upon which the order is made shall be paid by the state.

[C24, 27, 31, 35, §3981; C39, §**3482.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.25]
2006 Acts, ch 1059, §12

225.26 Private patients — disposition of funds.

All moneys collected from private patients shall be used for the support of the state psychiatric hospital.

[C24, 27, 31, 35, §3982; C39, §**3482.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.26]
2023 Acts, ch 19, §444

225.27 Discharge — transfer.

The state psychiatric hospital may, at any time, discharge any patient as recovered, as improved, or as not likely to be benefited by further treatment. If the patient being so discharged was involuntarily hospitalized, the hospital shall notify the committing judge or court of the discharge as required by section 229.14 or section 229.16, as applicable. Upon receiving the notification, the court shall issue an order confirming the patient's discharge

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from the hospital or from care and custody, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. The court or judge shall, if necessary, appoint a person to accompany the discharged patient from the state psychiatric hospital to such place as the hospital or the court may designate, or authorize the hospital to appoint such attendant.

[C24, 27, 31, 35, §3983; C39, §**3482.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.27]
2001 Acts, ch 155, §41; 2015 Acts, ch 69, §31; 2024 Acts, ch 1161, §65, 137

225.28 Appropriation.

The state shall pay to the state psychiatric hospital, out of any moneys in the state treasury not otherwise appropriated, all expenses for the administration of the hospital, and for the care, treatment, and maintenance of committed and voluntary public patients in the state psychiatric hospital, including clothing and all other expenses of the hospital for the public patients. The bills for the expenses shall be rendered monthly in accordance with rules agreed upon by the director of the department of administrative services and the state board of regents.

[C24, 27, 31, 35, §3984; C39, §**3482.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.28]
2003 Acts, ch 145, §286; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §445
Referred to in §225.14

225.29 Reserved.

225.30 Blanks — audit.

The medical faculty of the university of Iowa college of medicine shall prepare blanks containing such questions and requiring such information as may be necessary and proper to be obtained by the physician or mental health professional who examines a person or respondent whose referral to the state psychiatric hospital is contemplated. A judge may request that a physician or mental health professional who examines a respondent as required by section 229.10 complete such blanks in duplicate in the course of the examination. A physician who proposes to file information under section 225.10* shall obtain and complete such blanks in duplicate and file them with the information. The blanks shall be printed by the state and a supply of the blanks shall be made available to counties. The director of the department of administrative services shall audit, allow, and pay the cost of the blanks as other bills for public printing are allowed and paid.

[C24, 27, 31, 35, §3986, 3987; C39, §**3482.30, 3482.31;** C46, 50, 54, 58, 62, 66, 71, 73, §225.30; C75, §225.30, 225.31; C77, 79, 81, §225.30]

2001 Acts, ch 74, §10; 2002 Acts, ch 1119, §30; 2003 Acts, ch 145, §286; 2006 Acts, ch 1059, §13; 2018 Acts, ch 1026, §70
*Section 225.10 repealed by 2024 Acts, ch 1161, §135; corrective legislation is pending

225.31 Reserved.

225.32 Report and order to accompany patient.

One of the duplicate reports shall be sent to the state psychiatric hospital with the patient, together with a certified copy of the order of the court.

[C24, 27, 31, 35, §3988; C39, §**3482.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.32]

225.33 Death of patient — disposal of body.

When a committed public patient or a voluntary public patient or a committed private patient dies while at the state psychiatric hospital or at the university hospital, the state psychiatric hospital shall have the body prepared for shipment in accordance with the rules prescribed by the department of health and human services for shipping such bodies. It is the duty of the state board of regents to make arrangements for the embalming and such other preparation as necessary to comply with the rules and for the purchase of suitable caskets.

[C24, 27, 31, 35, §3989; C39, §**3482.33;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.33]
2001 Acts, ch 74, §11; 2023 Acts, ch 19, §446; 2024 Acts, ch 1170, §410

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225.34 Reserved.

225.35 Expense collected.

When a person is a committed private patient, it is the duty of the county auditor of the proper county to proceed to collect all of such expenses, in accordance with the provisions of sections 225.23 and 225.24.

[C24, 27, 31, 35, §3991; C39, §**3482.35;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §225.35]
2023 Acts, ch 19, §447
Referred to in §331.502

CHAPTER 225A

DEPARTMENT OF HEALTH AND HUMAN SERVICES — BEHAVIORAL HEALTH SERVICE SYSTEM

Referred to in §256.25

225A.1 Definitions.
225A.2 State mental health authority — state agency for substance abuse.
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225A.7 Behavioral health fund.
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225A.9 Application for services — minors.
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225A.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Administrative services organization"* means an entity designated by the department pursuant to section 225A.4, to develop and perform planning and administrative services in accordance with a behavioral health service system district plan.

2. *"Behavioral health condition"* means a substantial limitation in major life activities due to a mental, behavioral, or addictive disorder or condition diagnosed in accordance with the criteria provided in the most current edition of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association.

3. *"Behavioral health district"* means a health and human services district utilized for the purpose of administering the behavioral health service system.

4. *"Behavioral health district advisory council"* means an advisory council established pursuant to section 225A.5.

5. *"Behavioral health provider"* or *"provider"* means an individual, firm, corporation, association, or institution that, pursuant to this chapter, is providing or has been approved by the department to provide services to an individual with a behavioral health condition.

6. *"Behavioral health service system"* means the behavioral health service system established in section 225A.3.

7. *"Behavioral health service system district plan"* or *"behavioral health district plan"* means a plan developed by an administrative services organization and approved by the department that outlines the services intended to be provided within the administrative services organization's behavioral health district.

8. *"Behavioral health service system state plan"* means the plan developed by the department that describes the key components of the behavioral health service system.

9. *"Caregiver"* means an adult family member, or other individual, who is providing care to a person outside of a formal program.

10. *"Community mental health center"* means an entity designated by the department to address the mental health needs of one or more counties.

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11. *"Department"* means the department of health and human services.

12. *"Director"* means the director of health and human services.

13. *"Health and human services district"* or *"HHS district"* means the same as defined in section 217.1.

14. *"Indicated prevention"* means prevention activities designed to prevent the onset of substance use disorders in individuals who do not meet the medical criteria for addiction, but who show early signs of developing a substance use disorder in the future.

15. *"Selective prevention"* means prevention activities designed to target subsets of the total population who are considered at-risk for a substance use disorder by virtue of their membership in a particular segment of the population. Selective prevention targets the entire subgroup, regardless of the degree of risk of any individual within the group.

16. *"Universal prevention"* means prevention activities designed to address an entire population class for the purpose of preventing or delaying the use of alcohol, tobacco, and other drugs. Population classes include but are not limited to the national population, local populations, community populations, school populations, and neighborhood populations.

2024 Acts, ch 1161, §1, 11; 2026 Acts, ch 1064, §5, 22
Referred to in §12.51, 97B.1A, 135P.1, 222.2, 225.1, 226.1, 229.1, 230.1, 256.25, 321J.25, 331.910
Section amended

225A.2 State mental health authority — state agency for substance abuse.

1. The department is designated as the state mental health authority as defined in 42 U.S.C. §201(m) for the purpose of directing benefits from the federal community mental health services block grant, 42 U.S.C. §300x et seq., and the state authority designated for the purpose of directing benefits from the federal substance abuse prevention and treatment block grant, 42 U.S.C. §300x-21 et seq. This designation does not preclude the state board of regents from authorizing or directing any institution under the board of regents' jurisdiction to carry out educational, prevention, and research activities in the areas of mental health and intellectual disability.

2. The department is designated as the single state agency for substance abuse for the purposes of 42 U.S.C. §1396a et seq.

3. For the purposes of effectuating the department's roles designated in this section, the department shall have the following powers and the authority to take all of the following actions:

a. Plan, establish, and maintain prevention, education, early intervention, treatment, recovery support, and crisis services programs as necessary or desirable for the behavioral health service system established in section 225A.3.

b. Develop and submit a state plan as required by, and in accordance with, 42 U.S.C. §300x-1.

c. Review and approve behavioral health service system district plans developed in accordance with the behavioral health service system state plan.

d. Perform all necessary acts to cooperate with any state agency, political subdivision, or federal government agency to apply for grants.

e. Solicit and accept for use any gift of money by will or otherwise, and any grant of money or services from the federal government, the state, or any political subdivision thereof, or any private source.

f. Collect and maintain records, engage in studies and analyses, and gather relevant statistics.

g. Take any other actions as necessary to execute the duties granted to the department in this chapter, or that are otherwise required to maintain compliance with federal requirements related to the department's roles as designated in this section.

2024 Acts, ch 1161, §2, 11; 2026 Acts, ch 1064, §6, 22
Subsection 3, paragraph c amended

225A.3 Behavioral health service system — department powers and duties.

1. *a.* A behavioral health service system is established under the control of the department for the purposes of implementing a statewide system of prevention, education, early intervention, treatment, recovery support, and crisis services related to mental health

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and addictive disorders, including but not limited to alcohol use, substance use, tobacco use, and problem gambling.

b. The behavioral health service system shall support equitable statewide access to all services offered through the behavioral health service system and offer specialized services with a focus on at-risk populations including but not limited to children, youth, young adults, individuals with disabilities, pregnant and parenting women, older adults, and people with limited access to financial resources.

c. Services offered through the behavioral health service system shall, at a minimum, include all of the following:

(1) Prevention intervention services and education programs designed to reduce and mitigate behavioral health conditions and future behavioral health conditions. Prevention intervention programs shall incorporate indicated prevention, selective prevention, and universal prevention activities.

(2) Evidence-based and evidence-informed early intervention and treatment services.

(3) Comprehensive recovery support services with a focus on community-based services that avoid, divert, or offset the need for long-term inpatient services, law enforcement involvement, or incarceration.

(4) Crisis services with a focus on reducing the escalation of crisis situations, relieving the immediate distress of individuals experiencing a crisis situation, and reducing the risk that individuals in a crisis situation harm themselves.

2. To the extent funding is available, the department shall perform all of the following duties to develop and administer the behavioral health service system:

a. (1) Develop a behavioral health service system state plan that accomplishes all of the following:

(a) Identifies the goals, objectives, and targeted outcomes for the behavioral health service system.

(b) Identifies the strategies to meet system objectives and ensure equitable access statewide to prevention, education, early intervention, treatment, recovery support, and crisis services.

(c) Is consistent with the state health improvement plan developed under section 217.17.

(d) Is consistent with the department's agency strategic plan adopted pursuant to section 8E.204.

(2) The department shall do all of the following when developing the behavioral health service system state plan:

(a) Collaborate with stakeholders including but not limited to county supervisors and other local elected officials, experienced behavioral health providers, and organizations that represent populations, including but not limited to children, served by the behavioral health service system.

(b) Publish the proposed behavioral health service system state plan on the department's internet site and allow the public to review and comment on the proposed behavioral health service system state plan prior to the adoption of the proposed behavioral health service system state plan.

b. Administer and distribute state appropriations, federal aid, and grants that have been deposited into the behavioral health fund established in section 225A.7.

c. Oversee, provide technical assistance to, and monitor administrative services organizations to ensure the administrative services organizations' compliance with behavioral health district plans.

d. Collaborate with the department of inspections, appeals, and licensing on the accreditation, certification, and licensure of behavioral health providers including but not limited to the approval, denial, revocation, or suspension of a behavioral health provider's accreditation, certification, or licensure.

e. Develop and adopt minimum accreditation standards for the maintenance and operation of community mental health centers to ensure that each community mental health center, and each entity that provides services under contract with a community mental health center, furnishes high-quality mental health services to the community that the community mental health center serves in accordance with rules adopted by the department.

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f. Designate community mental health centers.

g. Conduct formal accreditation reviews of community mental health centers based on minimum accreditation standards adopted by the department pursuant to paragraph "*e*".

h. Establish and maintain a data collection and management information system to identify, collect, and analyze service outcome and performance data to address the needs of patients, providers, the department, and programs operating within the behavioral health service system.

i. Collect, monitor, and utilize information including but not limited to behavioral health service system patient records and syndromic surveillance data to understand emerging needs, and to deploy information, resources, and technical assistance in response.

j. Collaborate with the department of revenue for enforcement of tobacco laws, regulations, and ordinances and engage in tobacco control activities.

k. Adopt rules pursuant to chapter 17A to administer this chapter. Such rules shall include but not be limited to rules that provide for all of the following:

(1) Minimum access standards to ensure equitable access to services provided through the behavioral health service system including but not limited to when services are available, who is eligible for services, and where services are available.

(2) Methods to ensure each individual who is eligible for services receives an uninterrupted continuum of care for prevention, education, early intervention, treatment, recovery support, and crisis services.

(3) Standards for the implementation and maintenance of behavioral health programs and services offered by the behavioral health service system, and by each administrative services organization.

(4) Procedures for the management and oversight of behavioral health providers to ensure compliance with the terms of the behavioral health providers' contracts relating to the behavioral health service system, and with state and federal law and rules.

(5) Procedures for the suspension of an administrative services organization's services due to the administrative services organization's failure to comply with the terms and conditions of its contract with the department.

(6) Procedures for the reallocation of funds from an administrative services organization that is not in compliance with the terms of its contract with the department to an alternative administrative services organization or a behavioral health provider to provide for services the noncompliant administrative services organization failed to provide.

(7) Procedures for the termination of an administrative services organization's designation as an administrative services organization.

(8) Procedures for the collection, utilization, and maintenance of the data necessary to establish a central data repository in accordance with section 225A.6.

(9) Any other requirements the department deems necessary to ensure that an administrative services organization fulfills the administrative services organization's duties as established in this chapter, and as established in the administrative services organization's behavioral health district plan.

2024 Acts, ch 1161, §3, 11; 2026 Acts, ch 1040, §39; 2026 Acts, ch 1064, §7 – 12, 22
Referred to in §217.37, 225A.1, 225A.2, 225A.9, 249N.8, 252.24, 347.16, 423.3, 602.8102(39)
Subsection 2, paragraph a, subparagraph (1), unnumbered paragraph 1 amended
Subsection 2, paragraph a, subparagraph (1), subparagraph division (d) amended
Subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 1 amended
Subsection 2, paragraph a, subparagraph (2), subparagraph division (b) amended
Subsection 2, paragraph c amended
Subsection 2, paragraph k, subparagraph (9) amended

225A.4 Behavioral health service system — districts and administrative services organizations.

1. The department shall make available behavioral health prevention, education, early intervention, treatment, recovery support, and crisis services related to mental health and addictive disorders, including but not limited to alcohol use, substance use, tobacco use, and problem gambling in a consistent manner in each behavioral health district.

2. *a.* The department shall designate an administrative services organization for each behavioral health district to oversee and organize each behavioral health district and the

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behavioral health services associated with the behavioral health district. The department may issue requests for proposals for administrative services organization candidates.

b. At the department's discretion, the department may designate any of the following entities as an administrative services organization:

(1) An organization that coordinated administrative services or mental health and disability services for a mental health and disability services region formed on or before June 30, 2024.

(2) A public or private nonprofit agency located in the behavioral health district for which the agency is being designated an administrative services organization, or any separate organizational unit within that public or private nonprofit agency, that has the capabilities to engage in the planning or provision of a broad range of behavioral health prevention, education, early intervention, treatment, recovery support, and crisis services related to mental health and addictive disorders, including but not limited to alcohol use, substance use, tobacco use, and problem gambling, only as directed by the department.

c. The department shall consider all of the following factors in determining whether to designate an entity as an administrative services organization:

(1) Whether the entity has demonstrated the capacity to manage and utilize available resources in a manner required of an administrative services organization.

(2) Whether the entity has demonstrated the ability to ensure the delivery of behavioral health services within the behavioral health district as required by the department by rule.

(3) Whether the entity has demonstrated the ability to fulfill the monitoring, oversight, and provider compliance responsibilities as required by the department by rule.

(4) Whether the entity has demonstrated the capacity to function as a subrecipient for the purposes of the federal community mental health services block grant, 42 U.S.C. §300x et seq., and the federal substance abuse prevention and treatment block grant, 42 U.S.C. §300x-21 et seq., and the ability to comply with all federal requirements applicable to subrecipients under the block grants.

3. *a.* Upon designation by the department, an administrative services organization shall be considered an instrumentality of the state and shall adhere to all state and federal mandates and prohibitions applicable to an instrumentality of the state.

b. An entity's designation as an administrative services organization shall continue until the designation is removed by the department, the administrative services organization withdraws, or a change in state or federal law necessitates the removal of the designation.

4. Each administrative services organization shall function as a subrecipient for the purposes of the federal community mental health services block grant, 42 U.S.C. §300x et seq., and the federal substance abuse prevention and treatment block grant, 42 U.S.C. §300x-21 et seq., and shall comply with all federal requirements applicable to subrecipients under the block grants.

5. Each administrative services organization shall perform all of the following duties:

a. Develop and administer a behavioral health district plan in accordance with the standards adopted by the department by rule.

b. Coordinate the administration of the behavioral health district plan with federal, state, and local resources in order to develop a comprehensive and coordinated local behavioral health service system.

c. Enter into contracts necessary to provide services under the behavioral health district plan.

d. Oversee, provide technical assistance to, and monitor the compliance of providers contracted by the administrative services organization to provide behavioral health services in accordance with the behavioral health district plan.

e. Establish a behavioral health district advisory council pursuant to section 225A.5.

2024 Acts, ch 1161, §4, 11; 2026 Acts, ch 1064, §13 – 17, 22

Referred to in §225A.1, 321J.25, 812.6
Subsection 1 amended
Subsection 2, paragraph a amended
Subsection 2, paragraph b, subparagraph (2) amended
Subsection 2, paragraph c, subparagraph (2) amended
Subsection 5 amended

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225A.5 Behavioral health district advisory councils.

1. Each administrative services organization shall establish a behavioral health district advisory council that shall do all of the following:

a. Identify opportunities and address challenges based on updates received from the administrative services organization regarding the implementation of the behavioral health district plan.

b. Advise the administrative services organization while the administrative services organization is developing behavioral health policies.

c. Advise the administrative services organization on how to best provide access to behavioral health prevention, education, early intervention, treatment, recovery support, and crisis services related to mental health and addictive disorders, including but not limited to alcohol use, substance use, tobacco use, and problem gambling, throughout the behavioral health district as directed by the department.

2. A behavioral health district advisory council shall consist of ten members. Members shall be appointed by the administrative services organization subject to the following requirements:

a. Three members shall be local elected public officials currently holding office within the behavioral health district, or the public official's designated representative.

b. Three members shall be chosen in accordance with procedures established by the administrative services organization to ensure representation of the populations served within the behavioral health district. At least one member chosen under this paragraph shall represent child and adolescent persons.

c. Three members shall be chosen who have experience or education related to core behavioral health functions, essential behavioral health services, behavioral health prevention, behavioral health treatment, population-based behavioral health services, or community-based behavioral health initiatives.

d. One member shall be a law enforcement representative from within the behavioral health district.

3. A behavioral health district advisory council shall perform the duties required under this section regardless of whether any seat on the behavioral health district advisory council is vacant.

2024 Acts, ch 1161, §5, 11; 2026 Acts, ch 1064, §18, 22
Referred to in §225A.1, 225A.4
Section amended

225A.6 Behavioral health service system — data collection and use.

1. The department shall take all of the following actions for data related to the behavioral health service system:

a. Collect and analyze the data, including but not limited to Medicaid and community services network data, as necessary to issue cost estimates for serving populations, providing treatment, making and receiving payments, conducting operations, and performing prevention and health promotion activities. In doing so, the department shall maintain compliance with applicable federal and state privacy laws to ensure the confidentiality and integrity of individually identifiable data. The department shall periodically assess the status of the department's compliance to ensure that data collected by and stored with the department is protected.

b. Establish and administer a central data repository for collecting and analyzing state, behavioral health district, and contracted behavioral health provider data.

c. Establish a record for each individual receiving publicly funded services from an administrative services organization. Each record shall include a unique client identifier for the purposes of identifying and tracking the individual's record.

d. Consult with administrative services organizations, behavioral health service providers, and other behavioral health service system stakeholders on an ongoing basis to implement and maintain the central data repository.

e. Engage with all entities that maintain information the department is required to collect

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pursuant to this section in order to integrate all data concerning individuals receiving services within the behavioral health service system.

f. Engage with all entities that maintain general population data relating to behavioral health in order to develop action plans, create projections relating to a population's behavioral health needs, develop policies concerning behavioral health, and otherwise perform acts as necessary to enhance the state's overall behavioral health.

2. Administrative services organizations shall report all data required to be maintained in the central data repository to the department in a manner as established by the department by rule. For the purpose of making such data reports, an administrative services organization shall do one of the following:

a. Utilize a data system that integrates with the data systems used by the department.

b. Utilize a data system that has the capacity to securely exchange information with the department, other behavioral health districts, contractors, and other entities involved with the behavioral health service system who are authorized to access the central data repository.

3. Data and information maintained by and exchanged between an administrative services organization and the department shall be labeled consistently, share the same definitions, utilize the same common coding and nomenclature, and be in a form and format as required by the department by rule.

4. Administrative services organizations shall report to the department, in a manner specified by the department, information including but not limited to demographic information, expenditure data, and data concerning the behavioral health services and other support provided to individuals in the administrative service organization's behavioral health district.

5. The department shall ensure that public and private agencies, organizations, and individuals that operate within the behavioral health service system, or that make formal requests for the release of data collected by the department, maintain uniform methods for keeping statistical information relating to behavioral health service system outcomes and performance.

6. The department shall develop and implement a communication plan that details how outcome and performance data will be shared with stakeholders including but not limited to the public, persons involved with the behavioral health service system, and the general assembly.

2024 Acts, ch 1161, §6, 11; 2026 Acts, ch 1064, §19, 22
Referred to in §225A.3
Subsection 4 amended

225A.7 Behavioral health fund.

1. For purposes of this section:

a. *"Population"* means, as of July 1 of the fiscal year preceding the fiscal year in which the population figure is applied, the population shown by the latest preceding certified federal census or the latest applicable population estimate issued by the United States census bureau, whichever is most recent.

b. *"State growth factor"* for a fiscal year means an amount equal to the dollar amount used to calculate the appropriation under this section for the immediately preceding fiscal year multiplied by the percent increase, if any, in the amount of sales tax revenue deposited into the general fund of the state under section 423.2A, subsection 1, paragraph *"a"*, less the transfers required under section 423.2A, subsection 2, between the fiscal year beginning three years prior to the applicable fiscal year and the fiscal year beginning two years prior to the applicable year, but not to exceed one and one-half percent.

2. A behavioral health fund is established in the state treasury under the control of the department. The fund shall consist of moneys deposited into the fund pursuant to this section and section 426B.1, gifts of money or property accepted by the state or the department to support any services under this chapter or chapter 231, and moneys otherwise appropriated by the general assembly. Moneys in the fund are appropriated to the department to implement and administer the behavioral health service system and related programs including but not limited to all of the following:

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a. Distributions to administrative services organizations to provide services as outlined in the organizations' behavioral health district plan.

b. Distributions to providers of mental health services and addictive disorder services, including but not limited to tobacco use services, substance use disorder services, and problem gambling services.

c. Funding of disability services pursuant to chapter 231. This paragraph is repealed July 1, 2028.

3. For the fiscal year beginning July 1, 2025, there is transferred from the general fund of the state to the behavioral health fund an amount equal to forty-two dollars multiplied by the state's population for the fiscal year.

4. For the fiscal year beginning July 1, 2026, and each succeeding fiscal year, there is transferred from the general fund of the state to the behavioral health fund an amount equal to the state's population for the fiscal year multiplied by the sum of the dollar amount used to calculate the transfer from the general fund to the behavioral health fund for the immediately preceding fiscal year, plus the state growth factor for the fiscal year for which the transfer is being made.

5. For each fiscal year, an administrative services organization shall not spend on administrative costs an amount more than seven percent of the total amount distributed to the administrative services organization through this section and all other appropriations for the same fiscal year.

6. Moneys in the behavioral health fund may be used by the department for cash flow purposes, provided that any moneys so allocated are returned to the behavioral health fund by the end of each fiscal year.

7. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the behavioral health fund shall be credited to the behavioral health fund.

8. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated.

2024 Acts, ch 1161, §7, 11; 2026 Acts, ch 1064, §20, 22
Referred to in §123.17, 225.24, 225A.3, 426B.1
Subsection 2, paragraph a amended

225A.8 Addictive disorders prevention — prohibitions.

1. For purposes of this section, "*entity*" means a manufacturer, distributor, wholesaler, retailer, or distributing agent, or an agent of a manufacturer, distributor, wholesaler, retailer, or distributing agent as those terms are defined in section 453A.1.

2. To promote comprehensive tobacco use prevention and control initiatives outlined in the behavioral health service system state plan, an entity shall not perform any of the following acts:

a. Give away cigarettes or tobacco products.

b. Provide free articles, products, commodities, gifts, or concessions in any exchange for the purchase of cigarettes or tobacco products.

3. The prohibitions in this section shall not apply to transactions between manufacturers, distributors, wholesalers, or retailers as those terms are defined in section 453A.1.

2024 Acts, ch 1161, §8, 11; 2026 Acts, ch 1064, §21, 22
Subsection 2, unnumbered paragraph 1 amended

225A.9 Application for services — minors.

A minor who is twelve years of age or older shall have the legal capacity to act and give consent to the provision of tobacco cessation coaching services pursuant to a tobacco cessation telephone and internet-based program approved by the department through the behavioral health service system established in section 225A.3. Consent shall not be subject to later disaffirmance by reason of such minority. The consent of another person, including but not limited to the consent of a spouse, parent, custodian, or guardian, shall not be necessary.

2024 Acts, ch 1161, §9, 11

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225A.10 Behavioral health services expenditure report.

No later than December 15 of each year, the department shall submit to the general assembly a summary of the department's expenditures for behavioral health services for adults and children for the immediately preceding fiscal year, including a summary of which appropriations or funding sources were used to fund the expenditures.

2026 Acts, ch 1195, §37
NEW section

CHAPTER 225B

PREVENTION OF DISABILITIES

Repealed per the terms of former §225B.8; 2012 Acts, ch 1133, §96

CHAPTER 225C

MENTAL HEALTH AND DISABILITY SERVICES

Repealed by 2024 Acts, ch 1161, §134, 137
For behavioral health service system, see chapter 225A

CHAPTER 225D

AUTISM SUPPORT PROGRAM

225D.1 Definitions. 225D.2 Autism support program — fund.

225D.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Applied behavioral analysis"* means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.

2. *"Autism"* means autism spectrum disorder as defined in section 514C.28.

3. *"Autism service provider"* means a person providing applied behavioral analysis, who meets all of the following criteria:

a. Is any of the following:

(1) Is certified as a behavior analyst by the behavior analyst certification board, is a psychologist licensed under chapter 154B, or is a psychiatrist licensed under chapter 148.

(2) Is a board-certified assistant behavior analyst who performs duties, identified by and based on the standards of the behavior analyst certification board, under the supervision of a board-certified behavior analyst.

b. Is approved as a member of the provider network by the department.

4. *"Autism support fund"* or *"fund"* means the autism support fund created in section 225D.2.

5. *"Clinically relevant"* means medically necessary and resulting in the development, maintenance, or restoration, to the maximum extent practicable, of the functioning of an individual.

6. *"Department"* means the department of health and human services.

7. *"Diagnostic assessment of autism"* means medically necessary assessment, evaluations, or tests performed by a licensed child psychiatrist, developmental pediatrician, or clinical psychologist.

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8. *"Eligible individual"* means a child less than fourteen years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment or applied behavior analysis treatment under the medical assistance program, section 514C.28, section 514C.31, or other private insurance coverage, and whose household income does not exceed five hundred percent of the federal poverty level.

9. *"Federal poverty level"* means the most recently revised poverty income guidelines published by the United States department of health and human services.

10. *"Household income"* means household income as determined using the modified adjusted gross income methodology pursuant to section 2002 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148.

11. *"Medical assistance"* or *"Medicaid"* means assistance provided under the medical assistance program pursuant to chapter 249A.

12. *"Regional autism assistance program"* means the regional autism assistance program created in section 256.35.

13. *"Treatment plan*" means a plan for the treatment of autism developed by a licensed physician or licensed psychologist pursuant to a comprehensive evaluation or reevaluation performed in consultation with the patient and the patient's representative.

2013 Acts, ch 138, §82, 85; 2015 Acts, ch 137, §69, 162, 163; 2016 Acts, ch 1139, §59; 2017 Acts, ch 18, §1, 5; 2017 Acts, ch 170, §35, 44; 2022 Acts, ch 1026, §1; 2023 Acts, ch 19, §470

225D.2 Autism support program — fund.

1. The department shall implement an autism support program beginning January 1, 2014, to provide payment for the provision of applied behavioral analysis treatment for eligible individuals. The department shall adopt rules, including standards and guidelines pursuant to chapter 17A to implement and administer the program. In adopting the rules, standards, and guidelines for the program, the department shall consult with and incorporate the recommendations of an expert panel convened by the regional autism assistance program to provide expert opinion on clinically relevant practices and guidance on program implementation and administration. The expert panel shall consist of families of individuals with autism; educational, medical, and human services specialists, professionals, and providers; and others with interest in or expertise related to autism. The program shall be implemented and administered in a manner so that payment for services is available throughout the state, including in rural and under-resourced areas.

2. At a minimum, the rules, standards, and guidelines for the program shall address all of the following:

a. A maximum annual benefit amount for an eligible individual of thirty-six thousand dollars.

b. A maximum of twenty-four months of applied behavioral analysis treatment.

c. Notwithstanding the age limitation for an eligible individual, a provision that if an eligible individual reaches fourteen years of age prior to completion of the maximum applied behavioral analysis treatment period specified in paragraph *"b"*, the individual may complete such treatment in accordance with the individual's treatment plan, not to exceed the maximum treatment period.

d. A graduated schedule for cost-sharing by an eligible individual based on a percentage of the total benefit amount expended for the eligible individual, annually. Cost-sharing shall be applicable to eligible individuals with household incomes at or above two hundred percent of the federal poverty level in incrementally increased amounts up to a maximum of fifteen percent. The rules shall provide a financial hardship exemption from payment of the cost-sharing based on criteria established by rule of the department.

e. Application, approval, compliance, and appeal processes for eligible individuals as necessary to operate and manage the program.

f. Enrollment, renewal, and reimbursement of claims provisions for autism service providers participating in the program.

g. A requirement of family engagement and participation as part of the eligible individual's treatment plan.

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h. A requirement that the autism service provider coordinate interventions with the school in which the eligible individual is enrolled.

i. A requirement that the administrator of the program utilize the regional autism assistance program to coordinate interventions between eligible individuals and their families receiving support through the autism support program with appropriate medical, educational, and treatment providers, including integrated health homes. The regional autism assistance program shall provide for family navigation and coordination and integration of services through the statewide system of regional child health specialty clinics, utilizing the community child health team model. As necessitated by the availability of resources in the community where services are delivered, telehealth may be used in delivering and coordinating interventions with appropriate providers. To the extent available and accessible to an eligible individual, the eligible individual shall be enrolled in an integrated health home that is an approved provider enrolled in the medical assistance program. Health home services that are covered services under the medical assistance program shall be reimbursed under the autism support program at rates consistent with those established under the medical assistance program.

j. Requirements related to review of treatment plans, which may require review once every six months, subject to utilization review requirements established by rule. A more or less frequent review may be agreed upon by the eligible individual and the licensed physician or licensed psychologist developing the treatment plan.

k. Recognition of the results of a diagnostic assessment of autism as valid for a period of not less than twelve months, unless a licensed physician or licensed psychologist determines that a more frequent assessment is necessary.

l. Proof of eligibility for the autism support program that includes a written denial for coverage or a benefits summary indicating that applied behavioral analysis treatment or applied behavior analysis treatment is not a covered benefit for which the applicant is eligible, under the Medicaid program, section 514C.28, section 514C.31, or other private insurance coverage.

3. Moneys in the autism support fund created under subsection 5 shall be expended only for eligible individuals who are not eligible for coverage for applied behavioral analysis treatment or applied behavior analysis treatment under the medical assistance program, section 514C.28, section 514C.31, or other private insurance. Payment for applied behavioral analysis treatment through the fund shall be limited to only applied behavioral analysis treatment that is clinically relevant and only to the extent approved under the guidelines established by rule of the department.

4. This section shall not be construed as granting an entitlement for any program, service, or other support for eligible individuals. Any state obligation to provide a program, service, or other support pursuant to this section is limited to the extent of the funds appropriated for the purposes of the program. The department may establish a waiting list or terminate participation of eligible individuals if the department determines that moneys in the autism support fund are insufficient to cover future claims for reimbursement beyond ninety days.

5. *a.* An autism support fund is created in the state treasury under the authority of the department. Moneys appropriated to and all other moneys specified for deposit in the fund shall be deposited in the fund and used for the purposes of the program. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

b. The department shall adopt rules pursuant to chapter 17A to administer the fund and reimbursements made from the fund.

c. Moneys in the fund are appropriated to the department and shall be used by the department for the purposes of the autism support program. The department shall be the administrator of the fund for auditing purposes.

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d. The department shall report on the program and fund pursuant to section 217.21.

2013 Acts, ch 138, §83, 85; 2015 Acts, ch 137, §70, 71, 162, 163; 2016 Acts, ch 1139, §60; 2017 Acts, ch 18, §2, 3, 5; 2024 Acts, ch 1018, §6, 13, 14

Referred to in §225D.1

2024 amendment to subsection 5, paragraph d applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

CHAPTER 226

STATE MENTAL HEALTH INSTITUTES

Referred to in §21.5, 125.2, 229.1, 229.38, 476B.1

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SUBCHAPTER I

GENERAL PROVISIONS

226.1 Official designation — definitions.

1. The state hospitals for persons with mental illness shall be designated as follows:

a. Mental Health Institute, Independence, Iowa.

b. Mental Health Institute, Cherokee, Iowa.

2. *a.* The purpose of the mental health institutes is to operate as regional resource centers providing one or more of the following:

(1) Treatment, training, care, habilitation, and support of persons with mental illness including:

(a) Specialized treatment of behaviorally complex youth at a mental health institute located in Independence.

(b) Specialized treatment and security for adults ordered by the court into the custody

of the state for the purposes of competency restoration, adults who have been acquitted of a crime by reason of insanity, and similarly situated adults at a mental health institute in Cherokee.

(2) Facilities, services, and other support to the communities located in the region being served by a mental health institute so as to maximize the usefulness of the mental health institutes while minimizing overall costs.

(3) A unit for the civil commitment of sexually violent predators committed to the custody of the director pursuant to chapter 229A.

b. In addition, the mental health institutes are encouraged to act as a training resource for community-based program staff, medical students, and other participants in professional education programs.

3. A mental health institute may request the approval of the department to change the name of the institution for use in communication with the public, in signage, and in other forms of communication.

4. For the purposes of this chapter, unless the context otherwise requires:

a. "Administrative services organization" means the same as defined in section 225A.1.

b. "Department" means the department of health and human services.

c. "Director" means the director of health and human services.

d. "Mental health institute" or *"state mental health institute"* means a state hospital for persons with mental illness as designated in this chapter.

[R60, §1471; C73, §1383; C97, §2253; S13, §2253-a; C24, 27, 31, 35, 39, §**3483;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.1]

96 Acts, ch 1129, §113; 98 Acts, ch 1155, §10; 2001 Acts, 2nd Ex, ch 6, §33, 37; 2009 Acts, ch 41, §263; 2015 Acts, ch 69, §44; 2019 Acts, ch 100, §2; 2023 Acts, ch 19, §471; 2023 Acts, ch 140, §1; 2024 Acts, ch 1161, §66, 67, 137; 2024 Acts, ch 1170, §412

Referred to in §230.1

Unit for civil commitment of sexually violent predators located at the mental health institute at Cherokee; 2002 Acts, 2nd Ex, ch 1003, §131

226.2 Qualifications of superintendent.

The superintendent of each institute must be qualified by experience and training in the administration of human service programs. A physician shall not serve as both superintendent and business manager. A hospital administrator or other person qualified in business management appointed superintendent may also be designated to perform the duties of business manager without additional compensation. A physician appointed superintendent shall be designated clinical director and shall perform the duties imposed on the superintendent by section 226.6, subsection 1, and such other duties of the superintendent as must by their nature be performed by a physician.

[R60, §1430, 1474; C73, §1386, 1391; C97, §2255, 2258; C24, 27, 31, 35, 39, §**3484;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.2; 81 Acts, ch 79, §1]

226.3 Assistant physicians.

The assistant physicians shall be of such character and qualifications as to be able to perform the ordinary duties of the superintendent during the superintendent's absence or inability to act.

[R60, §1432; C73, §1394; C97, §2260; C24, 27, 31, 35, 39, §**3485;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.3]

226.4 Salary of superintendent.

The salary of the superintendent of each mental health institute shall be determined by the director.

[R60, §1469, 1496; C97, §2258; C24, 27, 31, 35, 39, §**3486;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.4]

2023 Acts, ch 19, §472

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226.5 Superintendent as witness.

The superintendents and assistant physicians of the mental health institutes, when called as witnesses in any court, shall be paid the same mileage which other witnesses are paid and in addition shall be paid a fee of twenty-five dollars per day, the fee to revert to the support fund of the mental health institute the superintendent or assistant physician serves.

[C73, §1429; C97, §2293; C24, 27, 31, 35, 39, §**3487;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.5]

2023 Acts, ch 19, §473

Mileage, §622.69

226.6 Duties of superintendent.

The superintendent shall:

1. Have the control of the medical, mental, moral, and dietetic treatment of the patients in the superintendent's custody subject to the approval of the director.
2. Require all subordinate officers and employees to perform their respective duties.
3. Have an official seal with the name of the mental health institute and the word "Iowa" on the seal. The superintendent may affix the seal to all notices, orders of discharge, or other papers required to be given by the superintendent.
4. Keep proper books in which shall be entered all moneys and supplies received on account of any patient and a detailed account of the disposition of all moneys and supplies.

[R60, §1430, 1431; C73, §1391, 1393, 1430; C97, §2258, 2294; C24, 27, 31, 35, 39, §**3488;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.6]

2023 Acts, ch 19, §474

Referred to in §226.2

226.7 Order of receiving patients.

1. *a.* Preference in the reception of patients into the mental health institutes shall be exercised in the following order:

(1) Cases of less duration than one year.

(2) Chronic cases, where the disease is of more than one-year duration, presenting the most favorable prospect for recovery.

(3) Those for whom application has been longest on file, other things being equal.

b. Where cases are equally meritorious in all other respects, the indigent shall have the preference.

2. If the district court commits a patient to a state mental health institute and a bed for the patient is not available, the institute shall assist the court in locating an alternative placement for the patient.

[R60, §1438; C73, §1422; C97, §2286; C24, 27, 31, 35, 39, §**3489;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.7]

92 Acts, ch 1241, §69; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §475

226.8 Persons with diagnosis of intellectual disability — admission or transfer to state mental health institute.

1. Admission or transfer pursuant to section 222.7 to a state mental health institute of a person with a diagnosis of an intellectual disability, as defined in section 4.1, shall only occur under the following conditions:

a. If all of the following requirements are met:

(1) The person has been determined by the state mental health institute to meet admission criteria for inpatient psychiatric care.

(2) The state mental health institute has determined the person will benefit from psychiatric treatment or from some other specific program available at the state mental health institute.

(3) There is sufficient capacity available at the state mental health institute to support the needs of the person.

b. If determined appropriate for the person at the sole discretion of the director or the director's designee.

2. Charges for the care of any person with a diagnosis of an intellectual disability admitted

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to a state mental health institute shall be made by the institute in the manner provided by chapter 230, but the liability of any other person to the state for the cost of care of such person with a diagnosis of an intellectual disability shall be as prescribed by section 222.78.

[R60, §1468, 1491; C73, §1434; C97, §2298; C24, 27, 31, 35, 39, §**3490;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.8]

96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §75; 2022 Acts, ch 1131, §59; 2023 Acts, ch 19, §476; 2024 Acts, ch 1161, §68, 137

226.9 Custody of patient.

The superintendent, upon the receipt of a duly executed order of admission of a patient into a state mental health institute, pursuant to section 229.13, shall take the patient into custody and restrain the patient as provided by law and the rules of the department, without liability on the part of such superintendent and all other officers of the mental health institute to prosecution of any kind, but no person shall be detained in the mental health institute who is found by the superintendent to be in good mental health.

[C73, §1411; C97, §2278; C24, 27, 31, 35, 39, §**3491;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.9]

96 Acts, ch 1129, §113; 2023 Acts, ch 19, §477

226.9A Custody of juvenile patients.

Effective January 1, 1991, a juvenile who is committed to a state mental health institute shall not be placed in a secure ward with adults.

89 Acts, ch 283, §21

226.9B Net general fund appropriation — psychiatric medical institution for children.

1. The psychiatric medical institution for children beds operated by the state at the state mental health institute at Independence, as authorized in section 135H.6, shall operate on the basis of a net appropriation from the general fund of the state. The allocation made by the department from the annual appropriation to the state mental health institute at Independence for the purposes of the beds shall be the net amount of state moneys projected to be needed for the beds for the fiscal year of the appropriation.

2. Revenues received that are attributed to the psychiatric medical institution for children beds during a fiscal year shall be credited to the mental health institute's account and shall be considered appropriated receipts as defined in section 8.2, including but not limited to all of the following:

a. The federal share of medical assistance program revenue received under chapter 249A.

b. Moneys received through client financial participation.

c. Other revenues directly attributable to the psychiatric medical institution for children beds.

2005 Acts, ch 175, §95; 2024 Acts, ch 1185, §157

226.9C Net general fund appropriation — dual diagnosis program. Repealed by 2018 Acts, ch 1165, §77.

226.10 Equal treatment.

The patients of the state mental health institutes, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care. If in addition to mental illness a patient has a co-occurring intellectual disability, brain injury, or substance use disorder, the care provided shall also address the co-occurring needs.

[C73, §1420; C97, §2284; C24, 27, 31, 35, 39, §**3492;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.10]

2012 Acts, ch 1120, §64; 2023 Acts, ch 19, §478

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226.11 Special care permitted.

Patients may have such special care as agreed upon with the superintendent, if the friends or relatives of the patient will pay the expense of the special care. Charges for such special care and attendance shall be paid quarterly in advance.

[C73, §1420, 1421; C97, §2284, 2285; C24, 27, 31, 35, 39, §**3493;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.11]

2023 Acts, ch 19, §479

226.12 Monthly reports.

The director shall assure that the superintendent of each institute provides monthly reports concerning the programmatic, environmental, and fiscal condition of the mental health institute. The director or the director's designee shall periodically visit each institute to validate the information.

[C73, §1435, 1441; C97, §2299; SS15, §2727-a11; C24, 27, 31, 35, 39, §**3494;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.12]

91 Acts, ch 38, §6; 2023 Acts, ch 19, §480

226.13 Patients allowed to write.

The name and address of the director shall be posted in every ward in each mental health institute. Every patient shall be allowed to write once a week what the patient pleases to the director and to any other person. The superintendent may send letters addressed to other parties to the director for inspection before forwarding them to the individual addressed.

[C73, §1436; C97, §2300; C24, 27, 31, 35, 39, §**3495;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.13]

2023 Acts, ch 19, §481

226.14 Writing material.

Every patient shall be furnished by the superintendent or party having charge of the patient, at least once each week, with suitable materials for writing, enclosing, sealing, and mailing letters, if the patient requests and uses the materials.

[C73, §1437; C97, §2301; C24, 27, 31, 35, 39, §**3496;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.14]

2023 Acts, ch 19, §482

226.15 Letters to director.

The superintendent or other officer in charge of a patient shall, without reading the letters, receive all letters addressed to the director, if so requested, and shall properly mail the letters, and deliver to such patient all letters or other writings addressed to the patient. Letters written to the patient may be examined by the superintendent, and if, in the superintendent's opinion, the delivery of such letters would be injurious to the patient, the superintendent shall return the letters to the writer with the superintendent's reasons for not delivering the letters.

[C73, §1438; C97, §2302; C24, 27, 31, 35, 39, §**3497;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.15]

2023 Acts, ch 19, §483

226.16 Unauthorized departure and retaking.

The superintendent and all other officers and employees of any mental health institute, in case of the unauthorized departure of any involuntarily hospitalized patient, shall exercise all due diligence to take into protective custody and return the patient to the mental health institute. A notification by the superintendent of such unauthorized departure to any peace officer of the state or to any private person shall be sufficient authority to such officer or person to take and return the patient to the mental health institute.

[R60, §1445; C73, §1423; C97, §2287; S13, §2287; C24, 27, 31, 35, 39, §**3498;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.16]

2023 Acts, ch 19, §484

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226.17 Expense attending retaking.

All actual and necessary expenses incurred in the taking into protective custody, restraint, and return to the mental health institute of the patient shall be paid on itemized vouchers, sworn to by the claimants and approved by the director or the director's designee, from any moneys in the state treasury not otherwise appropriated.

[R60, §1445; C73, §1423; C97, §2287; S13, §2287; C24, 27, 31, 35, 39, §**3499;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.17]

2019 Acts, ch 24, §104; 2023 Acts, ch 19, §485

226.18 Investigation as to mental health.

The director may investigate the mental condition of any patient and shall discharge any person, if, in the director's opinion, the person is not mentally ill, or can be cared for after discharge without danger to others, and with benefit to the patient. In determining whether the patient shall be discharged, the recommendation of the superintendent shall be secured. If the director orders the discharge of an involuntarily hospitalized patient, the discharge shall be by the procedure prescribed in section 229.16. The power to investigate the mental condition of a patient is merely permissive, and does not repeal or alter any statute respecting the discharge or commitment of patients of the mental health institutes.

[S13, §2727-a25; C24, 27, 31, 35, 39, §**3500;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.18]

2023 Acts, ch 19, §486

226.19 Discharge — certificate.

1. Every patient shall be discharged in accordance with the procedure prescribed in section 229.3 or section 229.16, whichever is applicable, immediately on regaining the patient's good mental health.

2. If a patient's care is the financial responsibility of the state or a county, as part of the patient's discharge planning the state mental health institute shall provide assistance to the patient in obtaining eligibility for the federal state supplemental security income program.

[R60, §1485; C73, §1424; C97, §2288; C24, 27, 31, 35, 39, §**3501;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.19]

2005 Acts, ch 175, §97; 2006 Acts, ch 1010, §68

226.20 and 226.21 Reserved.

226.22 Clothing furnished.

Upon discharge, the department shall furnish the person discharged, unless otherwise supplied, with suitable clothing and a sum of money not exceeding twenty dollars, which shall be charged with the other expenses of the patient in the mental health institute.

[R60, §1485; C73, §1424; C97, §2288; C24, 27, 31, 35, 39, §**3504;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.22]

2023 Acts, ch 19, §487

226.23 Convalescent leave of patients.

Upon the recommendation of the superintendent and in accordance with section 229.15, subsection 5, in the case of an involuntary patient, the director may place the patient on convalescent leave for a period not to exceed one year, under conditions prescribed by the director.

[C73, §1424; C97, §2288; C24, 27, 31, 35, 39, §**3505;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.23]

2023 Acts, ch 19, §488

226.24 and 226.25 Reserved.

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226.26 Dangerous patients.

The director, on the recommendation of the superintendent, and on the application of the relatives or friends of a patient who is not cured and who cannot be safely allowed to go at liberty, may release the patient when fully satisfied that the relatives or friends will provide and maintain all necessary supervision, care, and restraint over the patient. If the patient being released was involuntarily hospitalized, the consent of the district court which ordered the patient's hospitalization placement shall be obtained in advance in substantially the manner prescribed by section 229.14.

[R60, §1482; C73, §1408; C97, §2276; C24, 27, 31, 35, 39, §**3508;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.26]

2001 Acts, ch 155, §42; 2023 Acts, ch 19, §489

226.27 Patient accused or acquitted of crime or awaiting judgment.

If a patient was committed to a mental health institute for evaluation or treatment under chapter 812 or the rules of criminal procedure, further proceedings shall be had under chapter 812 or the applicable rule when the evaluation has been completed or the patient has regained mental capacity, as the case may be.

[R60, §1460; C73, §1413; C97, §2280; C24, 27, 31, 35, 39, §**3509;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.27]

84 Acts, ch 1323, §1; 2023 Acts, ch 19, §490

226.28 and 226.29 Reserved.

226.30 Transfer of dangerous patients.

When a patient of any mental health institute becomes incorrigible and unmanageable to such an extent that the patient is dangerous to the safety of others in the institute, the director, with the consent of the director of the Iowa department of corrections, may apply in writing to the district court or to any judge of the district court, of the county in which the institute is situated, for an order to transfer the patient to the Iowa medical and classification center and if the order is granted the patient shall be transferred. The county attorney of the county shall appear in support of the application on behalf of the director.

[C24, 27, 31, 35, 39, §**3512;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.30; 82 Acts, ch 1100, §6]

96 Acts, ch 1129, §113; 2019 Acts, ch 100, §3; 2023 Acts, ch 19, §491

Referred to in §226.31, 331.756(39)

State institution residents with dangerous mental disturbances, see also §218.92

226.31 Examination by court — notice.

Before granting the order authorized in section 226.30, the court or judge shall investigate the allegations of the petition and before proceeding to a hearing on the allegations shall require notice to be served on the attorney who represented the patient in any prior proceedings under sections 229.6 through 229.15 or the advocate appointed under section 229.19, or in the case of a patient who entered the hospital voluntarily, on any relative, friend, or guardian of the person in question of the filing of the application. At the hearing the court or judge shall appoint a guardian ad litem for the person, if the court or judge deems such action necessary to protect the rights of the person. The guardian ad litem shall be a practicing attorney.

[C24, 27, 31, 35, 39, §**3513;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.31]

90 Acts, ch 1271, §1503; 2020 Acts, ch 1063, §84

226.32 Overcrowded conditions.

The director shall order the discharge or removal from the mental health institute of incurable and harmless patients whenever it is necessary to make room for recent cases.

[R60, §1483; C73, §1425; C97, §2289; C24, 27, 31, 35, 39, §**3514;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.32]

2015 Acts, ch 69, §46; 2023 Acts, ch 19, §492; 2024 Acts, ch 1161, §69, 137

Referred to in §226.33

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226.33 Notice to court.

When a patient who was hospitalized involuntarily and who has not fully recovered is discharged from the mental health institute by the director under section 226.32, notice of the order shall at once be sent to the court which ordered the patient's hospitalization, in the manner prescribed by section 229.14.

[R60, §1484; C73, §1426; C97, §2290; C24, 27, 31, 35, 39, §**3515;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.33]

2001 Acts, ch 155, §43; 2023 Acts, ch 19, §493

226.34 Investigation of death — notice.

1. Upon the death of a patient, the county medical examiner shall conduct a preliminary investigation as required by section 218.64, in accordance with section 331.802.

2. If a patient in a mental health institute dies from any cause, the superintendent of the institute shall within three days of the date of death, send by certified mail a written notice of death to all of the following:

a. The decedent's nearest relative.

b. The clerk of the district court of the county from which the patient was committed.

c. The sheriff of the county from which the patient was committed.

[C73, §1439; C97, §2303; C24, 27, 31, 35, 39, §**3516;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §226.34]

2008 Acts, ch 1187, §136; 2015 Acts, ch 69, §47; 2024 Acts, ch 1161, §70, 137

226.35 through 226.39 Reserved.

226.40 Emergency patients.

In case of emergency disaster, with the infliction of numerous casualties among the civilian population, the mental health institutes may accept sick and wounded persons without commitment or any other formalities.

[C62, 66, 71, 73, 75, 77, 79, 81, §226.40]

2023 Acts, ch 19, §494

Referred to in §226.41

226.41 Charge permitted.

The mental health institute may charge for patients admitted under section 226.40, in the manner provided by law and subject to the changes provided in section 226.42.

[C62, 66, 71, 73, 75, 77, 79, 81, §226.41]

2019 Acts, ch 59, §65; 2023 Acts, ch 19, §495

226.42 Emergency powers of superintendents.

In case the mental health institutes lose contact with the seat of government, due to enemy action or otherwise, the superintendents of the institutes may do any of the following:

1. Collect moneys due the state treasury from the counties and from responsible persons or other relatives, these funds to be collected monthly, instead of quarterly, and to be deposited for use in operating the institutes.

2. Requisition supplies, such as food, fuel, drugs and medical equipment, from any source available, in the name of the state, and enter into contracts binding the state for payment at an indefinite future time.

3. Employ personnel in all categories and for whatever remuneration the superintendent deems necessary, without regard to existing laws, rules, or regulations, in order to permit the institute to continue its existing functions and meet its additional responsibilities.

[C62, 66, 71, 73, 75, 77, 79, 81, §226.42]

2023 Acts, ch 19, §496

Referred to in §226.41

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SUBCHAPTER II

PATIENTS' PERSONAL FUNDS

226.43 Fund created.
There is established at each mental health institute a fund known as the "patients' personal deposit fund".
[C66, 71, 73, 75, 77, 79, 81, §226.43]
2023 Acts, ch 19, §497

226.44 Deposits.
Any funds, including social security benefits, coming into the possession of the superintendent or any employee of the mental health institute belonging to any patient in that mental health institute, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the property of that patient has been appointed, the guardian shall have the right to demand and receive such funds. Funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals, desires, and comforts for the patient.
[C66, 71, 73, 75, 77, 79, 81, §226.44]
2023 Acts, ch 19, §498

226.45 Reimbursement to county or state. Repealed by 2024 Acts, ch 1161, §135, 137.

226.46 Deposit of fund.
The department shall deposit the patients' personal deposit fund in a commercial account of a bank of reputable standing. When deposits in the commercial account exceed average monthly withdrawals, the department may deposit the excess at interest. The savings account shall be in the name of the patients' personal deposit fund and interest paid on the account may be used for recreational purposes at the mental health institute.
[C66, 71, 73, 75, 77, 79, 81, §226.46]
2023 Acts, ch 19, §500

226.47 Administrator defined. Repealed by 2015 Acts, ch 69, §79.

CHAPTER 227

FACILITIES FOR PERSONS WITH MENTAL ILLNESS OR AN INTELLECTUAL DISABILITY

Repealed by 2024 Acts, ch 1161, §134, 137
For behavioral health service system, see chapter 225A

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CHAPTER 228

DISCLOSURE OF MENTAL HEALTH AND PSYCHOLOGICAL INFORMATION

Referred to in §235A.15

228.1 Definitions.
228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.
228.3 Voluntary disclosures.
228.4 Revocation of disclosure authorization.
228.5 Administrative disclosures.
228.6 Compulsory disclosures.
228.7 Disclosures for claims administration and peer review — safeguards — penalty.
228.7A Disclosures to law enforcement professionals.
228.8 Disclosures to family members.
228.9 Disclosure of psychological test material.

228.1 Definitions.

As used in this chapter:

1. *"Administrative information"* means an individual's name, identifying number, age, sex, address, dates and character of professional services provided to the individual, fees for the professional services, third-party payor name and payor number of a patient, if known, name and location of the facility where treatment is received, the date of the individual's admission to the facility, and the name of the individual's attending physician or attending mental health professional.

2. *"Data collector"* means a person, other than a mental health professional or an employee of or agent for a mental health facility, who regularly assembles or evaluates mental health information.

3. *"Diagnostic information"* means a therapeutic characterization of the type found in the diagnostic and statistical manual of mental disorders of the American psychiatric association or in a comparable professionally recognized diagnostic manual.

4. *"Law enforcement professional"* means a law enforcement officer as defined in section 80B.3, county attorney as defined in section 331.101, probation or parole officer, or jailer.

5. *"Mental health facility"* means a community mental health center, hospital, clinic, office, health care facility, infirmary, or similar place in which professional services are provided.

6. *"Mental health information"* means oral, written, or recorded information which indicates the identity of an individual receiving professional services and which relates to the diagnosis, course, or treatment of the individual's mental or emotional condition.

7. *"Mental health professional"* means an individual who has either of the following qualifications:

a. The individual meets all of the following requirements:

(1) The individual holds at least a master's degree in a mental health field, including but not limited to psychology, counseling and guidance, nursing, and social work, or is an advanced registered nurse practitioner, a physician associate, or a physician and surgeon or an osteopathic physician and surgeon.

(2) The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law.

(3) The individual has at least two years of post-degree clinical experience, supervised by another mental health professional, in assessing mental health needs and problems and in providing appropriate mental health services.

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law and is a psychiatrist, an advanced registered nurse practitioner who holds a national certification in psychiatric mental health care and is licensed by the board of nursing, a physician associate practicing under the supervision of or in collaboration with a psychiatrist, a qualified mental health professional physician associate, a psychiatric advanced registered nurse practitioner as defined in section 125.2, or an individual who holds a doctorate degree in psychology and is licensed by the board of behavioral health

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professionals to practice psychology. For the purposes of this paragraph, *"collaboration"* means the same as defined in section 148C.1.

8. *"Peer review organization"* means a utilization and quality control peer review organization that has a contract with the federal secretary of health and human services pursuant to Tit. XI, part B, of the federal Social Security Act to review health care services paid for in whole or in part under the Medicare program established by Tit. XVIII of the federal Social Security Act, or another organization of licensed health care professionals performing utilization and quality control review functions.

9. *"Professional services"* means diagnostic or treatment services for a mental or emotional condition provided by a mental health professional.

10. *"Self-insured employer"* means a person which provides accident and health benefits or medical, surgical, or hospital benefits on a self-insured basis to its own employees or to employees of an affiliated company or companies and which does not otherwise provide accident and health benefits or medical, surgical, or hospital benefits.

11. *"Third-party payor"* means a person which provides accident and health benefits or medical, surgical, or hospital benefits, whether on an indemnity, reimbursement, service, or prepaid basis, including but not limited to, insurers, nonprofit health service corporations, health maintenance organizations, governmental agencies, and self-insured employers.

86 Acts, ch 1082, §1; 88 Acts, ch 1226, §2, 3; 95 Acts, ch 120, §2; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1079, §5; 2015 Acts, ch 56, §16; 2016 Acts, ch 1073, §77; 2018 Acts, ch 1056, §5; 2023 Acts, ch 73, §20; 2024 Acts, ch 1170, §506; 2026 Acts, ch 1008, §3

Referred to in §125.2, 135G.1, 147.161, 225.9, 225.12, 225.15, 225.16, 229.1, 229.15, 229.24, 235A.17, 256.146, 280A.1, 601.1
Code editor directive applied

228.2 Mental health information disclosure prohibited — exceptions — record of disclosure.

1. Except as specifically authorized in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135D.2 if not otherwise restricted by federal law or regulation, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. *a.* Upon disclosure of mental health information pursuant to subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135D.2 if not otherwise restricted by federal law or regulation, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

b. The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in this chapter, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in subsection 4, section 228.3, 228.5, 228.6, 228.7, or 228.8, or for the purposes of care coordination as defined in section 135D.2 if not otherwise restricted by federal law or regulation.

4. Mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of subsection 2 shall be followed.

86 Acts, ch 1082, §2; 88 Acts, ch 1226, §4, 5; 90 Acts, ch 1079, §2; 2009 Acts, ch 41, §263; 2016 Acts, ch 1055, §2, 3, 5, 6

Referred to in §228.5
Confidentiality of records and communications, see also §217.30 and 622.10

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228.3 Voluntary disclosures.

1. An individual eighteen years of age or older or an individual's legal representative may consent to the disclosure of mental health information relating to the individual by a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility, by signing a voluntary written authorization. The authorization shall:

a. Specify the nature of the mental health information to be disclosed, the persons or type of persons authorized to disclose the information, and the purposes for which the information may be used both at the time of the disclosure and in the future.

b. Advise the individual of the individual's right to inspect the disclosed mental health information at any time.

c. State that the authorization is subject to revocation and state the conditions of revocation.

d. Specify the length of time for which the authorization is valid.

e. Contain the date on which the authorization was signed.

2. A copy of the authorization shall:

a. Be provided to the individual or to the legal representative of the individual authorizing the disclosure.

b. Be included in the individual's record of mental health information.

86 Acts, ch 1082, §3; 88 Acts, ch 1226, §6, 7, 9
Referred to in §228.2, 228.9

228.4 Revocation of disclosure authorization.

An individual or an individual's legal representative may revoke a prior authorization by providing a written revocation to the recipient named in the authorization and to the mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility previously authorized to disclose the mental health information. The revocation is effective upon receipt of the written revocation by the person previously authorized to disclose the mental health information. After the effective revocation date, mental health information shall not be disclosed pursuant to the revoked authorization. However, mental health information previously disclosed pursuant to the revoked authorization may be used for the purposes stated in the original written authorization.

86 Acts, ch 1082, §4

228.5 Administrative disclosures.

1. An individual or an individual's legal representative shall be informed that mental health information relating to the individual may be disclosed to employees or agents of or for the same mental health facility or to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual.

2. *a.* If an individual eighteen years of age or older or an individual's legal representative has received a written notification that a fee is due a mental health professional or a mental health facility and has failed to arrange for payment of the fee within a reasonable time after the notification, the mental health professional or mental health facility may disclose administrative information necessary for the collection of the fee to a person or agency providing collection services.

b. If a civil action is filed for the collection of the fee, additional mental health information shall not be disclosed in the litigation, except to the extent necessary to respond to a motion of the individual or the individual's legal representative for greater specificity or to dispute a defense or counterclaim.

3. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if necessary for the purpose of conducting scientific and data research, management audits, or program evaluations of the mental health professional or mental health facility, to persons who have demonstrated and provided written assurances of their ability to ensure compliance with the requirements of this

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chapter. The persons shall not identify, directly or indirectly, an individual in any report of the research, audits, or evaluations, or otherwise disclose individual identities in any manner. A disclosure under this section is not subject to the requirements of section 228.2, subsection 2, with the exception that a person receiving mental health information under this section shall be provided a statement prohibiting redisclosure of information unless otherwise authorized by this chapter.

4. Mental health information relating to an individual may be disclosed to other providers of professional services or their employees or agents if and to the extent necessary to facilitate the provision of administrative and professional services to the individual including to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services.

86 Acts, ch 1082, §5; 88 Acts, ch 1226, §8; 96 Acts, ch 1213, §33, 34; 2009 Acts, ch 41, §263; 2021 Acts, ch 11, §2

Referred to in §228.2

228.6 Compulsory disclosures.

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of section 229.24, 229.25, 230A.108,* 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

2. Mental health information acquired by a mental health professional pursuant to a court-ordered examination may be disclosed pursuant to court rules.

3. Mental health information may be disclosed by a mental health professional if and to the extent necessary, to initiate or complete civil commitment proceedings under chapter 229.

4. *a.* Mental health information may be disclosed in a civil or administrative proceeding in which an individual eighteen years of age or older or an individual's legal representative or, in the case of a deceased individual, a party claiming or defending through a beneficiary of the individual, offers the individual's mental or emotional condition as an element of a claim or a defense.

b. Mental health information may be disclosed in a criminal proceeding pursuant to section 622.10, subsection 4.

5. An individual eighteen years of age or older or an individual's legal representative or any other party in a civil, criminal, or administrative action, in which mental health information has been or will be disclosed, may move the court to denominate, style, or caption the names of all parties as "JOHN OR JANE DOE" or otherwise protect the anonymity of all of the parties.

86 Acts, ch 1082, §6; 2011 Acts, ch 8, §1, 3; 2013 Acts, ch 90, §51; 2024 Acts, ch 1161, §71, 137

Referred to in §228.2, 237.21

*Section 230A.108 repealed by 2024 Acts, ch 1161, §134; corrective legislation is pending

228.7 Disclosures for claims administration and peer review — safeguards — penalty.

1. Mental health information may be disclosed, in accordance with the prior written consent of the patient or the patient's legal representative, by a mental health professional, data collector, or employee or agent of a mental health professional, a data collector, or a mental health facility to a third-party payor or to a peer review organization if the third-party payor or the peer review organization has filed a written statement with the commissioner of insurance in which the filer agrees to:

a. Instruct its employees and agents to maintain the confidentiality of mental health information and of the penalty for unauthorized disclosure.

b. Comply with the limitations on use and disclosure of the information specified in subsection 2 of this section.

c. Destroy the information when it is no longer needed for the purposes specified in subsection 2 of this section.

2. *a.* An employee or agent of a third-party payor or of a peer review organization shall not

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use mental health information or disclose mental health information to any person, except to the extent necessary to administer claims submitted or to be submitted for payment to the third-party payor, to conduct a utilization and quality control review of mental health care services provided or proposed to be provided, to conduct an audit of claims paid, or as otherwise authorized by law.

b. Employees of a self-insured employer, and agents of a self-insured employer which have not filed a statement with the commissioner of insurance pursuant to subsection 1, shall not be granted routine or ongoing access to mental health information unless the employees or agents have signed a statement indicating that they are aware that the information shall not be used or disclosed except as provided in this subsection and that they are aware of the penalty for unauthorized disclosure.

3. An employee or agent of a third-party payor or a peer review organization who willfully uses or discloses mental health information in violation of subsection 2 of this section is guilty of a serious misdemeanor, and, notwithstanding section 903.1, the sentence for a person convicted under this subsection is a fine not to exceed five hundred dollars in the case of a first offense, and not to exceed five thousand dollars in the case of each subsequent offense.

88 Acts, ch 1226, §1; 2009 Acts, ch 41, §263
Referred to in §228.2

228.7A Disclosures to law enforcement professionals.

1. Mental health information relating to an individual may be disclosed by a mental health professional, at the minimum consistent with applicable laws and standards of ethical conduct, to a law enforcement professional if all of the following apply:

a. The disclosure is made in good faith.

b. The disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the individual or to a clearly identifiable victim or victims.

c. The individual has the apparent intent and ability to carry out the threat.

2. A mental health professional shall not be held criminally or civilly liable for failure to disclose mental health information relating to an individual to a law enforcement professional except in circumstances where the individual has communicated to the mental health professional an imminent threat of physical violence against the individual's self or against a clearly identifiable victim or victims.

3. A mental health professional discharges the professional's duty to disclose pursuant to subsection 1 by making reasonable efforts to communicate the threat to a law enforcement professional.

2018 Acts, ch 1056, §6

228.8 Disclosures to family members.

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information to the spouse, parent, adult child, or adult sibling of an individual who has chronic mental illness, if all of the following conditions are met:

a. The disclosure is necessary to assist in the provision of care or monitoring of the individual's treatment.

b. The spouse, parent, adult child, or adult sibling is directly involved in providing care to or monitoring the treatment of the individual.

c. The involvement of the spouse, parent, adult child, or adult sibling is verified by the individual's attending physician, attending mental health professional, or a person other than the spouse, parent, adult child, or adult sibling who is responsible for providing treatment to the individual.

2. A request for mental health information by a person authorized to receive such information under this section shall be in writing, except in an emergency as determined by the mental health professional verifying the involvement of the spouse, parent, adult child, or adult sibling.

3. Unless the individual has been adjudged incompetent, the person verifying the involvement of the spouse, parent, adult child, or adult sibling shall notify the individual of the disclosure of the individual's mental health information under this section.

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4. Mental health information disclosed under this section is limited to the following:

a. A summary of the individual's diagnosis and prognosis.

b. A listing of the medication which the individual has received and is receiving and the individual's record of compliance in taking medication prescribed for the previous six months.

c. A description of the individual's treatment plan.

90 Acts, ch 1079, §1

Referred to in §228.2

228.9 Disclosure of psychological test material.

Except as otherwise provided in this section, a person in possession of psychological test material shall not disclose the material to any other person, including the individual who is a subject of the test. In addition, the test material shall not be disclosed in any administrative, judicial, or legislative proceeding. However, upon the request of an individual who is the subject of a test, all records associated with a psychological test of that individual shall be disclosed to a psychologist licensed pursuant to chapter 154B designated by the individual. An individual's request for the records shall be in writing and shall comply with the requirements of section 228.3, relating to voluntary disclosures of mental health information, except that the individual shall not have the right to inspect the test materials.

94 Acts, ch 1159, §1

CHAPTER 229

HOSPITALIZATION OF PERSONS WITH MENTAL ILLNESS

Referred to in §125.75, 228.6, 229A.1, 230.7, 232.51, 232.52, 235B.2, 235B.3, 235E.1, 235E.2, 235F.1, 237.15, 331.381, 602.6306, 602.6405, 602.8102(41), 726.24, 812.8, 902.10

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229.40 Rules for proceedings.
229.41 Voluntary admission — state mental health institute.
229.42 Costs paid by county — state mental health institute. Repealed by 2024 Acts, ch 1161, §135, 137.
229.43 Nonresident patients — state mental health institutes.
229.44 Venue.
229.45 Provision of summary of procedures to applicant in involuntary commitment.

229.1 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

1. *"Administrative services organization"* means the same as defined in section 225A.1.
2. *"Advocate"* means a mental health advocate.
3. *"Auditor"* means the county auditor or the auditor's designee.
4. *"Behavioral health district"* means the same as defined in section 225A.1.
5. *"Chemotherapy"* means treatment of an individual by use of a drug or substance which cannot legally be delivered or administered to the ultimate user without a physician's prescription or medical order.
6. *"Chief medical officer"* means the medical director in charge of a public or private hospital, or that individual's physician-designee. This chapter does not negate the authority otherwise reposed by law in the respective superintendents of each of the state mental health institutes, established by chapter 226, to make decisions regarding the appropriateness of admissions or discharges of patients of that state mental health institute; however, it is the intent of this chapter that if the superintendent is not a licensed physician the decisions by the superintendent shall be corroborated by the chief medical officer of the mental health institute.
7. *"Clerk"* means the clerk of the district court.
8. *"Department"* means the department of health and human services.
9. *"Director"* means the director of health and human services.
10. *"Disability access point"* means an organization designated by the department for a behavioral health district to serve as the primary local access point for individuals with disabilities, and the individuals' caregivers, to provide person-centered assistance that facilitates the coordination of the individuals' services, simplifies service navigation, and improves overall accessibility to disability-related resources.
11. *"Hospital"* means either a public hospital or a private hospital.
12. *"Licensed physician"* means an individual licensed under the provisions of chapter 148 to practice medicine and surgery or osteopathic medicine and surgery.
13. *"Magistrate"* means the same as defined in section 801.4.
14. *"Mental health professional"* means the same as defined in section 228.1.
15. *"Mental illness"* means every type of mental disease or mental disorder, except that it does not refer to an intellectual disability as defined in section 4.1, or to insanity, diminished responsibility, or mental incompetency as the terms are defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules.
16. *"Patient"* means a person who has been hospitalized or ordered hospitalized to receive treatment pursuant to section 229.14.
17. *"Private hospital"* means any hospital or facility not directly supported by public funds, or part of such hospital or facility, which is equipped and staffed to provide inpatient care to persons with mental illness.
18. *"Psychiatric advanced registered nurse practitioner"* means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification

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in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner.

19. *"Public hospital"* means any of the following:

a. A state mental health institute established by chapter 226.

b. The state psychiatric hospital established by chapter 225.

c. Any other publicly supported hospital or facility, or part of such hospital or facility, which is equipped and staffed to provide inpatient care to persons with mental illness, except the Iowa medical and classification center established by chapter 904.

20. *"Respondent"* means any person against whom an application has been filed under section 229.6, but who has not been finally ordered committed for full-time custody, care, and treatment in a hospital.

21. *"Serious emotional injury"* is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other mental health professional and which can be causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

22. *"Seriously mentally impaired"* or *"serious mental impairment"* describes the condition of a person with mental illness and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment, and who because of that illness meets any of the following criteria:

a. Is likely to physically injure the person's self or others if allowed to remain at liberty without treatment.

b. Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the person with mental illness if the person with mental illness is allowed to remain at liberty without treatment.

c. Is unable to satisfy the person's needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

d. Has a history of lack of compliance with treatment and any of the following applies:

(1) Lack of compliance has been a significant factor in the need for emergency hospitalization.

(2) Lack of compliance has resulted in one or more acts causing serious physical injury to the person's self or others or an attempt to physically injure the person's self or others.

[R60, §1468; C73, §1434; C97, §2298; C24, 27, 31, 35, 39, §**3580;** C46, 50, 54, 58, 62, 66, §229.40; C71, 73, 75, §229.40, 229.44; C77, §229.1, 229.44; C79, 81, §229.1; 82 Acts, ch 1100, §7]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1323, §2; 85 Acts, ch 21, §35; 87 Acts, ch 90, §1; 89 Acts, ch 275, §1; 95 Acts, ch 24, §1; 96 Acts, ch 1035, §12; 96 Acts, ch 1129, §57, 113; 96 Acts, ch 1183, §18; 97 Acts, ch 169, §15; 2000 Acts, ch 1112, §37; 2002 Acts, ch 1119, §107; 2004 Acts, ch 1090, §33; 2008 Acts, ch 1082, §4; 2008 Acts, ch 1088, §112; 2011 Acts, ch 121, §52, 62; 2012 Acts, ch 1019, §80; 2012 Acts, ch 1079, §6 – 8; 2015 Acts, ch 56, §17; 2015 Acts, ch 69, §57, 58; 2015 Acts, ch 76, §1; 2018 Acts, ch 1056, §7; 2020 Acts, ch 1063, §85; 2022 Acts, ch 1071, §4; 2023 Acts, ch 19, §515; 2024 Acts, ch 1161, §72, 73, 137; 2025 Acts, ch 135, §2

Referred to in §125.75, 225.1, 229.6

229.1A Legislative intent.

As mental illness is often a continuing condition which is subject to wide and unpredictable changes in condition and fluctuations in reoccurrence and remission, this chapter shall be liberally construed to give recognition to these medical facts.

89 Acts, ch 275, §2

229.1B Administrative services organization.

Notwithstanding any provision of this chapter to the contrary, any person whose hospitalization expenses are payable in whole or in part by an administrative services

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organization shall be subject to all administrative requirements of the administrative services organization.

96 Acts, ch 1183, §19; 2004 Acts, ch 1090, §33; 2015 Acts, ch 69, §59; 2015 Acts, ch 138, §29, 161, 162; 2024 Acts, ch 1161, §74, 137

229.2 Application for voluntary admission — authority to receive voluntary patients.

1. *a.* An application for admission to a public or private hospital for observation, diagnosis, care, and treatment as a voluntary patient may be made by any person who is mentally ill or has symptoms of mental illness.

b. (1) In the case of a minor, the minor's parent, guardian, or custodian may make application for admission of the minor as a voluntary patient.

(2) Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian, or custodian and the minor to assess the family environment and the appropriateness of the application for admission.

2. Upon receiving an application for admission as a voluntary patient, made pursuant to subsection 1:

a. The chief medical officer of a public hospital shall receive and may admit the person whose admission is sought, subject in cases other than medical emergencies to availability of suitable accommodations and to the provisions of section 229.41.

b. The chief medical officer of a private hospital may receive and may admit the person whose admission is sought.

[R60, §1480; C73, §1399; C97, §2264; C24, 27, 31, 35, 39, §**3544;** C46, §229.1; C50, 54, 58, 62, 66, 71, 73, 75, §229.1, 229.41; C77, 79, 81, §229.2]

87 Acts, ch 90, §2; 99 Acts, ch 135, §17; 2009 Acts, ch 41, §263; 2015 Acts, ch 69, §60; 2015 Acts, ch 138, §30, 161, 162; 2023 Acts, ch 19, §516; 2024 Acts, ch 1161, §75, 76, 137; 2026 Acts, ch 1060, §1

Referred to in §229.4, 229.41, 331.910
Subsection 1 amended

229.2A Dual filings. Repealed by 2013 Acts, ch 130, §55.

229.3 Discharge of voluntary patients.

Any voluntary patient who has recovered, or whose hospitalization the chief medical officer of the hospital determines is no longer advisable, shall be discharged. Any voluntary patient may be discharged if to do so would in the judgment of the chief medical officer contribute to the most effective use of the hospital in the care and treatment of that patient and of other persons with mental illness.

[C77, 79, 81, §229.3]

96 Acts, ch 1129, §113

Referred to in §226.19

229.4 Right to release on application.

A voluntary patient who requests release or whose release is requested, in writing, by the patient's legal guardian, parent, spouse, or adult next of kin shall be released from the hospital in accordance with all of the following, as applicable:

1. If the patient was admitted on the patient's own application and the request for release is made by some other person, release may be conditioned upon the agreement of the patient.

2. If the patient is a minor who was admitted on the application of the patient's parent, guardian, or custodian pursuant to section 229.2, subsection 1, the patient's release prior to becoming eighteen years of age may be conditioned upon the consent of the parent, guardian, or custodian, or upon the approval of the juvenile court if the admission was approved by the juvenile court.

3. If the chief medical officer of the hospital, not later than the end of the next secular day on which the office of the clerk of the district court for the county in which the hospital is located is open and which follows the submission of the written request for release of the patient, files with that clerk a certification that in the chief medical officer's opinion the

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patient is seriously mentally impaired, the release may be postponed for the period of time the court determines is necessary to permit commencement of judicial procedure for involuntary hospitalization. That period of time may not exceed five days, exclusive of days on which the clerk's office is not open unless the period of time is extended by order of a district court judge for good cause shown. Until disposition of the application for involuntary hospitalization of the patient is determined, if an application is timely filed, the chief medical officer may detain the patient in the hospital and may provide treatment which is necessary to preserve the patient's life, or to appropriately control behavior by the patient which is likely to result in physical injury to the patient or to others if allowed to continue, but may not otherwise provide treatment to the patient without the patient's consent.

[C50, 54, 58, 62, 66, 71, 73, 75, §229.41; C77, 79, 81, §229.4]
2023 Acts, ch 19, §517
Referred to in §229.23

229.5 Departure without notice.

If a voluntary patient departs from the hospital without notice, and in the opinion of the chief medical officer the patient is seriously mentally impaired, the chief medical officer may file an application on the departed voluntary patient pursuant to section 229.6, and request that an order for immediate custody be entered by the court pursuant to section 229.11.

[C77, 79, 81, §229.5]
2013 Acts, ch 130, §42

229.5A Preapplication screening assessment — program.

Prior to filing an application pursuant to section 229.6, the clerk of the district court or the clerk's designee shall inform the interested person referred to in section 229.6, subsection 1, about the option of requesting a preapplication screening assessment through a preapplication screening assessment program, if available.

2012 Acts, ch 1079, §9; 2013 Acts, ch 130, §43; 2018 Acts, ch 1165, §133
Referred to in §229.6

229.6 Application for order of involuntary hospitalization.

1. *a.* Proceedings for the involuntary hospitalization of an individual pursuant to this chapter or for the involuntary commitment or treatment of a person with a substance use disorder to a facility pursuant to chapter 125 may be commenced by any interested person by filing a verified application with the clerk of a district court.

b. If the verified application was filed with a district court where the respondent is not located and does not reside, the court shall transfer jurisdiction of the case to the district court of the county where the respondent is presently located, or which is the respondent's place of residence.

c. The clerk, or the clerk's designee, shall assist an applicant in completing the verified application.

2. The application shall:

a. State the applicant's belief that the respondent is a person who presents a danger to self or others and lacks judgmental capacity due to either of the following:

(1) A substance use disorder as defined in section 125.2.

(2) A serious mental impairment as defined in section 229.1.

b. State facts in support of each belief described in paragraph "*a*".

c. Be accompanied by any of the following:

(1) A written statement of a licensed physician or mental health professional in support of the application.

(2) One or more supporting affidavits otherwise corroborating the application.

(3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to comply with, or when the clerk considers it appropriate to supplement the information supplied pursuant to, either subparagraph (1) or (2).

3. Prior to the filing of an application pursuant to this section, the clerk or the clerk's

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designee shall inform the interested person referred to in subsection 1 about the option of requesting a preapplication screening assessment pursuant to section 229.5A.

4. The supreme court shall prescribe rules and establish forms as necessary to carry out the provisions of this section.

[R60, §1480; C73, §1399; C97, §2264; C24, 27, 31, 35, 39, §**3544;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.1; C77, 79, 81, §229.6]

2012 Acts, ch 1079, §10; 2013 Acts, ch 130, §44; 2017 Acts, ch 34, §12; 2023 Acts, ch 19, §518, 519; 2025 Acts, ch 95, §3

Referred to in §218.92, 222.7, 225.11, 226.31, 229.1, 229.5, 229.5A, 229.6A, 229.7, 229.8, 229.9, 229.19, 229.21, 229.22, 229.24, 229.26, 229.27, 229.38, 331.910

Summary of involuntary commitment procedures available from clerk; see §229.45

229.6A Hospitalization of minors — jurisdiction — due process.

1. Notwithstanding section 229.11, the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application is filed under section 229.6. In proceedings under this chapter concerning a minor, notwithstanding section 229.11, the term *"court"*, *"judge"*, or *"clerk"* means the juvenile court, judge, or clerk.

2. The procedural requirements of this chapter are applicable to minors involved in hospitalization proceedings pursuant to subsection 1 and placement proceedings pursuant to section 229.14A.

3. It is the intent of this chapter that when a minor is involuntarily or voluntarily hospitalized, the minor's family shall be included in counseling sessions offered during the minor's stay in a hospital when feasible. Prior to the discharge of the minor, the juvenile court may, after a hearing, order that the minor's family be evaluated and receive therapy if the juvenile court finds therapy is necessary to facilitate the return of the minor to the family setting.

87 Acts, ch 90, §3; 92 Acts, ch 1124, §2; 2001 Acts, ch 155, §29; 2013 Acts, ch 130, §45; 2026 Acts, ch 1060, §2

Referred to in §218.92, 222.7, 226.31, 229.19, 229.22, 229.24, 229.26, 229.38, 602.6405

Subsections 1 and 3 amended

229.7 Service of notice upon respondent.

Upon the filing of an application pursuant to section 229.6, the clerk shall docket the case and immediately notify a district court judge, district associate judge, or magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. If the application is adequate as to form, the court may set a time and place for a hearing on the application, if feasible, but the hearing shall not be held less than forty-eight hours after notice to the respondent unless the respondent waives such minimum prior notice requirement. The court shall direct the clerk to send copies of the application and supporting documentation, together with a notice informing the respondent of the procedures required by this chapter, to the sheriff or the sheriff's deputy for immediate service upon the respondent. If the respondent is taken into custody under section 229.11, service of the application, documentation and notice upon the respondent shall be made at the time the respondent is taken into custody.

[R60, §1480; C73, §1400; C97, §2265; C24, 27, 31, 35, 39, §**3545;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.2; C77, 79, 81, §229.7]

91 Acts, ch 108, §4; 2013 Acts, ch 130, §46

Referred to in §218.92, 222.7, 226.31, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38, 229.45, 331.653

229.8 Procedure after application is filed.

As soon as practicable after the filing of an application pursuant to section 229.6, the court shall do all of the following:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by an administrative services

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organization at an hourly rate to be established by the administrative services organization in substantially the same manner as provided in section 815.7.

2. Cause copies of the application and supporting documentation to be sent to the county attorney or the county attorney's attorney-designate for review.

3. Issue a written order which shall provide for all of the following:

a. If not previously done, set a time and place for a hospitalization hearing, which shall be at the earliest practicable time not less than forty-eight hours after notice to the respondent, unless the respondent waives such minimum prior notice requirement.

b. Order an examination of the respondent, prior to the hearing, by one or more licensed physicians or mental health professionals who shall submit a written report on the examination to the court as required by section 229.10.

[C73, §1400; C97, §2265; C24, 27, 31, 35, 39, §**3548, 3549;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.5, 229.6; C77, 79, 81, §229.8]

99 Acts, ch 135, §18; 2013 Acts, ch 130, §47; 2015 Acts, ch 69, §61; 2015 Acts, ch 138, §31, 161, 162; 2017 Acts, ch 34, §13; 2023 Acts, ch 19, §520; 2024 Acts, ch 1161, §77, 137

Referred to in §218.92, 222.7, 226.31, 229.9, 229.9A, 229.14A, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38

229.9 Respondent's attorney informed.

The court shall direct the clerk to furnish at once to the respondent's attorney copies of the application filed pursuant to section 229.6 and the supporting documentation, and of the court's order issued pursuant to section 229.8, subsection 3. If the respondent is taken into custody under section 229.11, the attorney shall also be advised of that fact. The respondent's attorney shall represent the respondent at all stages of the proceedings, and shall attend the hospitalization hearing.

[C77, 79, 81, §229.9]

2013 Acts, ch 130, §48

Referred to in §218.92, 222.7, 226.31, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38

229.9A Advocate informed.

The clerk shall furnish the advocate appointed for the county in which an application is completed a copy of the application and any order issued pursuant to section 229.8, subsection 3. The advocate may attend the hospitalization hearing of any respondent for whom the advocate has received notice of a hospitalization hearing.

94 Acts, ch 1027, §1; 2012 Acts, ch 1120, §99, 130; 2015 Acts, ch 76, §2

Referred to in §218.92, 222.7, 226.31, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38

229.10 Physicians' or mental health professionals' examination — report.

1. *a.* An examination of the respondent shall be conducted by one or more licensed physicians or mental health professionals, as required by the court's order, within a reasonable time. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph *"b"*, the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section 229.11, subsection 1, paragraph *"a"* or *"c"*, the examination shall be conducted within forty-eight hours. If the respondent so desires, the respondent shall be entitled to a separate examination by a licensed physician or mental health professional of the respondent's own choice. The reasonable cost of the examinations shall, if the respondent lacks sufficient funds to pay the cost, be paid by an administrative services organization upon order of the court.

b. Any licensed physician or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of any consulting mental health professional, and may include with or attach to the written report of the examination any findings or observations by any consulting mental health professional who has participated in the examination.

c. If the respondent is not taken into custody under section 229.11, but the court is subsequently informed that the respondent has declined to be examined by one or more licensed physicians or mental health professionals pursuant to the court order, the court may order such limited detention of the respondent as is necessary to facilitate the examination of the respondent by one or more licensed physicians or mental health professionals.

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2. A written report of the examination by one or more court-designated physicians or mental health professionals shall be filed with the clerk prior to the time set for hearing. A written report of any examination by a physician chosen by the respondent may be similarly filed. The clerk shall immediately do all of the following:

a. Cause the report or reports to be shown to the judge who issued the order.

b. Cause the respondent's attorney to receive a copy of the report or reports.

3. If the report of one or more of the court-designated physicians or mental health professionals is to the effect that the individual is not seriously mentally impaired, the court shall without taking further action terminate the proceeding and dismiss the application on its own motion and without notice.

4. If the report of one or more of the court-designated physicians or mental health professionals is to the effect that the respondent is seriously mentally impaired, the court shall schedule a hearing on the application as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing.

[C77, 79, 81, §229.10]

2006 Acts, ch 1116, §2; 2009 Acts, ch 41, §224; 2012 Acts, ch 1079, §11; 2015 Acts, ch 69, §62; 2015 Acts, ch 138, §32, 161, 162; 2017 Acts, ch 34, §14; 2018 Acts, ch 1056, §8; 2024 Acts, ch 1161, §78, 137

Referred to in §218.92, 222.7, 225.30, 226.31, 229.8, 229.14, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38

229.11 Judge may order immediate custody.

1. If the applicant requests that the respondent be taken into immediate custody and the judge, upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing. The hospitalization hearing shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next succeeding business day. If the expenses of a respondent are payable in whole or in part by an administrative services organization, for a placement in accordance with paragraph "*a*", the judge shall give notice of the placement to an administrative services organization, and for a placement in accordance with paragraph "*b*" or "*c*", the judge shall order the placement in a hospital or facility designated by an administrative services organization. The judge may order the respondent detained for the period of time until the hearing is held, and no longer, in accordance with paragraph "*a*", if possible, and if not then in accordance with paragraph "*b*", or, only if neither of these alternatives is available, in accordance with paragraph "*c*". Detention may be in any of the following:

a. In the custody of a relative, friend, or other suitable person who is willing to accept responsibility for supervision of the respondent, and the respondent may be placed under such reasonable restrictions as the judge may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent's funds or property.

b. In a suitable hospital the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered and may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which is likely to result in physical injury to the respondent or to others if allowed to continue, but may not otherwise provide treatment to the respondent without the respondent's consent.

c. In the nearest facility in the community which is licensed to care for persons with mental illness or substance use disorder, provided that detention in a jail or other facility intended for confinement of those accused or convicted of crime shall not be ordered.

2. A respondent shall be released from detention prior to the hospitalization hearing if a licensed physician or mental health professional examines the respondent and determines

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the respondent no longer meets the criteria for detention under subsection 1 and provides notification to the court.

3. If a respondent is detained pursuant to subsection 1, paragraph *"b"* or *"c"*, the sheriff or the sheriff's deputy that took the respondent into immediate custody may inform the hospital or facility that an arrest warrant has been issued for or charges are pending against the respondent and may request the hospital or facility to notify the sheriff or the sheriff's deputy about the discharge of the respondent prior to discharge.

4. The clerk shall furnish copies of any orders to the respondent and to the applicant if the applicant files a written waiver signed by the respondent.

[C77, 79, 81, §229.11]

89 Acts, ch 275, §3; 92 Acts, ch 1072, §3; 92 Acts, ch 1165, §2; 96 Acts, ch 1183, §20; 2004 Acts, ch 1090, §33; 2009 Acts, ch 41, §225; 2015 Acts, ch 69, §63; 2015 Acts, ch 138, §33, 161, 162; 2017 Acts, ch 109, §2, 20, 21; 2018 Acts, ch 1056, §9; 2023 Acts, ch 19, §521; 2024 Acts, ch 1161, §79, 137

Referred to in §218.92, 222.7, 226.31, 229.5, 229.6A, 229.7, 229.9, 229.10, 229.12, 229.14, 229.17, 229.18, 229.19, 229.21, 229.22, 229.23, 229.24, 229.26, 229.38, 229.45, 331.653

229.12 Hearing procedure.

1. At the hospitalization hearing, evidence in support of the contentions made in the application shall be presented by the county attorney. During the hearing the applicant and the respondent shall be afforded an opportunity to testify and to present and cross-examine witnesses, and the court may receive the testimony of any other interested person. The respondent has the right to be present at the hearing. If the respondent exercises that right and has been medicated within twelve hours, or such longer period of time as the court may designate, prior to the beginning of the hearing or an adjourned session thereof, the judge shall be informed of that fact and of the probable effects of the medication upon convening of the hearing.

2. All persons not necessary for the conduct of the proceeding shall be excluded, except that the court may admit persons having a legitimate interest in the proceeding and shall permit the advocate from the county where the respondent is located to attend the hearing. Upon motion of the county attorney, the judge may exclude the respondent from the hearing during the testimony of any particular witness if the judge determines that witness's testimony is likely to cause the respondent severe emotional trauma.

3. *a.* The respondent's welfare shall be paramount and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, but consistent therewith the issue shall be tried as a civil matter. The hearing may be held by video or telephone conference at the discretion of the court. Such discovery as is permitted under the Iowa rules of civil procedure shall be available to the respondent. The court shall receive all relevant and material evidence which may be offered and need not be bound by the rules of evidence. There shall be a presumption in favor of the respondent, and the burden of evidence in support of the contentions made in the application shall be upon the applicant.

b. The licensed physician or mental health professional who examined the respondent shall be present at the hearing unless the court for good cause finds that the licensed physician's or mental health professional's presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence, televised appearance, or the telephonic appearance of the licensed physician or mental health professional who examined the respondent and agree to submit as evidence the written report of the licensed physician or mental health professional. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. *"Good cause"* for finding that the testimony of the licensed physician or mental health professional who examined the respondent is not necessary may include but is not limited to such a waiver. If the court determines that the testimony of the licensed physician or mental health professional is necessary, the court may allow the licensed physician or the mental health professional to testify by telephone or televised means.

c. If upon completion of the hearing the court finds that the contention that the respondent

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is seriously mentally impaired has not been sustained by clear and convincing evidence, it shall deny the application and terminate the proceeding.

4. If the respondent is not taken into custody under section 229.11, but the court subsequently finds good cause to believe that the respondent is about to depart from the jurisdiction of the court, the court may order such limited detention of the respondent as is authorized by section 229.11 and is necessary to insure that the respondent will not depart from the jurisdiction of the court without the court's approval until the proceeding relative to the respondent has been concluded.

5. The clerk shall furnish copies of any orders to the respondent and to the applicant if the applicant files a written waiver signed by the respondent.

[R60, §1480; C73, §1400; C97, §2265; C24, 27, 31, 35, 39, §**3547**; C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.4; C77, 79, 81, §229.12]

89 Acts, ch 275, §4; 94 Acts, ch 1027, §2; 2006 Acts, ch 1116, §3; 2006 Acts, ch 1159, §31; 2009 Acts, ch 41, §226; 2012 Acts, ch 1079, §12; 2012 Acts, ch 1120, §100, 130; 2015 Acts, ch 76, §3; 2018 Acts, ch 1056, §10; 2023 Acts, ch 139, §3, 4

Referred to in §218.92, 222.7, 225.11, 226.31, 229.13, 229.14, 229.19, 229.21, 229.22, 229.24, 229.26, 229.38, 331.756(40), 602.8103

229.13 Evaluation order — treatment — unauthorized departure or failure to appear.

1. If upon completion of the hospitalization hearing the court finds by clear and convincing evidence that the respondent has a serious mental impairment, the court shall order the respondent committed as expeditiously as possible for a complete psychiatric evaluation and appropriate treatment as follows:

a. The court shall order a respondent whose expenses are payable in whole or in part by an administrative services organization placed under the care of an appropriate hospital or facility designated by an administrative services organization on an inpatient or outpatient basis.

b. The court shall order any other respondent placed under the care of an appropriate hospital or facility licensed to care for persons with mental illness or substance use disorder on an inpatient or outpatient basis.

c. (1) If the court orders evaluation and treatment of the respondent on an inpatient basis under this section, the court may order the respondent placed under the care of an appropriate subacute care facility licensed under chapter 135G.

(2) If the court orders evaluation and treatment of a minor respondent on an inpatient basis under this section, the court may order the minor respondent placed under the care of an appropriate public hospital.

2. The court shall provide notice to the respondent and the respondent's attorney of the placement order under subsection 1. The court shall advise the respondent and the respondent's attorney that the respondent has a right to request a placement hearing held in accordance with the requirements of section 229.14A.

3. If the respondent is ordered at a hearing to undergo outpatient treatment, the outpatient treatment provider must be notified and agree to provide the treatment prior to placement of the respondent under the treatment provider's care.

4. The court shall furnish to the chief medical officer of the hospital or facility at the time the respondent arrives at the hospital or facility for inpatient or outpatient treatment a written finding of fact setting forth the evidence on which the finding is based. If the respondent is ordered to undergo outpatient treatment, the order shall also require the respondent to cooperate with the treatment provider and comply with the course of treatment.

5. *a.* (1) The chief medical officer of the hospital or facility at which the respondent is placed shall report to the court and make a recommendation for disposition of the matter no more than fifteen days after the date the respondent is placed at the hospital or facility.

(2) If the respondent is a minor and is placed under the care of a public hospital pursuant to subsection 1, paragraph "*c*", subparagraph (2), the chief medical officer of the public hospital shall report to the court and make a recommendation for disposition no later than thirty calendar days after the date the minor respondent is placed under the care of the public hospital.

b. A copy of the chief medical officer's report shall be sent to the respondent's attorney.

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c. (1) Upon request, the court may grant the chief medical officer an extension of time, not to exceed seven days, upon a showing of cause. The respondent's attorney may contest the need for an extension of time.

(2) The court shall grant an extension of time unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility, or grant an extension of time for psychiatric evaluation.

d. If the chief medical officer fails to report to the court within the time specified in paragraph "*a*", and an extension of time has not been granted, the chief medical officer is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be detained at or placed under the care of the hospital or facility.

6. A hospital or facility's chief medical officer shall inform the sheriff or a law enforcement agency if, after placement of a respondent in or under the care of a hospital or other suitable facility for inpatient treatment, the respondent departs from the hospital or facility without authorization or fails to appear for treatment as ordered. The law enforcement agency shall exercise all due diligence to take the respondent into custody for placement in the appropriate hospital or facility.

7. *a.* If the respondent is ordered to undergo outpatient treatment and the respondent's failure to comply with the course of treatment results in behavior by the respondent which, in the opinion of the respondent's mental health professional acting within the scope of the mental health professional's practice, is likely to result in physical injury to the respondent's self or others if allowed to continue, all of the following shall occur:

(1) The respondent's mental health professional acting within the scope of the mental health professional's practice shall notify the committing court, with preference given to the committing judge, if available, in the appropriate county and the court shall enter a written order directing that the respondent be taken into immediate custody by the appropriate sheriff or sheriff's deputy. The appropriate sheriff or sheriff's deputy shall exercise all due diligence in taking the respondent into protective custody to a hospital or other suitable facility.

(2) Once in protective custody, the respondent shall be given the choice of being treated by the appropriate medication which may include the use of oral medicine or injectable antipsychotic medicine by a mental health professional acting within the scope of the mental health professional's practice at an outpatient psychiatric clinic, hospital, or other suitable facility or being placed for treatment under the care of a hospital or other suitable facility for inpatient treatment.

(3) If the respondent chooses to be treated by the appropriate medication which may include the use of oral medicine or injectable antipsychotic medicine but the mental health professional acting within the scope of the mental health professional's practice at the outpatient psychiatric clinic, hospital, or other suitable facility determines that the respondent's behavior continues to be likely to result in physical injury to the respondent's self or others if allowed to continue, the mental health professional acting within the scope of the mental health professional's practice shall comply with the provisions of subparagraph (1) and, following notice and hearing held in accordance with the procedures in section 229.12, the court may order the respondent treated on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court.

b. An administrative services organization shall contract with mental health professionals to provide the appropriate treatment including treatment by the use of oral medicine or injectable antipsychotic medicine pursuant to this section.

8. A sheriff or peace officer shall have the authority to take a respondent into custody

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in any county in which the respondent is found for placement in a hospital or facility in accordance with an order entered pursuant to this section.

[R60, §1479; C73, §1401; C97, §2266; C24, 27, 31, 35, 39, §**3552, 3553;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.9, 229.10; C77, 79, 81, §229.13]

90 Acts, ch 1020, §3; 91 Acts, ch 108, §5; 92 Acts, ch 1165, §3; 96 Acts, ch 1183, §21; 2001 Acts, ch 155, §30; 2004 Acts, ch 1090, §33; 2013 Acts, ch 90, §52; 2015 Acts, ch 61, §2; 2015 Acts, ch 69, §64; 2015 Acts, ch 138, §34, 161, 162; 2016 Acts, ch 1073, §78; 2016 Acts, ch 1094, §1; 2016 Acts, ch 1138, §23; 2018 Acts, ch 1056, §11; 2020 Acts, ch 1063, §86; 2023 Acts, ch 19, §522; 2024 Acts, ch 1161, §80, 81, 137; 2025 Acts, ch 86, §11, 12; 2025 Acts, ch 95, §4, 5

Referred to in §218.92, 222.7, 225.11, 225.15, 225.17, 226.9, 226.31, 229.14, 229.14A, 229.14B, 229.17, 229.18, 229.19, 229.21, 229.22, 229.23, 229.24, 229.26, 229.27, 229.38, 229.44, 229.45

229.14 Chief medical officer's report.

1. The chief medical officer's report to the court on the psychiatric evaluation of the respondent shall be made not later than the expiration of the time specified in section 229.13. At least two copies of the report shall be filed with the clerk, who shall dispose of them in the manner prescribed by section 229.10, subsection 2. The report shall state one of the four following alternative findings:

a. That the respondent does not, as of the date of the report, require further treatment for serious mental impairment. If the report so states, the court shall order the respondent's immediate release from involuntary hospitalization and terminate the proceedings.

b. That the respondent is seriously mentally impaired and in need of full-time custody, care and inpatient treatment in a hospital, and is considered likely to benefit from treatment. The report shall include the chief medical officer's recommendation for further treatment.

c. That the respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. If the report so states, it shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis.

d. The respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further inpatient treatment in a hospital. The report shall include the chief medical officer's recommendation for an appropriate alternative placement for the respondent.

2. Following receipt of the chief medical officer's report under subsection 1, paragraph "*b*", "*c*", or "*d*", the court shall issue an order for appropriate treatment as follows:

a. For a respondent whose expenses are payable in whole or in part by an administrative services organization, placement as designated by an administrative services organization in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or in an appropriate alternative placement.

b. For any other respondent, placement in the care of an appropriate hospital or facility on an inpatient or outpatient basis, or other appropriate treatment, or an appropriate alternative placement.

c. For a respondent who is an inmate in the custody of the department of corrections, the court may order the respondent to receive mental health services in a correctional program.

d. If the court orders treatment of the respondent on an outpatient or other appropriate basis as described in the chief medical officer's report pursuant to subsection 1, paragraph "*c*", the order shall provide that, should the respondent fail or refuse to submit to treatment in accordance with the court's order, the court may order that the respondent be taken into immediate custody as provided by section 229.11 and, following notice and hearing held in accordance with the procedures of section 229.12, may order the respondent treated on an inpatient basis requiring full-time custody, care, and treatment in a hospital until such time as the chief medical officer reports that the respondent does not require further treatment for serious mental impairment or has indicated the respondent is willing to submit to treatment on another basis as ordered by the court. If a patient is transferred for treatment to another provider under this paragraph, the treatment provider who will be providing the outpatient or other appropriate treatment shall be provided with copies of relevant court orders by the former treatment provider.

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e. (1) If the court orders placement and treatment of a respondent on an inpatient basis under this section, the court may order the respondent placed under the care of an appropriate subacute care facility licensed under chapter 135G.

(2) If the court orders placement and treatment of a minor respondent on an inpatient basis under this section, the court may order the minor respondent placed under the care of an appropriate public hospital.

[C77, 79, 81, §229.14; 82 Acts, ch 1228, §1]

90 Acts, ch 1020, §4; 91 Acts, ch 219, §2; 92 Acts, ch 1165, §4; 2001 Acts, ch 155, §31; 2002 Acts, ch 1119, §32; 2004 Acts, ch 1090, §33; 2015 Acts, ch 61, §3; 2015 Acts, ch 69, §65; 2015 Acts, ch 138, §35, 161, 162; 2016 Acts, ch 1073, §79; 2024 Acts, ch 1161, §82, 137; 2025 Acts, ch 86, §13

Referred to in §218.92, 222.7, 225.15, 225.17, 225.27, 226.26, 226.31, 226.33, 229.1, 229.14A, 229.14B, 229.15, 229.16, 229.17, 229.19, 229.21, 229.23, 229.26, 229.27, 229.28, 229.38, 229.44

229.14A Placement order — notice and hearing.

1. With respect to a chief medical officer's report made pursuant to section 229.14, subsection 1, paragraph *"b"*, *"c"*, or *"d"*, or any other provision of this chapter related to involuntary commitment for which the court issues a placement order or a transfer of placement is authorized, the court shall provide notice to the respondent and the respondent's attorney or mental health advocate pursuant to section 229.19 concerning the placement order and the respondent's right to request a placement hearing to determine if the order for placement or transfer of placement is appropriate.

2. The notice shall provide that a request for a placement hearing must be in writing and filed with the clerk within seven days of issuance of the placement order.

3. A request for a placement hearing may be signed by the respondent, the respondent's next friend, guardian, or attorney.

4. The court, on its own motion, may order a placement hearing to be held.

5. *a.* A placement hearing shall be held no sooner than four days and no later than seven days after the request for the placement hearing is filed unless otherwise agreed to by the parties.

b. The respondent may be transferred to the placement designated by the court's placement order and receive treatment unless a request for hearing is filed prior to the transfer. If the request for a placement hearing is filed prior to the transfer, the court shall determine where the respondent shall be detained and treated until the date of the hearing.

c. If the respondent's attorney has withdrawn pursuant to section 229.19, the court shall appoint an attorney for the respondent in the manner described in section 229.8, subsection 1.

6. Time periods shall be calculated for the purposes of this section excluding weekends and official holidays.

7. If a respondent's expenses are payable in whole or in part by an administrative services organization, notice of a placement hearing shall be provided to the county attorney and an administrative services organization. At the hearing, the county may present evidence regarding appropriate placement.

8. In a placement hearing, the court shall determine a placement for the respondent in accordance with the requirements of section 229.23, taking into consideration the evidence presented by all the parties.

9. A placement made pursuant to an order entered under section 229.13 or 229.14 or this section shall be considered to be authorized by an administrative services organization.

2001 Acts, ch 155, §33, 40; 2004 Acts, ch 1090, §33; 2015 Acts, ch 69, §66; 2015 Acts, ch 138, §36, 161, 162; 2016 Acts, ch 1073, §80; 2024 Acts, ch 1161, §83, 137

Referred to in §218.92, 222.7, 225.17, 226.31, 229.6A, 229.13, 229.15, 229.17, 229.21, 229.26, 229.38

229.14B Escape from custody.

A person who is placed in a hospital or other suitable facility for evaluation under section 229.13 or who is required to remain hospitalized for treatment under section 229.14 shall remain at that hospital or facility unless discharged or otherwise permitted to leave by the court or the chief medical officer of the hospital or facility. If a person placed at a hospital or

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facility or required to remain at a hospital or facility leaves the facility without permission or without having been discharged, the chief medical officer may notify a sheriff or law enforcement agency of the person's absence and the sheriff or law enforcement agency shall take the person into custody and return the person promptly to the hospital or facility.

92 Acts, ch 1072, §4
C93, §229.14A
2001 Acts, ch 155, §32, 40
CS2001, §229.14B
2025 Acts, ch 95, §6
Referred to in §218.92, 222.7, 225.17, 226.31, 229.17, 229.21, 229.26, 229.38

229.15 Periodic reports required.

1. Not more than thirty days after entry of an order for continued hospitalization of a patient under section 229.14, subsection 1, paragraph *"b"*, and thereafter at successive intervals of not more than sixty days continuing so long as involuntary hospitalization of the patient continues, the chief medical officer of the hospital shall report to the court which entered the order. The report shall be submitted in the manner required by section 229.14, shall state whether the patient's condition has improved, remains unchanged, or has deteriorated, and shall indicate if possible the further length of time the patient will be required to remain at the hospital. The chief medical officer may at any time report to the court a finding as stated in section 229.14, subsection 1, and the court shall act upon the finding as required by section 229.14, subsection 2.

2. Not more than sixty days after the entry of a court order for treatment of a patient pursuant to a report issued under section 229.14, subsection 1, paragraph *"c"*, and thereafter at successive intervals as ordered by the court but not to exceed ninety days so long as that court order remains in effect, the medical director of the facility or the psychiatrist or psychiatric advanced registered nurse practitioner treating the patient shall report to the court which entered the order. The report shall state whether the patient's condition has improved, remains unchanged, or has deteriorated, and shall indicate if possible the further length of time the patient will require treatment by the facility. If at any time the patient without good cause fails or refuses to submit to treatment as ordered by the court, the medical director shall at once so notify the court, which shall order the patient hospitalized as provided by section 229.14, subsection 2, paragraph *"d"*, unless the court finds that the failure or refusal was with good cause and that the patient is willing to receive treatment as provided in the court's order, or in a revised order if the court sees fit to enter one. If at any time the medical director reports to the court that in the director's opinion the patient requires full-time custody, care, and treatment in a hospital, and the patient is willing to be admitted voluntarily to the hospital for these purposes, the court may enter an order approving hospitalization for appropriate treatment upon consultation with the chief medical officer of the hospital in which the patient is to be hospitalized. If the patient is unwilling to be admitted voluntarily to the hospital, the procedure for determining involuntary hospitalization, as set out in section 229.14, subsection 2, paragraph *"d"*, shall be followed.

3. *a.* A psychiatric advanced registered nurse practitioner treating a patient previously hospitalized under this chapter may complete periodic reports pursuant to this section on the patient if the patient has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 229.14, subsection 1, paragraph *"c"*.

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1, may complete periodic reports pursuant to paragraph *"a"*.

4. When a patient has been placed in an alternative facility other than a hospital pursuant to a report issued under section 229.14, subsection 1, paragraph *"d"*, a report on the patient's condition and prognosis shall be made to the court which placed the patient, at least once every six months, unless the court authorizes annual reports.

5. *a.* When in the opinion of the chief medical officer the best interest of a patient would be served by a convalescent or limited leave, the chief medical officer may authorize the leave

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and, if authorized, shall promptly report the leave to the court. When in the opinion of the chief medical officer the best interest of a patient would be served by a transfer to a different hospital for continued full-time custody, care, and treatment, the chief medical officer shall promptly send a report to the court. The court shall act upon the report in accordance with section 229.14A.

b. This subsection shall not be construed to add to or restrict the authority otherwise provided by law for transfer of patients or residents among various state institutions administered by the department. If a patient is transferred under this subsection, the treatment provider to whom the patient is transferred shall be provided with copies of relevant court orders by the former treatment provider.

6. Upon receipt of any report required or authorized by this section the court shall furnish a copy to the patient's attorney, or alternatively to the advocate appointed as required by section 229.19. The court shall examine the report and take the action thereon which it deems appropriate. Should the court fail to receive any report required by this section or section 229.14 at the time the report is due, the court shall investigate the reason for the failure to report and take whatever action may be necessary in the matter.

[C77, 79, 81, §229.15; 81 Acts, ch 78, §20, 37; 82 Acts, ch 1228, §2]

83 Acts, ch 96, §157, 159; 92 Acts, ch 1165, §5; 2000 Acts, ch 1112, §38; 2001 Acts, ch 155, §34, 35; 2008 Acts, ch 1082, §5, 6; 2009 Acts, ch 133, §85; 2011 Acts, ch 121, §53, 62; 2013 Acts, ch 90, §53; 2023 Acts, ch 19, §523; 2024 Acts, ch 1161, §84, 137

Referred to in §218.92, 222.7, 225.17, 226.23, 226.31, 229.17, 229.19, 229.21, 229.26, 229.29, 229.38, 229.43

229.16 Discharge and termination of proceeding.

When the condition of a patient who is hospitalized pursuant to a report issued under section 229.14, subsection 1, paragraph *"b"*, or is receiving treatment pursuant to a report issued under section 229.14, subsection 1, paragraph *"c"*, or is in full-time care and custody pursuant to a report issued under section 229.14, subsection 1, paragraph *"d"*, is such that in the opinion of the chief medical officer the patient no longer requires treatment or care for serious mental impairment, the chief medical officer shall tentatively discharge the patient and immediately report that fact to the court which ordered the patient's hospitalization or care and custody. Upon receiving the report, the court shall issue an order confirming the patient's discharge from the hospital or from care and custody, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. Copies of the order shall be sent by regular mail to the hospital, the patient, and the applicant if the applicant has filed a written waiver signed by the patient.

[C77, 79, 81, §229.16]

89 Acts, ch 275, §5; 99 Acts, ch 144, §2; 2001 Acts, ch 155, §36

Referred to in §225.15, 225.17, 225.27, 226.18, 226.19, 229.17, 229.21, 229.26

229.17 Status of respondent during appeal.

If a respondent appeals to the supreme court from a finding that the contention the respondent is seriously mentally impaired has been sustained, and the respondent was previously ordered taken into immediate custody under section 229.11 or has been hospitalized for psychiatric evaluation and appropriate treatment under section 229.13 before the court is informed of intent to appeal its finding, the respondent shall remain in custody as previously ordered by the court, the time limit stated in section 229.11 notwithstanding, or shall remain in the hospital subject to compliance by the hospital with sections 229.13 through 229.16, as the case may be, unless the supreme court orders otherwise. If a respondent appeals to the supreme court regarding a placement order, the respondent shall remain in placement unless the supreme court orders otherwise.

[C77, 79, 81, §229.17]

2001 Acts, ch 155, §37; 2021 Acts, ch 80, §120

Referred to in §229.21, 229.26

229.18 Status of respondent if hospitalization is delayed.

When the court directs that a respondent who was previously ordered taken into immediate custody under section 229.11 be placed in a hospital for psychiatric evaluation

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and appropriate treatment under section 229.13, and no suitable hospital can immediately admit the respondent, the respondent shall remain in custody as previously ordered by the court, the time limit stated in section 229.11 notwithstanding, until a suitable hospital can admit the respondent. The court shall take appropriate steps to expedite the admission of the respondent to a suitable hospital at the earliest feasible time.

[R60, §1436; C73, §1403; C97, §2271; S13, §2271; C24, 27, 31, 35, 39, §**3564;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.24; C77, 79, 81, §229.18]

Referred to in §229.21, 229.26

229.19 Advocates — appointment — duties — employment and compensation.

1. *a.* (1) The board of supervisors of each county shall appoint an individual to act as an advocate representing the interests of patients involuntarily hospitalized by the court in matters relating to a patient's hospitalization or treatment under section 229.14 or 229.15. The individual shall have prior experience advocating for or promoting the welfare and rehabilitation of persons with mental illness.

(2) A person appointed under this section shall not be any of the following:

(a) An officer or employee of the department.

(b) An officer or employee of an administrative services organization.

(c) An officer or employee of an agency or facility providing care or treatment to persons with mental illness.

(d) An officer or employee of a disability access point.

b. The committing court shall assign the advocate for the county where the patient is located. A county may seek reimbursement from an administrative services organization.

c. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 through 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate.

d. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

(1) To review each report submitted pursuant to sections 229.14 and 229.15.

(2) If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

(3) To be readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

(4) To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

(5) To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section 229.25.

(6) To file with the court reports as the advocate feels necessary or as required by the court.

(7) To utilize the related best practices for the duties identified in this paragraph *"d"*.

e. An advocate may also be assigned pursuant to this section for an individual who has been diagnosed with a co-occurring mental illness and substance use disorder.

2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient, and to review the patient's medical records pursuant to section 229.25. An advocate shall not disseminate information from a patient's medical records to any other

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person unless done for official purposes in connection with the advocate's duties pursuant to this chapter or when required by law.

3. The county board of supervisors shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the duties performed by the advocate and in accordance with the personnel policies set forth by the board for county employees. The advocate is an employee of the county, including for purposes of chapters 97B and 670.

4. The department, in consultation with advocates and county and judicial branch representatives, shall adopt rules pursuant to chapter 17A relating to advocates that include but are not limited to all of the following topics:

a. Quarterly and annual reports.
b. Data collection requirements.
c. Juvenile patient representation.
d. Grievance procedures.
e. Conflict of interest provisions.
f. Workforce coverage.
g. Confidentiality.
h. Minimum professional qualifications and educational requirements.
i. Caseload criteria.
j. Caseload audits.
k. Quality assurance measures.
l. Territory assignments.

5. An advocate appointed by the chief judge of a judicial district or by the county board of supervisors prior to July 1, 2015, shall be considered to be appointed by the county board of supervisors on July 1, 2015, as required in subsection 1. Such an advocate shall be compensated at a minimum at the advocate's wage and benefit level in place immediately prior to July 1, 2015.

[C77, 79, 81, §229.19]

83 Acts, ch 96, §157, 159; 83 Acts, ch 123, §85, 209; 85 Acts, ch 62, §1; 87 Acts, ch 57, §1; 93 Acts, ch 83, §1; 94 Acts, ch 1173, §10; 96 Acts, ch 1129, §113; 99 Acts, ch 135, §19; 2006 Acts, ch 1030, §22; 2007 Acts, ch 22, §53, 54; 2007 Acts, ch 86, §3; 2012 Acts, ch 1079, §13, 14; 2012 Acts, ch 1120, §101, 130; 2015 Acts, ch 76, §4; 2017 Acts, ch 97, §1; 2021 Acts, ch 80, §121; 2023 Acts, ch 19, §524; 2024 Acts, ch 1104, §1; 2024 Acts, ch 1161, §85, 86, 137; 2025 Acts, ch 135, §3

Referred to in §226.31, 229.14A, 229.15, 229.21, 229.26

229.20 Reserved.

229.21 Judicial hospitalization referee — appeals to district court.

1. The chief judge of each judicial district may appoint at least one judicial hospitalization referee for each county within the district. The judicial hospitalization referee shall be an attorney, licensed to practice law in this state, who shall be chosen with consideration to any training, experience, interest, or combination of those factors, which are pertinent to the duties of the office. The referee shall hold office at the pleasure of the chief judge of the judicial district and receive compensation at a rate fixed by the supreme court. If the referee expects to be absent for any significant length of time, the referee shall inform the chief judge who may appoint a temporary substitute judicial hospitalization referee having the qualifications set forth in this subsection.

2. When an application for involuntary hospitalization under section 229.6 or for involuntary commitment or treatment of persons with a substance use disorder under section 125.75 is filed with the clerk of the district court in any county for which a judicial hospitalization referee has been appointed, and no district judge, district associate judge, or magistrate who is admitted to the practice of law in this state is accessible, the clerk shall immediately notify the referee in the manner required by section 229.7 or section 125.77. The referee shall discharge all of the duties imposed upon the court by sections 229.7 through 229.19, this section, and section 229.22 or sections 125.75 through 125.94 in the

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proceeding so initiated. Subject to the provisions of subsection 4, orders issued by a referee, in discharge of duties imposed under this section, shall have the same force and effect as if ordered by a district judge. However, any commitment to a facility regulated and operated under chapter 135C shall be in accordance with section 135C.23.

3. *a.* Any respondent with respect to whom the magistrate or judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a person with a substance use disorder sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the magistrate's or referee's finding to a judge of the district court by giving the clerk notice in writing, within ten days after the magistrate's or referee's finding is made, that an appeal is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney.

b. An order of a magistrate or judicial hospitalization referee with a finding that the respondent is seriously mentally impaired or a person with a substance use disorder shall include the following notice, located conspicuously on the face of the order:

> NOTE: The respondent may appeal from this order to a judge of the district court by giving written notice of the appeal to the clerk of the district court within ten days after the date of this order. The appeal may be signed by the respondent or by the respondent's next friend, guardian, or attorney. For a more complete description of the respondent's appeal rights, consult section 229.21 of the Code of Iowa or an attorney.

c. When appealed, the matter shall stand for trial de novo. Upon appeal, the court shall schedule a hospitalization or commitment hearing before a district judge at the earliest practicable time.

d. Any respondent with respect to whom the magistrate or judicial hospitalization referee has held a placement hearing and has entered a placement order may appeal the order to a judge of the district court. The request for appeal must be given to the clerk in writing within ten days of the entry of the magistrate's or referee's order. The request for appeal shall be signed by the respondent, or the respondent's next friend, guardian, or attorney.

4. If the appellant is in custody under the jurisdiction of the district court at the time of service of the notice of appeal, the appellant shall be discharged from custody unless an order that the appellant be taken into immediate custody has previously been issued under section 229.11 or section 125.81, in which case the appellant shall be detained as provided in that section until the hospitalization or commitment hearing before the district judge. If the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a person with a substance use disorder. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

5. The hospitalization or commitment hearing before the district judge shall be held, and the judge's finding shall be made and an appropriate order entered, as prescribed by sections 229.12 and 229.13 or sections 125.82 and 125.83. If the judge orders the appellant hospitalized or committed for a complete psychiatric or substance use disorder evaluation, jurisdiction of the matter shall revert to the judicial hospitalization referee.

[C97, §2267, 2268; C24, 27, 31, 35, 39, §**3560, 3561;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.17, 229.18; C77, 79, 81, §229.21; 82 Acts, ch 1212, §27]

85 Acts, ch 195, §25; 87 Acts, ch 190, §2; 90 Acts, ch 1085, §20; 91 Acts, ch 108, §6; 92 Acts, ch 1165, §6; 98 Acts, ch 1181, §23; 99 Acts, ch 144, §3, 4; 2001 Acts, ch 155, §38; 2011 Acts, ch 121, §54 – 56, 62; 2013 Acts, ch 130, §49; 2014 Acts, ch 1026, §47; 2021 Acts, ch 80, §122; 2023 Acts, ch 19, §525

Referred to in §97B.1A, 125.90

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229.22 Hospitalization — emergency procedure.

1. The procedure prescribed by this section shall be used when it appears that a person should be immediately detained due to serious mental impairment, but an application has not been filed naming the person as the respondent pursuant to section 229.6, and the person cannot be ordered into immediate custody and detained pursuant to section 229.11.

2. *a.* (1) In the circumstances described in subsection 1, any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital as defined in section 229.11, subsection 1, paragraphs *"b"* and *"c"*. A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer.

(2) Upon delivery of the person believed mentally ill to the facility or hospital, the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner may order treatment of that person, including chemotherapy, but only to the extent necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue.

(3) The peace officer who took the person into custody, or other party who brought the person to the facility or hospital, shall describe the circumstances of the matter to the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner. If the person is a peace officer, the peace officer may do so either in person or by written report.

(4) (a) If the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner finds that there is reason to believe that the person is seriously mentally impaired, and because of that impairment is likely to physically injure the person's self or others if not immediately detained, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner shall communicate with the nearest available magistrate.

(b) Once contacted pursuant to subparagraph division (a), the magistrate shall, based upon the circumstances described by the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner, give the examining physician, examining physician associate, examining mental health professional, or examining psychiatric advanced registered nurse practitioner oral instructions either directing that the person be released forthwith or authorizing the person's detention in an appropriate facility. A peace officer from the law enforcement agency that took the person into custody, if available, during the communication with the magistrate, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any oral or written order issued under this subsection require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility.

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. A peace officer from the law enforcement agency that took the person into custody, if no request was made under paragraph *"a"*, may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any written order issued under this paragraph require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility or hospital, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure

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the person's self or others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing the person's detention including any order given to transport the person to an appropriate facility or hospital. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of the written order or any separate order to the chief medical officer of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department, ambulance service, or transportation service under contract with an administrative services organization that transported the person pursuant to the magistrate's order. A transportation service that contracts with an administrative services organization for purposes of this paragraph shall provide a secure transportation vehicle and shall employ staff that has received or is receiving mental health training.

c. If an arrest warrant has been issued for or charges are pending against the person, but no court order exists requiring notification to a law enforcement agency under paragraph "*a*" or "*b*", and if the peace officer delivers the person to a facility or hospital and the peace officer notifies the facility or hospital in writing on a form prescribed by the department of public safety that the facility or hospital notify the law enforcement agency about the discharge of the person prior to discharge, the facility or hospital shall do all of the following:

(1) Notify the dispatch of the law enforcement agency that employs the peace officer by telephone prior to the discharge of the person from the facility or hospital.

(2) Notify the law enforcement agency that employs the peace officer by electronic mail prior to the discharge of the person from the facility or hospital.

3. The chief medical officer of the facility or hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate. The facility or hospital may provide treatment which is necessary to preserve the person's life, or to appropriately control behavior by the person which is likely to result in physical injury to the person's self or others if allowed to continue, but may not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility or hospital and released from custody not later than the expiration of that period, unless an application is sooner filed with the clerk pursuant to section 229.6. Prior to such discharge the facility or hospital shall, if required by this section, notify the law enforcement agency requesting such notification about the discharge of the person. The law enforcement agency shall retrieve the person no later than six hours after notification from the facility or hospital but in no circumstances shall the detention of the person exceed the period of time prescribed for detention by this subsection. The detention of any person by the procedure and not in excess of the period of time prescribed by this section shall not render the peace officer, physician, mental health professional, facility, or hospital so detaining that person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, physician, mental health professional, facility, or hospital had reasonable grounds to believe the person so detained was mentally ill and likely to physically injure the person's self or others if not immediately detained, or if the facility or hospital was required to notify a law enforcement agency by this section, and the law enforcement agency requesting notification prior to discharge retrieved the person no later than six hours after the notification, and the detention prior to the retrieval of the person did not exceed the period of time prescribed for detention by this subsection.

4. The cost of hospitalization at a public hospital of a person detained temporarily by the procedure prescribed in this section shall be paid in the same way as if the person had been admitted to the hospital by the procedure prescribed in sections 229.6 through 229.13.

5. The department of public safety shall prescribe the form to be used when a law enforcement agency desires notification under this section from a facility or hospital prior to discharge of a person admitted to the facility or hospital and for whom an arrest warrant has been issued or against whom charges are pending. The form shall be consistent with all

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laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 – 164.

6. A facility or hospital, which has been notified by a peace officer or a law enforcement agency by delivery of a form as prescribed by the department of public safety indicating that an arrest warrant has been issued for or charges are pending against a person admitted to the facility or hospital, that does not notify the law enforcement agency about the discharge of the person as required by subsection 2, paragraph *"c"*, shall pay a civil penalty as provided in section 805.8C, subsection 9.

[C77, 79, 81, §229.22]

95 Acts, ch 24, §2; 2003 Acts, ch 68, §3, 4; 2009 Acts, ch 41, §227; 2010 Acts, ch 1103, §1, 2; 2011 Acts, ch 34, §55; 2012 Acts, ch 1079, §15; 2013 Acts, ch 90, §54; 2013 Acts, ch 130, §50, 51; 2014 Acts, ch 1092, §173; 2015 Acts, ch 37, §1; 2017 Acts, ch 34, §15, 16; 2018 Acts, ch 1056, §12; 2021 Acts, ch 80, §123; 2022 Acts, ch 1071, §5; 2024 Acts, ch 1161, §87, 137; 2026 Acts, ch 1008, §3

Referred to in §229.21, 229.23, 229.24, 331.910, 602.6405, 805.8C(9)
Code editor directive applied

229.23 Rights and privileges of hospitalized persons.

Every person who is hospitalized or detained under this chapter shall have the right to:

1. Prompt evaluation, necessary psychiatric services, and additional care and treatment as indicated by the patient's condition. A comprehensive, individualized treatment plan shall be timely developed following issuance of the court order requiring involuntary hospitalization. The plan shall be consistent with current standards appropriate to the facility to which the person has been committed and with currently accepted standards for psychiatric treatment of the patient's condition, including chemotherapy, psychotherapy, counseling and other modalities as may be appropriate.

2. The right to refuse treatment by shock therapy or chemotherapy, unless the use of these treatment modalities is specifically consented to by the patient's next of kin or guardian. The patient's right to refuse treatment by chemotherapy shall not apply during any period of custody authorized by section 229.4, subsection 3, section 229.11 or section 229.22, but this exception shall extend only to chemotherapy treatment which is, in the chief medical officer's judgment, necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue. The patient's right to refuse treatment by chemotherapy shall also not apply during any period of custody authorized by the court pursuant to section 229.13 or 229.14. In any other situation in which, in the chief medical officer's judgment, chemotherapy is appropriate for the patient but the patient refuses to consent thereto and there is no next of kin or guardian to give consent, the chief medical officer may request an order authorizing treatment of the patient by chemotherapy from the district court which ordered the patient's hospitalization.

3. In addition to protection of the person's constitutional rights, enjoyment of other legal, medical, religious, social, political, personal and working rights and privileges which the person would enjoy if the person were not so hospitalized or detained, so far as is possible consistent with effective treatment of that person and of the other patients of the hospital. If the patient's rights are restricted, the physician's or mental health professional's direction to that effect shall be noted on the patient's record. The department shall, in accordance with chapter 17A establish rules setting forth the specific rights and privileges to which persons hospitalized or detained are entitled under this section, and the exceptions provided by section 17A.2, subsection 11, paragraphs *"a"* and *"k"*, shall not be applicable to the rules established. The patient or the patient's next of kin or friend shall be advised of these rules and be provided a written copy upon the patient's admission to or arrival at the hospital.

[C77, 79, 81, §229.23]

83 Acts, ch 96, §157, 159; 89 Acts, ch 275, §6; 2017 Acts, ch 34, §17; 2023 Acts, ch 19, §526

Referred to in §229.14A

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229.24 Records of involuntary hospitalization proceeding to be confidential.

1. All papers and records pertaining to any involuntary hospitalization or application pursuant to section 229.6 of any person under this chapter, whether part of the permanent record of the court or of a file in the department, are subject to inspection only upon an order of the court for good cause shown.

2. If authorized in writing by a person who has been the subject of any proceeding or report under sections 229.6 through 229.13 or section 229.22, or by the parent or guardian of that person, information regarding that person which is confidential under subsection 1 may be released to any designated person.

3. If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to an administrative services organization, the clerk of the district court shall provide to an administrative services organization the following information pertaining to the individual which would be confidential under subsection 1:

a. Administrative information, as defined in section 228.1.

b. An evaluation order under this chapter and the location of the individual's placement under the order.

c. A hospitalization or placement order under this chapter and the location of the individual's placement under the order.

d. The date, location, and disposition of any hearing concerning the individual held under this chapter.

e. Any payment source available for the costs of the individual's care.

4. This section shall not prohibit any of the following:

a. A hospital from complying with the requirements of this chapter and of chapter 230 relative to financial responsibility for the cost of care and treatment provided a patient in that hospital or from properly billing any responsible relative or third-party payer for such care or treatment.

b. A court or the department of public safety from forwarding to the federal bureau of investigation information that a person has been disqualified from possessing, shipping, transporting, or receiving a firearm pursuant to section 724.31.

[C77, 79, 81, §229.24]

83 Acts, ch 96, §157, 159; 95 Acts, ch 120, §3; 96 Acts, ch 1183, §22; 2002 Acts, ch 1146, §4; 2004 Acts, ch 1090, §8; 2010 Acts, ch 1031, §362; 2010 Acts, ch 1178, §1, 2, 19; 2012 Acts, ch 1120, §102, 130; 2013 Acts, ch 130, §52; 2015 Acts, ch 69, §67; 2021 Acts, ch 80, §124; 2023 Acts, ch 19, §527; 2024 Acts, ch 1161, §88, 137

Referred to in §228.6

229.25 Medical records to be confidential — exceptions.

1. *a.* The records maintained by a hospital or other facility relating to the examination, custody, care and treatment of any person in that hospital or facility pursuant to this chapter shall be confidential, except that the chief medical officer shall release appropriate information under any of the following circumstances:

(1) The information is requested by a licensed physician or mental health professional, attorney, or advocate who provides the chief medical officer with a written waiver signed by the person about whom the information is sought.

(2) The information is sought by a court order.

(3) The person who is hospitalized or that person's guardian, if the person is a minor or is not legally competent to do so, signs an informed consent to release information. Each signed consent shall designate specifically the person or agency to whom the information is to be sent, and the information may be sent only to that person or agency.

b. Such records may be released by the chief medical officer when requested for the purpose of research into the causes, incidence, nature and treatment of mental illness, however information shall not be provided in a way that discloses patients' names or which otherwise discloses any patient's identity.

2. When the chief medical officer deems it to be in the best interest of the patient and the patient's next of kin to do so, the chief medical officer may release appropriate information

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during a consultation which the hospital or facility shall arrange with the next of kin of a voluntary or involuntary patient, if requested by the patient's next of kin.

[C77, 79, 81, §229.25; 82 Acts, ch 1135, §1]

89 Acts, ch 275, §7; 2009 Acts, ch 41, §263; 2017 Acts, ch 34, §18

Referred to in §228.6, 229.19

229.26 Exclusive procedure for involuntary hospitalization.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of prisoners with mental illness to state mental health institutes and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, or negate the provisions of section 232.51 relating to disposition of children with mental illness.

[C77, 79, 81, §229.26]

84 Acts, ch 1323, §3; 85 Acts, ch 21, §36; 87 Acts, ch 90, §4; 88 Acts, ch 1134, §45; 96 Acts, ch 1129, §58; 2002 Acts, ch 1119, §108; 2003 Acts, ch 108, §125, 132; 2012 Acts, ch 1019, §81; 2015 Acts, ch 30, §72; 2023 Acts, ch 19, §528

229.27 Hospitalization not to equate with incompetency — procedure for finding incompetency due to mental illness.

1. Hospitalization of a person under this chapter, either voluntarily or involuntarily, does not constitute a finding of nor equate with nor raise a presumption of incompetency, nor cause the person so hospitalized to be deemed a person of unsound mind nor a person under legal disability for any purpose, including but not limited to any circumstances to which sections 6B.15, 447.7, section 488.603, subsection 6, paragraph *"c"*, sections 488.704, 597.6, 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and 633.244 are applicable.

2. The applicant may, in initiating a petition under section 229.6 or at any subsequent time prior to conclusion of the involuntary hospitalization proceeding, also petition the court for a finding that the person is incompetent by reason of mental illness. The test of competence for the purpose of this section shall be whether the person possesses sufficient mind to understand in a reasonable manner the nature and effect of the act in which the person is engaged; the fact that a person is mentally ill and in need of treatment for that illness but because of the illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment does not necessarily mean that that person is incapable of transacting business on any subject.

3. A hearing limited to the question of the person's competence and conducted in substantially the manner prescribed in sections 633.552, 633.556, 633.558, and 633.560 shall be held when any of the following circumstances applies:

a. The court is petitioned or proposes upon its own motion to find incompetent by reason of mental illness a person whose involuntary hospitalization has been ordered under section 229.13 or 229.14, and who contends that the person is not incompetent.

b. A person previously found incompetent by reason of mental illness under subsection 2 petitions the court for a finding that the person is no longer incompetent and, after notice to the applicant who initiated the petition for hospitalization of the person and to any other party as directed by the court, an objection is filed with the court. The court may order a hearing on its own motion before acting on a petition filed under this paragraph. A petition by a person for a finding that the person is no longer incompetent may be filed at any time without regard to whether the person is at that time hospitalized for treatment of mental illness.

4. Nothing in this chapter shall preclude use of any other procedure authorized by law for declaring any person legally incompetent for reasons which may include mental illness,

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without regard to whether that person is or has been hospitalized for treatment of mental illness.

[C77, 79, 81, §229.27; 82 Acts, ch 1103, §1109]

91 Acts, ch 93, §1; 96 Acts, ch 1034, §9; 98 Acts, ch 1181, §24; 2004 Acts, ch 1175, §368, 400; 2004 Acts, ch 1021, §118, 119; 2004 Acts, ch 1175, §369, 400; 2013 Acts, ch 130, §53; 2019 Acts, ch 57, §2, 43, 44; 2023 Acts, ch 19, §529

Referred to in §4.1, 218.95, 229.39

229.28 Hospitalization in certain federal facilities.

1. When a court finds that the contention that a respondent is seriously mentally impaired has been sustained or proposes to order continued hospitalization of any person, or an alternative placement, as described under section 229.14, subsection 1, paragraph *"b"* or *"d"*, and the court is furnished evidence that the respondent or patient is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government and that the facility is willing to receive the respondent or patient, the court may so order.

a. The respondent or patient, when so hospitalized or placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not thereby lose any procedural rights afforded the respondent or patient by this chapter.

b. The chief officer of the facility shall have, with respect to the person so hospitalized or placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave or discharge.

2. Jurisdiction is retained in the court to maintain surveillance of the person's treatment and care, and at any time to inquire into that person's mental condition and the need for continued hospitalization or care and custody.

[C27, 31, 35, §3562-b1; C39, §**3562.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.20; C77, 79, 81, §229.28]

2001 Acts, ch 155, §39; 2009 Acts, ch 26, §10

Referred to in §229.30

229.29 Transfer to certain federal facilities.

1. Upon receipt of a certificate stating that any person involuntarily hospitalized under this chapter is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government which is willing to receive the person without charge to the state of Iowa or any county in the state, the chief medical officer may transfer the person to that facility. Upon so doing, the chief medical officer shall notify the court which ordered the person's hospitalization in the same manner as would be required in the case of a transfer under section 229.15, subsection 5, and the person transferred shall be entitled to the same rights as the person would have under that subsection.

2. No person shall be transferred under this section who is confined pursuant to conviction of a public offense or whose hospitalization was ordered upon contention of incompetence to stand trial by reason of mental illness, without prior approval of the court which ordered that person's hospitalization.

[C27, 31, 35, §3562-b1; C39, §**3562.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.20; C77, 79, 81, §229.29]

2009 Acts, ch 26, §11

229.30 Orders of courts in other states.

A judgment or order of hospitalization or commitment by a court of competent jurisdiction of another state or the District of Columbia, under which any person is hospitalized or placed in a facility operated by the United States department of veterans affairs or another agency of the United States government, shall have the same force and effect with respect to that person while the person is in this state as the judgment or order would have if the person

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were in the jurisdiction of the court which issued it. That court shall be deemed to have retained jurisdiction of the person so hospitalized or placed for the purpose of inquiring into that person's mental condition and the need for continued hospitalization or care and custody, as do courts in this state under section 229.28. Consent is hereby given to the application of the law of the state or district in which is situated the court which issued the judgment or order as regards authority of the chief officer of any facility, operated in this state by the United States department of veterans affairs or another agency of the United States government, to retain custody, transfer, place on convalescent leave or discharge the person so hospitalized or committed.

[C27, 31, 35, §3562-b1; C39, §**3562.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.20; C77, 79, 81, §229.30]

2009 Acts, ch 26, §12

229.31 Commission of inquiry.

A sworn complaint, alleging that a named person is not seriously mentally impaired and is unjustly deprived of liberty in any hospital in the state, may be filed by any person with the clerk of the district court of the county in which such named person is so confined, or of the county in which such named person is a resident. Upon receiving the complaint, a judge of that court shall appoint a commission of not more than three persons to inquire into the truth of the allegations. One of the commissioners shall be a physician and if additional commissioners are appointed, one of the additional commissioners shall be a lawyer.

[C73, §1442; C97, §2304; C24, 27, 31, 35, 39, §**3571;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.31]

2012 Acts, ch 1120, §103, 130

Referred to in §229.36

229.32 Duty of commission.

Said commission shall at once proceed to the place where said person is confined and make a thorough and discreet examination for the purpose of determining the truth of said allegations and shall promptly report its findings to said judge in writing. Said report shall be accompanied by a written statement of the case signed by the chief medical officer of the hospital in which the person is confined.

[C73, §1442; C97, §2304; C24, 27, 31, 35, 39, §**3572;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.32]

Referred to in §229.36

229.33 Hearing.

If, on such report and statement, and the hearing of testimony if any is offered, the judge shall find that such person is not seriously mentally impaired, the judge shall order the person's discharge; if the contrary, the judge shall so state, and authorize the continued detention of the person, subject to all applicable requirements of this chapter.

[C73, §1442; C97, §2304; C24, 27, 31, 35, 39, §**3573;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.33]

97 Acts, ch 23, §17

Referred to in §229.36

229.34 Finding and order filed.

The finding and order of the judge, with the report and other papers, shall be filed in the office of the clerk of the court where the complaint was filed. Said clerk shall enter a memorandum thereof on the appropriate record, and forthwith notify the chief medical officer of the hospital of the finding and order of the judge, and the chief medical officer shall carry out the order.

[C73, §1442; C97, §2304; C24, 27, 31, 35, 39, §**3574;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.34]

Referred to in §229.36

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229.35 Compensation — payment.

Said commissioners shall be entitled to their necessary expenses and a reasonable compensation, to be allowed by the judge, who shall certify the same to the director of the department of administrative services who shall thereupon draw the proper warrants on any funds in the state treasury not otherwise appropriated. The applicant shall pay said costs and expenses if the judge shall so order on a finding that the complaint was filed without probable cause.

[C73, §1442; C97, §2304; C24, 27, 31, 35, 39, §**3575;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.35]

2003 Acts, ch 145, §286

Referred to in §229.36

229.36 Limitation on proceedings.

The proceeding authorized in sections 229.31 through 229.35 shall not be had more often than once in six months regarding the same person; nor regarding any patient within six months after the patient's admission to the hospital.

[C73, §1443; C97, §2305; C24, 27, 31, 35, 39, §**3576;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.36]

2005 Acts, ch 3, §52; 2020 Acts, ch 1063, §87

229.37 Habeas corpus.

All persons confined as seriously mentally impaired shall be entitled to the benefit of the writ of habeas corpus, and the question of serious mental impairment shall be decided at the hearing. If the judge shall decide that the person is seriously mentally impaired, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person is no longer seriously mentally impaired.

[R60, §1441; C73, §1444; C97, §2306; C24, 27, 31, 35, 39, §**3577;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.37]

Constitutional provision, Iowa Constitution, Art. I, §13

Habeas corpus, chapter 663

229.38 Cruelty or official misconduct.

If any person having the care of a person with mental illness who has voluntarily entered a hospital or other facility for treatment or care, or who is responsible for psychiatric examination care, treatment, and maintenance of any person involuntarily hospitalized under sections 229.6 through 229.15, whether in a hospital or elsewhere, with or without proper authority, shall treat such patient with unnecessary severity, harshness, or cruelty, or in any way abuse the patient or if any person unlawfully detains or deprives of liberty any person with mental illness or any person who is alleged to have mental illness, or if any officer required by the provisions of this chapter and chapter 226, to perform any act shall willfully refuse or neglect to perform the same, the offending person shall, unless otherwise provided, be guilty of a serious misdemeanor.

[C73, §1415, 1416, 1440, 1445; C97, §2307; C24, 27, 31, 35, 39, §**3578;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.38]

96 Acts, ch 1129, §59; 2020 Acts, ch 1063, §88; 2024 Acts, ch 1161, §89, 137

229.39 Status of persons hospitalized under former law.

1. Each person admitted or committed to a hospital for treatment of mental illness on or before December 31, 1975 who remained so hospitalized, or was on convalescent leave or was receiving care in another facility on transfer from such hospitalization, on or after January 1, 1976 shall be considered to have been hospitalized under this chapter, and its provisions shall apply to each such person on and after the effective date of this section, except as otherwise provided by subsection 3.

2. Hospitalization of a person for treatment of mental illness, either voluntary or involuntary, on or before December 31, 1975 does not constitute a finding nor equate with nor raise a presumption of incompetency, nor cause the person hospitalized to be deemed a person of unsound mind nor a person under legal disability for any purpose, including but

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not limited to the circumstances enumerated in section 229.27, subsection 1. This subsection does not invalidate any specific declaration of incompetence of a person hospitalized if the declaration was made pursuant to a separate procedure authorized by law for that purpose, and did not result automatically from the person's hospitalization.

3. Where a person was hospitalized involuntarily for treatment of mental illness on or before December 31, 1975 and remained so hospitalized, or was on convalescent leave or was receiving care in another facility on transfer from such hospitalization, on or after January 1, 1976, but was subsequently discharged prior to July 1, 1978, this section shall not be construed to require:

a. The filing after July 1, 1978, of any report relative to that person's status which would have been required to be filed prior to said date if that person had initially been hospitalized under this chapter as amended by 1975 Iowa Acts, ch. 139, §1 to 30.

b. That legal proceedings be taken under this chapter, as so amended, to clarify the status of the person so hospitalized, unless that person or the district court considers such proceedings necessary in a particular case to appropriately conclude the matter.

[C79, 81, §229.39]

2011 Acts, ch 34, §56; 2014 Acts, ch 1026, §143

229.40 Rules for proceedings.

Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.4201.

[C79, 81, §229.40]

83 Acts, ch 186, §10053, 10201

Rules adopted by the supreme court are published in the compilation "Iowa Court Rules"

229.41 Voluntary admission — state mental health institute.

Persons making application pursuant to section 229.2 on their own behalf or on behalf of another person who is under eighteen years of age, if the person whose admission is sought is received for observation and treatment on the application, shall be required to pay the costs of hospitalization at rates established by the department. The costs may be collected weekly in advance and shall be payable to the state mental health institute. The collections shall be remitted to the department monthly to be credited to the general fund of the state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §229.41]

2000 Acts, ch 1112, §39; 2001 Acts, ch 155, §21; 2023 Acts, ch 19, §530

Referred to in §229.2

229.42 Costs paid by county — state mental health institute. Repealed by 2024 Acts, ch 1161, §135, 137.

229.43 Nonresident patients — state mental health institutes.

The department may place patients of state mental health institutes who are nonresidents on convalescent leave to a private sponsor or in a health care facility licensed under chapter 135C, when in the opinion of the director the placement is in the best interests of the patient and the state of Iowa. If the patient was involuntarily hospitalized, the district court which ordered hospitalization of the patient shall be informed when the patient is placed on convalescent leave, as required by section 229.15, subsection 5.

[C24, 27, 31, 35, 39, §**3446;** C46, 50, 54, 58, 62, §222.36; C66, 71, 73, 75, 77, 79, 81, §229.43]

2000 Acts, ch 1112, §40; 2012 Acts, ch 1120, §105, 130; 2023 Acts, ch 19, §532

229.44 Venue.

1. Venue for hospitalization proceedings shall be in the county where the respondent is found, unless the matter is transferred pursuant to Iowa court rule 12.15 for the involuntary hospitalization of persons with mental illness, in which case venue shall be in the county where the matter is transferred for hearing.

2. After an order is entered pursuant to section 229.13 or 229.14, the court may transfer proceedings to the court of any county having venue at any further stage in the proceeding as follows:

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a. When it appears that the best interests of the respondent or the convenience of the parties will be served by a transfer, the court may transfer the case to the court of the county of the respondent's residence.

b. When it appears that the best interests of the respondent or the convenience of the parties will be served by a transfer, the court may transfer the case to the court of the county where the respondent is found.

3. If a proceeding is transferred, the court shall contact the court in the county which is to be the recipient of the transfer before entering the order to transfer the case. The court shall then transfer the case by ordering a transfer of the matter to the recipient county, by ordering a continuance of the matter in the transferring county, and by forwarding to the clerk of the receiving court a certified copy of all papers filed, together with the order of transfer. The referee of the receiving court may accept the filings of the transferring court or may direct the filing of a new application and may hear the case anew.

92 Acts, ch 1165, §7; 96 Acts, ch 1079, §9; 96 Acts, ch 1129, §113

229.45 Provision of summary of procedures to applicant in involuntary commitment.

The department, in consultation with the office of attorney general, shall develop a summary of the procedures involved in an involuntary commitment and information concerning the participation of an applicant in the proceedings. The summary shall be provided by the department, at the department's expense, to the clerks of the district court who shall make the summary available to all applicants prior to the filing of a verified application, or to any other person upon request, and who shall attach a copy of the summary to the notice of hearing which is served upon the respondent under section 125.77 or 229.7. The summary may include, but is not limited to, the following:

1. The statutory criteria for ordering that a person be involuntarily committed under chapter 125 or sections 229.11 and 229.13.

2. A description of the hearing process.

3. An explanation of the applicant's right to testify and examples of the kinds of relevant information which may be introduced at the hearing.

4. An explanation of the duties of the county attorney in civil commitment proceedings.

94 Acts, ch 1024, §1; 2023 Acts, ch 19, §533

CHAPTER 229A

COMMITMENT OF SEXUALLY VIOLENT PREDATORS

Referred to in §13B.4, 81.2, 226.1, 232.55, 235A.15, 235A.18, 692A.114, 811.1, 815.9, 815.10, 815.11, 901A.2, 915.45

Notice to victims of discharge of committed person, see §915.45

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229A.1 Legislative findings.

1. The general assembly finds that a small but extremely dangerous group of sexually violent predators exists which is made up of persons who do not have a mental disease or defect that renders them appropriate for involuntary treatment pursuant to the treatment provisions for mentally ill persons under chapter 229, since that chapter is intended to provide short-term treatment to persons with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under chapter 229, sexually violent predators generally have antisocial personality features that are unamenable to existing mental illness treatment modalities and that render them likely to engage in sexually violent behavior.

2. The general assembly finds that sexually violent predators' likelihood of engaging in repeat acts of predatory sexual violence is high and that the existing involuntary commitment procedure under chapter 229 is inadequate to address the risk these sexually violent predators pose to society.

3. The general assembly further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, because the treatment needs of this population are very long-term, and the treatment modalities for this population are very different from the traditional treatment modalities available in a prison setting or for persons appropriate for commitment under chapter 229.

4. Therefore, the general assembly finds that a civil commitment procedure for the long-term care and treatment of the sexually violent predator is necessary. The procedures regarding sexually violent predators should reflect legitimate public safety concerns, while providing treatment services designed to benefit sexually violent predators who are civilly committed. The procedures should also reflect the need to protect the public, to respect the needs of the victims of sexually violent offenses, and to encourage full, meaningful participation of sexually violent predators in treatment programs.

98 Acts, ch 1171, §1; 2002 Acts, ch 1139, §1, 27; 2019 Acts, ch 24, §19

229A.2 Definitions.

As used in this chapter:

1. *"Agency with jurisdiction"* means an agency which has custody of or releases a person serving a sentence or term of confinement or is otherwise in confinement based upon a lawful order or authority, and includes but is not limited to the department of corrections, the department of health and human services, a judicial district department of correctional services, and the Iowa board of parole.

2. *"Appropriate secure facility"* means a state facility that is designed to confine but not necessarily to treat a sexually violent predator.

3. *"Convicted"* means found guilty of, pleads guilty to, or is sentenced or adjudicated delinquent for an act which is an indictable offense in this state or in another jurisdiction including in a federal, military, tribal, or foreign court, including but not limited to a juvenile who has been adjudicated delinquent, whether or not the juvenile court records have been sealed under section 232.150, and a person who has received a deferred sentence or a deferred judgment or has been acquitted by reason of insanity. *"Convicted"* includes the conviction of a juvenile prosecuted as an adult. *"Convicted"* also includes a conviction for an attempt or conspiracy to commit an offense. *"Convicted"* does not mean a plea, sentence,

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adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

4. *"Department"* means the department of health and human services.

5. *"Director"* means the director of health and human services.

6. *"Discharge"* means an unconditional discharge from the sexually violent predator program. A person released from a secure facility into a transitional release program or released with supervision is not considered to be discharged.

7. *"Likely to engage in predatory acts of sexual violence"* means that the person more likely than not will engage in acts of a sexually violent nature. If a person is not confined at the time that a petition is filed, a person is *"likely to engage in predatory acts of sexual violence"* only if the person commits a recent overt act.

8. *"Mental abnormality"* means a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to commit sexually violent offenses to a degree which would constitute a menace to the health and safety of others.

9. *"Predatory"* means acts directed toward a person with whom a relationship has been established or promoted for the primary purpose of victimization.

10. *"Presently confined"* means incarceration or detention in a correctional facility, a rehabilitation camp, a residential facility, a county jail, a halfway house, or any other comparable facility, including but not limited to placement at such a facility as a condition of probation, parole, or special sentence following conviction for a sexually violent offense.

11. *"Recent overt act"* means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

12. *"Safekeeper"* means a person who is confined in an appropriate secure facility pursuant to this chapter but who is not subject to an order of commitment pursuant to this chapter.

13. *"Sexually motivated"* means that one of the purposes for commission of a crime is the purpose of sexual gratification of the perpetrator of the crime.

14. *"Sexually violent offense"* means:

a. A violation of any provision of chapter 709.

b. A violation of any of the following if the offense involves sexual abuse, attempted sexual abuse, or intent to commit sexual abuse:

(1) Murder as defined in section 707.1.

(2) Kidnapping as defined in section 710.1.

(3) Burglary as defined in section 713.1.

(4) Child endangerment under section 726.6, subsection 2, paragraph *"e"*.

c. Sexual exploitation of a minor in violation of section 728.12.

d. Pandering involving a minor in violation of section 725.3, subsection 2.

e. An offense involving an attempt or conspiracy to commit any offense referred to in this subsection.

f. An offense under prior law of this state or an offense committed in another jurisdiction which would constitute an equivalent offense under paragraphs *"a"* through *"e"*.

g. Any act which, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated.

15. *"Sexually violent predator"* means a person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses, if not confined in a secure facility.

16. *"Transitional release"* means a conditional release from a secure facility operated by the department with the conditions of such release set by the court or the department.

98 Acts, ch 1171, §2; 99 Acts, ch 61, §1, 14; 2002 Acts, ch 1139, §2, 27; 2007 Acts, ch 91, §1; 2010 Acts, ch 1074, §1; 2014 Acts, ch 1059, §1; 2018 Acts, ch 1165, §96; 2019 Acts, ch 17, §1, 2; 2023 Acts, ch 19, §534

Referred to in §272C.15, 671A.2, 692A.101, 901A.1

Section not amended; internal reference change applied

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229A.3 Notice of discharge of sexually violent predator — immunity from liability — multidisciplinary team — prosecutor's review committee — assessment of person.

1. When it appears that a person who is confined may meet the definition of a sexually violent predator, the agency with jurisdiction shall give written notice to the attorney general and the multidisciplinary team established in subsection 4, no later than ninety days prior to any of the following events:

a. The anticipated discharge of a person who has been convicted of a sexually violent offense from total confinement, except that in the case of a person who is returned to prison for no more than ninety days as a result of revocation of parole, written notice shall be given as soon as practicable following the person's readmission to prison.

b. The discharge of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to chapter 812.

c. The discharge of a person who has been found not guilty by reason of insanity of a sexually violent offense.

2. If notice is given under subsection 1, the agency with jurisdiction shall inform the attorney general and the multidisciplinary team established in subsection 4, of both of the following:

a. The person's name, identifying factors, anticipated future residence, and offense history.

b. Documentation of any institutional evaluation and any treatment received.

3. The agency with jurisdiction, its employees, officials, members of the multidisciplinary team established in subsection 4, members of the prosecutor's review committee appointed as provided in subsection 5, and individuals contracting, appointed, or volunteering to perform services under this section shall be immune from liability for any good-faith conduct under this section.

4. The director of the department of corrections shall establish a multidisciplinary team which may include individuals from other state agencies to review available records of each person referred to such team pursuant to subsection 1. The team, within thirty days of receiving notice, shall assess whether or not the person meets the definition of a sexually violent predator. The team shall notify the attorney general of its assessment.

5. The attorney general shall appoint a prosecutor's review committee to review the records of each person referred to the attorney general pursuant to subsection 1. The prosecutor's review committee shall assist the attorney general in the determination of whether or not the person meets the definition of a sexually violent predator. The assessment of the multidisciplinary team shall be made available to the attorney general and the prosecutor's review committee.

6. This section shall not be construed as a limit on persons subject to commitment under this chapter.

98 Acts, ch 1171, §3; 2019 Acts, ch 17, §3
Referred to in §229A.5A, 229A.14

229A.4 Petition — time — contents.

1. If it appears that a person presently confined may be a sexually violent predator and the prosecutor's review committee has determined that the person meets the definition of a sexually violent predator, the attorney general may file a petition alleging that the person is a sexually violent predator and stating sufficient facts to support such an allegation.

2. A prosecuting attorney of the county in which the person was convicted or charged, or the attorney general if requested by the prosecuting attorney, may file a petition alleging that a person is a sexually violent predator and stating sufficient facts to support such an allegation, if it appears that a person who has committed a recent overt act meets any of the following criteria:

a. The person was convicted of a sexually violent offense and is no longer presently confined for that offense.

b. The person was charged with, but was acquitted of, a sexually violent offense by reason of insanity and has been released from confinement or any supervision.

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c. The person was charged with, but was found to be incompetent to stand trial for, a sexually violent offense and has been released from confinement or any supervision.

98 Acts, ch 1171, §4; 99 Acts, ch 61, §2, 14; 2019 Acts, ch 17, §4
Referred to in §229A.5, 229A.6

229A.5 Person taken into custody — determination of probable cause — hearing — evaluation.

1. Upon filing of a petition under section 229A.4, the court shall make a preliminary determination as to whether probable cause exists to believe that the person named in the petition is a sexually violent predator. Upon a preliminary finding of probable cause, the court shall direct that the person named in the petition be taken into custody and that the person be served with a copy of the petition and any supporting documentation and notice of the procedures required by this chapter. If the person is in custody at the time of the filing of the petition, the court shall determine whether a transfer of the person to an appropriate secure facility is appropriate pending the outcome of the proceedings or whether the custody order should be delayed until the date of release of the person.

2. Within seventy-two hours after being taken into custody or being transferred to an appropriate secure facility, a hearing shall be held to determine whether probable cause exists to believe the detained person is a sexually violent predator. The hearing may be waived by the respondent. The hearing may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the respondent is not substantially prejudiced. At the probable cause hearing, the detained person shall have the following rights:

a. To be provided with prior notice of date, time, and location of the probable cause hearing.

b. To respond to the preliminary finding of probable cause.

c. To appear in person at the hearing.

d. To be represented by counsel.

e. To present evidence on the respondent's own behalf.

f. To cross-examine witnesses who testify against the respondent.

g. To view and copy all petitions and reports in the possession of the court.

3. At the hearing, the rules of evidence do not apply, and the state may rely solely upon the petition filed under subsection 1, but the state may also supplement the petition with additional documentary evidence or live testimony.

4. At the conclusion of the hearing, the court shall enter an order which does both of the following:

a. Verifies the respondent's identity.

b. Determines whether probable cause exists to believe that the respondent is a sexually violent predator.

5. If the court determines that probable cause does exist, the court shall direct that the respondent be transferred to an appropriate secure facility for an evaluation as to whether the respondent is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination.

98 Acts, ch 1171, §5; 99 Acts, ch 61, §3, 4, 14; 2002 Acts, ch 1139, §3, 27
Referred to in §229A.5B, 229A.5C, 229A.6A, 229A.7, 229A.12A, 811.1

229A.5A Powers of investigative personnel before a petition is filed.

1. The prosecuting attorney or attorney general is authorized upon the occurrence of a recent overt act, or upon receiving written notice pursuant to section 229A.3, or before the filing of a petition under this chapter, to subpoena and compel the attendance of witnesses, examine the witnesses under oath, and require the production of documentary evidence for inspection, reproduction, or copying. Except as otherwise provided by this section, the prosecuting attorney or attorney general shall have the same powers and limitations, subject to judicial oversight and enforcement, as provided by this chapter and by the Iowa rules of civil procedure. Any person compelled to appear under a demand for oral testimony under

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this section may be accompanied, represented, and advised by counsel at the person's own expense.

2. The examination of all witnesses under this section shall be conducted by the prosecuting attorney or attorney general before an officer authorized to administer oaths under section 63A.1. The testimony shall be taken by a certified shorthand reporter or by a sound recording device and shall be transcribed or otherwise preserved in the same manner as provided for the preservation of depositions under the Iowa rules of civil procedure. The prosecuting attorney or attorney general may exclude from the examination all persons except the witness, witness's counsel, the officer before whom the testimony is to be taken, law enforcement officials, and a certified shorthand reporter. Prior to oral examination, the person shall be advised by the prosecuting attorney or attorney general of the person's right to refuse to answer any questions on the basis of the privilege against self-incrimination. The examination shall be conducted in a manner consistent with the rules dealing with the taking of depositions.

99 Acts, ch 61, §5, 14; 2000 Acts, ch 1058, §23

229A.5B Escape from custody — penalty.

1. A person who is detained pursuant to section 229A.5 or is subject to an order of civil commitment under this chapter shall remain in custody unless released by court order or discharged under section 229A.8 or 229A.10. A person who has been placed in a transitional release program or who is under release with supervision is considered to be in custody. A person in custody under this chapter shall not do any of the following:

a. Leave or attempt to leave a facility without the accompaniment of authorized personnel or leave or attempt to leave a facility without authorization.

b. Knowingly and voluntarily be absent from a place where the person is required to be present.

c. Leave or attempt to leave the custody of personnel transporting or guarding the person while the person is away from a facility.

2. A person who violates subsection 1 commits a serious misdemeanor or may be subject to punishment for contempt.

3. If a person commits a violation of subsection 1 and remains unconfined, the attorney general or the chief law enforcement officer of the political subdivision where the violation occurs may make a public announcement that the person is unconfined and may provide relevant information about the person to the community. The attorney general may also notify a victim or the family of a victim of the person that the person is unconfined.

4. This section shall not be construed to prohibit the use of other lawful means for the return of the person.

2001 Acts, ch 27, §1; 2002 Acts, ch 1139, §4, 27; 2015 Acts, ch 12, §1; 2018 Acts, ch 1165, §97

Referred to in §229A.8A

229A.5C Criminal offenses committed while detained or subject to an order of commitment.

1. If a person who is detained pursuant to section 229A.5 or who is subject to an order of civil commitment under this chapter commits a public offense, the civil commitment proceedings or treatment process shall be suspended until the criminal proceedings, including any term of confinement, are completed. The person shall also not be eligible for bail pursuant to section 811.1.

2. *a.* Upon the filing of a complaint, indictment, or information, the person shall be transferred to the county jail in the county where the public offense occurred until the criminal proceedings have been completed.

b. If the person is sentenced to a term of confinement in a county jail, the person shall serve the sentence at the county jail. If the person is sentenced to the custody of the director of the department of corrections, the person shall serve the sentence at a correctional institution.

c. (1) If a person who is subject to an order of civil commitment under this chapter is transferred to a county jail or sentenced to a term of confinement in a county jail pursuant to

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this subsection, the department shall reimburse the county at a rate of fifty dollars per day for the time period the person is temporarily held after transfer or is confined in the county jail.

(2) The department shall use funds appropriated to the department for costs associated with the treatment and commitment of sexually violent predators in the unit located at the state mental health institute at Cherokee, or use funds transferred pursuant to section 218.6, for the payment of reimbursements pursuant to subparagraph (1).

3. A person who is subject to an order of civil commitment under this chapter shall not be released from jail or paroled or released to a facility or program located outside the county jail or correctional institution other than to a secure facility operated by the department.

4. A person who committed a public offense while in a transitional release program or on release with supervision may be returned to a secure facility operated by the department upon completion of any term of confinement that resulted from the commission of the public offense.

5. If the civil commitment proceedings for a person are suspended due to the commission of a public offense by the person, the ninety-day trial demand lapses. Upon completion of any term of confinement that resulted from the commission of the public offense, a new ninety-day trial demand automatically begins.

2002 Acts, ch 1139, §5, 27; 2018 Acts, ch 1165, §98; 2023 Acts, ch 19, §535; 2025 Acts, ch 96, §1

229A.5D Medical treatment.

A safekeeper is entitled to necessary medical treatment.

2002 Acts, ch 1139, §6, 27

229A.6 Counsel and experts — indigent persons.

1. A respondent to a petition alleging the person to be a sexually violent predator shall be entitled to the assistance of counsel upon the filing of the petition under section 229A.4 and, if the respondent is indigent, the court shall appoint counsel to assist the respondent at state expense.

2. If a respondent is subjected to an examination under this chapter, the respondent may retain experts or professional persons to perform an independent examination on the respondent's behalf. If the respondent wishes to be examined by a qualified expert or professional person of the respondent's own choice, the examiner of the respondent's choice shall be given reasonable access to the respondent for the purpose of the examination, as well as access to all relevant medical and psychological records and reports. If the respondent is indigent, the court, upon the respondent's request, shall determine whether the services are necessary and the reasonable compensation for the services. If the court determines that the services are necessary and the requested compensation for the services is reasonable, the court shall assist the respondent in obtaining an expert or professional person to perform an examination or participate in the trial on the respondent's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the respondent, and compensation received in the same case or for the same services from any other source.

98 Acts, ch 1171, §6

229A.6A Transport orders.

1. A person who has been detained prior to trial pursuant to section 229A.5 or who has been civilly committed may be transported for the following purposes:

a. To trial and any other court proceedings if the court has authorized a transport order. A transport order may only be requested by the court, the person's attorney, or the attorney general. Transportation shall be provided by the sheriff of the county in which the action has been brought, unless the court specifies otherwise or the parties agree to a different transportation arrangement. If a transport order is not authorized, the person may appear at any court proceedings other than trial by telephone or electronic means.

b. To a medical facility for medical treatment, if necessary medical treatment is not

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available at the facility where the person is confined. A transport order is not required to transport the person for medical treatment. However, the person is not entitled to choose the medical facility where treatment is to be obtained or the medical personnel to provide the treatment. Transportation of a committed person shall be provided by the sheriff of the county in which the person is confined if requested by the department.

c. To a medical, psychological, or psychiatric evaluation. A person shall not be transported to another facility for evaluation without a court order. When a transportation order is requested under this paragraph, notice must be provided to the opposing party, and the opposing party must be given a reasonable amount of time to object to the issuance of such an order. The cost of the transportation shall be paid by the party who requests the order.

d. To a facility for placement or treatment in a transitional release program or for release with supervision. A transport order is not required under this paragraph.

2. This section shall not be construed to grant a person the right to personally appear at all court proceedings under this chapter.

2002 Acts, ch 1139, §7, 27; 2018 Acts, ch 1165, §99; 2023 Acts, ch 19, §536

229A.7 Trial — determination — commitment procedure — chapter 28E agreements — mistrials.

1. If the person charged with a sexually violent offense has been found incompetent to stand trial and the person is about to be released pursuant to chapter 812, or if a petition has been filed seeking the person's commitment under this chapter, the court shall first hear evidence and determine whether the person did commit the act or acts charged. At the hearing on this issue, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this chapter.

2. If a person has been found not guilty by reason of insanity, the court shall determine whether the acts charged were proven as a matter of law. If as a matter of law the finding of not guilty by reason of insanity requires a finding that the underlying elements of the charged offense were proven, then no further fact-finding is required. If as a matter of law the finding of not guilty by reason of insanity does not require a finding that the underlying elements of the charged offense be proven, the case shall proceed in the same manner as if the person were found to be incompetent to stand trial as provided in subsection 1.

3. Within ninety days after either the entry of the order waiving the probable cause hearing or completion of the probable cause hearing held under section 229A.5, the court shall conduct a trial to determine whether the respondent is a sexually violent predator. The respondent or the attorney for the respondent may waive the ninety-day trial requirement as provided in this section; however, the respondent or the attorney for the respondent may reassert a demand and the trial shall be held within ninety days from the date of filing the demand with the clerk of court. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. In determining what constitutes good cause, the court shall consider the length of the pretrial detention of the respondent.

4. The respondent, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least ten days prior to trial. If no demand is made, the trial shall be before the court. Except

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as otherwise provided, the Iowa rules of evidence and the Iowa rules of civil procedure shall apply to all civil commitment proceedings initiated pursuant to this chapter.

5. *a.* At trial, the court or jury shall determine whether, beyond a reasonable doubt, the respondent is a sexually violent predator. If the case is before a jury, the verdict shall be unanimous that the respondent is a sexually violent predator.

b. If the court or jury determines that the respondent is a sexually violent predator, the respondent shall be committed to the custody of the director for control, care, and treatment until such time as the person's mental abnormality has so changed that the person is safe to be placed in a transitional release program or discharged. The determination may be appealed.

c. At trial, the court shall admit, and the fact finder may rely on, the findings of an administrative parole judge or other agency fact finder.

6. If the court or jury determines that the respondent is a sexually violent predator, the court shall order the respondent to submit a DNA sample for DNA profiling pursuant to section 81.4.

7. The control, care, and treatment of a person determined to be a sexually violent predator shall be provided at a facility operated by the department. At all times prior to placement in a transitional release program or release with supervision, persons committed for control, care, and treatment by the department pursuant to this chapter shall be kept in a secure facility and those patients shall be segregated at all times from any other patient under the supervision of the department. A person committed pursuant to this chapter to the custody of the department may be kept in a facility or building separate from any other patient under the supervision of the department. The department may enter into a chapter 28E agreement with the department of corrections or other appropriate agency in this state or another state for the confinement of patients who have been determined to be sexually violent predators. Patients who are in the custody of the director of the department of corrections pursuant to a chapter 28E agreement and who have not been placed in a transitional release program or released with supervision shall be housed and managed separately from criminal offenders in the custody of the director of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from those offenders.

8. If the court makes the determination or the jury determines that the respondent is not a sexually violent predator, the court shall direct the respondent's release. Upon release, the respondent shall comply with any requirements to register as a sex offender as provided in chapter 692A. Upon a mistrial, the court shall direct that the respondent be held at an appropriate secure facility until another trial is conducted. Any subsequent trial following a mistrial shall be held within ninety days of the previous trial, unless such subsequent trial is continued or the ninety days are waived as provided in subsection 3.

98 Acts, ch 1171, §7; 99 Acts, ch 61, §6, 7, 14; 2000 Acts, ch 1058, §24; 2002 Acts, ch 1139, §8, 9, 27; 2004 Acts, ch 1060, §1, 2; 2004 Acts, ch 1084, §2; 2005 Acts, ch 158, §11, 19; 2009 Acts, ch 41, §228; 2018 Acts, ch 1165, §100; 2019 Acts, ch 17, §5; 2023 Acts, ch 19, §537, 538

Referred to in §9E.2, 81.1, 92.20

229A.8 Annual examinations and review — discharge or transitional release petitions by persons committed.

1. Upon civil commitment of a person pursuant to this chapter, a rebuttable presumption exists that the commitment should continue. The presumption may be rebutted when facts exist to warrant a hearing to determine whether a committed person no longer suffers from a mental abnormality which makes the person likely to engage in predatory acts constituting sexually violent offenses if discharged, or the committed person is suitable for placement in a transitional release program.

2. A person committed under this chapter shall have a current examination of the person's mental abnormality made once every year. The person may retain, or if the person is indigent and so requests, the court may appoint a qualified expert or professional person to examine such person, and such expert or professional person shall be given access to all records concerning the person.

3. The annual report shall be provided to the court that committed the person under this

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chapter. The court shall conduct an annual review and, if warranted, set a final hearing on the status of the committed person. The annual review may be based only on written records.

4. Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for discharge or placement in a transitional release program at the annual review. The department shall provide the committed person with an annual written notice of the person's right to petition the court for discharge or placement in a transitional release program without authorization from the director. The notice shall contain a waiver of rights. The department shall forward the notice and waiver form to the court with the annual report.

5. The following provisions apply to an annual review:

a. The committed person shall have a right to have an attorney represent the person but the person is not entitled to be present at the hearing, if a hearing is held.

b. The Iowa rules of evidence do not apply.

c. The committed person may waive an annual review or may stipulate that the commitment should continue for another year.

d. The court shall review the annual report of the state and the report of any qualified expert or professional person retained by or appointed for the committed person and may receive arguments from the attorney general and the attorney for the committed person if either requests a hearing. The request for a hearing must be in writing, within thirty days of the notice of annual review being provided to counsel for the committed person, or on motion by the court. Such a hearing may be conducted in writing without any attorneys present.

e. (1) The court shall consider all evidence presented by both parties at the annual review. The burden is on the committed person to prove by a preponderance of the evidence that there is relevant and reliable evidence to rebut the presumption of continued commitment, which would lead a reasonable person to believe a final hearing should be held to determine either of the following:

(a) The mental abnormality of the committed person has so changed that the person is not likely to engage in predatory acts constituting sexually violent offenses if discharged.

(b) The committed person is suitable for placement in a transitional release program pursuant to section 229A.8A.

(2) (a) If the committed person shows by a preponderance of the evidence that a final hearing should be held on either determination under subparagraph (1), subparagraph division (a) or (b), or both, the court shall set a final hearing within sixty days of the determination that a final hearing be held.

(b) The committed person may waive the sixty-day final hearing requirement under subparagraph subdivision (a); however, the committed person or the attorney for the committed person may reassert the requirement by filing a demand that the final hearing be held within sixty days from the date of the filing of the demand with the clerk of court.

(c) The final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced. In determining what constitutes good cause, the court shall consider the length of the pretrial detention of the committed person.

f. If at the time for the annual review the committed person has filed a petition for discharge or placement in a transitional release program with authorization from the director, the court shall set a final hearing within ninety days of the authorization by the director, and no annual review shall be held.

g. If the committed person has not filed a petition, or has filed a petition for discharge or for placement in a transitional release program without authorization from the director, the court shall first conduct the annual review as provided in this subsection.

h. Any petition can summarily be dismissed by the court as provided in section 229A.11.

i. If at the time of the annual review the committed person is in a secure facility and not in the transitional release program, the state shall have the right to demand that both determinations in paragraph "*e*", subparagraph (1), be submitted to the court or jury.

6. The following provisions shall apply to a final hearing:

a. The committed person shall be entitled to an attorney and is entitled to the benefit of all constitutional protections that were afforded the person at the original commitment

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proceeding. The committed person shall be entitled to a jury trial, if such a demand is made in writing and filed with the clerk of court at least ten days prior to the final hearing.

b. The committed person shall have the right to have experts evaluate the person on the person's behalf. The court shall appoint an expert if the person is indigent and requests an appointment.

c. The attorney general shall represent the state and shall have a right to demand a jury trial. The jury demand shall be filed, in writing, at least ten days prior to the final hearing.

d. The burden of proof at the final hearing shall be upon the state to prove beyond a reasonable doubt either of the following:

(1) The committed person's mental abnormality remains such that the person is likely to engage in predatory acts that constitute sexually violent offenses if discharged.

(2) The committed person is not suitable for placement in a transitional release program pursuant to section 229A.8A.

e. If the director has authorized the committed person to petition for discharge or for placement in a transitional release program and the case is before a jury, testimony by a victim of a prior sexually violent offense committed by the person is not admissible. If the director has not authorized the petition or the case is before the court, testimony by a victim of a sexually violent offense committed by the person may be admitted.

f. If a mistrial is declared, the confinement or placement status of the committed person shall not change. After a mistrial has been declared, a new trial must be held within ninety days of the mistrial.

7. The state and the committed person may stipulate to a transfer to a transitional release program if the court approves the stipulation.

98 Acts, ch 1171, §8; 2002 Acts, ch 1139, §10, 27; 2009 Acts, ch 41, §229; 2009 Acts, ch 116, §1; 2018 Acts, ch 1172, §62; 2019 Acts, ch 24, §20; 2019 Acts, ch 59, §66; 2023 Acts, ch 19, §539 – 541

Referred to in §229A.5B, 229A.9A

229A.8A Transitional release.

1. The department may establish a transitional release program and provide control, care, and treatment, and supervision of committed persons placed in such a program.

2. A committed person is suitable for placement in the transitional release program if the court finds that all of the following apply:

a. The committed person's mental abnormality is no longer such that the person is a high risk to reoffend.

b. The committed person has achieved and demonstrated significant insights into the person's sex offending cycle.

c. The committed person has accepted responsibility for past behavior and understands the impact sexually violent crimes have upon a victim.

d. A detailed relapse prevention plan has been developed and accepted by the treatment provider which is appropriate for the committed person's mental abnormality and sex offending history.

e. No major discipline reports have been issued for the committed person for a period of six months.

f. The committed person is not likely to escape or attempt to escape custody pursuant to section 229A.5B.

g. The committed person is not likely to engage in predatory acts constituting sexually violent offenses while in the program.

h. The placement is in the best interest of the committed person.

i. The committed person has demonstrated a willingness to agree to and abide by all rules of the program.

3. If the committed person does not agree to the conditions of release, the person is not eligible for the transitional release program.

4. A committed person who refuses to register as a sex offender is not eligible for placement in a transitional release program.

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5. Committed persons in the transitional release program are not necessarily required to be segregated from other persons.

6. The department shall be responsible for establishing and implementing the rules and directives regarding the location of the transitional release program, staffing needs, restrictions on confinement and the movement of committed persons, and for assessing the progress of committed persons in the program. The court may also impose conditions on a committed person placed in the program.

7. The department may contract with other government or private agencies, including the department of corrections, to implement and administer the transitional release program.

2002 Acts, ch 1139, §11, 27; 2003 Acts, ch 44, §47; 2004 Acts, ch 1175, §463, 468; 2023 Acts, ch 19, §542

Referred to in §229A.8

229A.8B Violations of transitional release.

1. The treatment staff in a transitional release program may remove the committed person from the program for a violation of any rule or directive, and return the person to a secure facility. The treatment staff may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the committed person into custody so that the person can be returned to a secure facility. The request for an ex parte order may be made orally or by telephone, but the original written request or a facsimile copy of the original request shall be filed with the clerk of court no later than 4:30 p.m. on the next business day the office of the clerk of court is open.

2. If a committed person absconds from a transitional release program in violation of the rules or directives, a presumption arises that the person poses a risk to public safety. The department, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the person is in transitional release from the sexually violent predator program, and any other information important to public safety.

3. Upon the return of the committed person to a secure facility, the director or the director's designee shall notify the court that issued the ex parte order that the absconder has been returned to a secure facility, and the court shall set a hearing to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the rules or directives occurred. The court shall schedule a hearing after receiving notice that the committed person has been returned from the transitional release program to a secure facility.

4. At the hearing, the burden shall be upon the attorney general to show by a preponderance of the evidence that a violation of the rules or directives occurred. The hearing shall be to the court.

5. If the court determines a violation occurred, the court shall either order the committed person to be returned to the transitional release program or to be confined in a secure facility. The court may impose further conditions upon the committed person if returned to the transitional release program. If the court determines no violation occurred, the committed person shall be returned to the transitional release program.

2002 Acts, ch 1139, §12, 27; 2018 Acts, ch 1165, §101; 2023 Acts, ch 19, §543

229A.9 Detention and commitment to conform to constitutional requirements.

The involuntary detention or commitment of persons under this chapter shall conform to constitutional requirements for care and treatment.

98 Acts, ch 1171, §9

229A.9A Release with supervision.

1. In any proceeding under section 229A.8, the court may order the committed person released with supervision if any of the following apply:

a. The attorney general stipulates to the release with supervision.

b. The court or jury has determined that the person should be released from a secure

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facility or a transitional release program, but the court has determined the person suffers from a mental abnormality and it is in the best interest of the community to order release with supervision before the committed person is discharged.

2. If release with supervision is ordered, the department shall prepare within sixty days of the order of the court a release plan addressing the person's needs for counseling, medication, community support services, residential services, vocational services, substance use disorder treatment, sex offender treatment, or any other treatment or supervision necessary.

3. The court shall set a hearing on the release plan prepared by the department before the committed person is released from a secure facility or a transitional release program.

4. If the court orders release with supervision, the court shall order supervision by an agency with jurisdiction that is familiar with the placement of criminal offenders in the community. The agency with jurisdiction shall be responsible for initiating proceedings for violations of the release plan as provided in section 229A.9B.

5. A committed person may not petition the court for release with supervision.

6. A committed person released with supervision is not considered discharged from civil commitment under this chapter.

7. After being released with supervision, the person may petition the court for discharge as provided in section 229A.8.

8. The court shall retain jurisdiction over the committed person who has been released with supervision until the person is discharged from the program. The department or a judicial district department of correctional services shall not be held liable for any acts committed by a committed person who has been ordered released with supervision.

2002 Acts, ch 1139, §13, 27; 2014 Acts, ch 1059, §2; 2018 Acts, ch 1165, §102; 2023 Acts, ch 19, §544

229A.9B Violations of release with supervision.

1. If a committed person violates the release plan, the agency with jurisdiction over the person may request the court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody so that the person can be returned to a secure facility. The request for an ex parte order may be made orally or by telephone, but the original written request or a facsimile copy of the request shall be filed with the clerk of court no later than 4:30 p.m. on the next business day the office of the clerk of court is open.

2. If a committed person has absconded in violation of the conditions of the person's release plan, a presumption arises that the person poses a risk to public safety. The department or contracting agency, in cooperation with local law enforcement agencies, may make a public announcement about the absconder. The public announcement may include a description of the committed person, that the committed person is on release with supervision from the sexually violent predator program, and any other information pertinent to public safety.

3. Upon the return of the committed person to a secure facility, the director or the director's designee shall notify the court that issued the ex parte order that the committed person has been returned to a secure facility, and the court shall set hearing to determine if a violation occurred. If a court order was not issued, the director or the director's designee shall contact the nearest district court with jurisdiction to set a hearing to determine whether a violation of the conditions of the release plan occurred. The court shall schedule a hearing after receiving notice that the committed person has been returned to a secure facility.

4. At the hearing, the burden shall be upon the attorney general to show by a preponderance of the evidence that a violation of the release plan occurred.

5. If the court determines a violation occurred, the court shall receive release recommendations from the department and either order that the committed person be returned to release with supervision or placed in a transitional release program, or be confined in a secure facility. The court may impose further conditions upon the committed person if returned to release with supervision or placed in the transitional release program.

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If the court determines no violation occurred, the committed person shall be returned to release with supervision.

2002 Acts, ch 1139, §14, 27; 2018 Acts, ch 1165, §103; 2023 Acts, ch 19, §545
Referred to in §229A.9A

229A.10 Petition for discharge — procedure.

1. If the director determines that the person's mental abnormality has so changed that the person is not likely to engage in predatory acts that constitute sexually violent offenses if discharged, the director shall authorize the person to petition the court for discharge. The petition shall be served upon the court and the attorney general. The court, upon receipt of the petition for discharge, shall order a hearing within thirty days. The attorney general shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The hearing shall be before a jury if demanded by either the petitioner or the attorney general. If the attorney general objects to the petition for discharge, the burden of proof shall be upon the attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is likely to engage in predatory acts that constitute sexually violent offenses if discharged.

2. Upon a finding that the state has failed to meet its burden of proof under this section, the court shall authorize the committed person to be discharged.

98 Acts, ch 1171, §10; 99 Acts, ch 61, §8, 14; 2002 Acts, ch 1139, §15, 27; 2003 Acts, ch 44, §48; 2023 Acts, ch 19, §546
Referred to in §229A.5B

229A.11 Subsequent discharge or transitional release petitions — limitations.

Nothing in this chapter shall prohibit a person from filing a petition for discharge or placement in a transitional release program, pursuant to this chapter. However, if a person has previously filed a petition for discharge or for placement in a transitional release program without the authorization of the director, and the court determines either upon review of the petition or following a hearing that the petition was frivolous or that the petitioner's condition had not so changed that the person was not likely to engage in predatory acts constituting sexually violent offenses if discharged, or was not suitable for placement in the transitional release program, then the court shall summarily deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the director's authorization, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds. If the court determines that a petition is frivolous, the court shall dismiss the petition without a hearing.

98 Acts, ch 1171, §11; 2002 Acts, ch 1139, §16, 27; 2023 Acts, ch 19, §547
Referred to in §229A.8

229A.12 Director — responsibility for costs — reimbursement.

The director shall be responsible for all costs relating to the evaluation, treatment, and services provided to a person that are incurred after the person is committed to the director's custody after the court or jury determines that the respondent is a sexually violent predator and pursuant to commitment under any provision of this chapter. If placement in a transitional release program or supervision is ordered, the director shall also be responsible for all costs related to the transitional release program or to the supervision and treatment of any person. Reimbursement may be obtained by the director from the patient and any person legally liable or bound by contract for the support of the patient for the cost of confinement or of care and treatment provided. To the extent allowed by the United States social security administration, any benefit payments received by the person pursuant to the federal Social Security Act shall be used for the costs incurred. As used in this section, *"any person legally liable"* does not include a political subdivision.

98 Acts, ch 1171, §12; 98 Acts, ch 1181, §26; 99 Acts, ch 61, §9, 14; 2002 Acts, ch 1139, §17, 27; 2005 Acts, ch 175, §99; 2023 Acts, ch 19, §548

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229A.12A Director of the department of corrections — responsibility for safekeeper.

The director of the department of corrections shall have authority, once a person is detained pursuant to section 229A.5, to make a determination as to the appropriate secure facility within the department of corrections in which the safekeeper is to be placed, taking into consideration the safekeeper's medical needs and ability to interact with offenders who have been committed to the custody of the director of the department of corrections. The director has authority to determine the safekeeper's degree of segregation from offenders, including whether total segregation is appropriate under the circumstances or whether the safekeeper should be permitted to participate in normal confinement activities in the presence of offenders.

2002 Acts, ch 1139, §18, 27

229A.13 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are severable.

98 Acts, ch 1171, §14

229A.14 Release of confidential or privileged information and records.

Notwithstanding any provision in the Code regarding confidentiality to the contrary, any relevant information and records which would otherwise be confidential or privileged, except information subject to attorney-client privilege and attorney work product, shall be released to the agency with jurisdiction or the attorney general for the purpose of meeting the notice requirement provided in section 229A.3 and determining whether a person is or continues to be a sexually violent predator.

98 Acts, ch 1171, §15; 2002 Acts, ch 1139, §19, 27

229A.15 Court records — sealed and opened by court order.

1. Except as otherwise provided in this section, any psychological reports, drug and alcohol reports, treatment records, reports of any diagnostic center, medical records, or victim impact statements which have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and opened only on order of the court.

2. The documents described in subsection 1 shall be available to the prosecuting attorney or attorney general, the committed person, and the attorney for the committed person without an order of the court.

98 Acts, ch 1171, §16; 2018 Acts, ch 1172, §63

229A.15A Civil protective order.

A victim of a crime that was committed before the filing of a petition under this chapter by a safekeeper or by a person subjected to an order of civil commitment pursuant to this chapter, may obtain a protective order against the safekeeper or person using the procedures set out in section 915.22.

2002 Acts, ch 1139, §20, 27

229A.15B Rulemaking authority.

The department shall adopt rules pursuant to chapter 17A necessary to administer this chapter.

2002 Acts, ch 1139, §21, 27; 2023 Acts, ch 19, §549

229A.16 Short title.

This chapter shall be known and may be cited as the "*Sexually Violent Predator Act*".

98 Acts, ch 1171, §17

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CHAPTER 230

SUPPORT OF PERSONS WITH MENTAL ILLNESS

Referred to in §226.8, 229.24, 331.381, 904.201

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230.34 Definitions. Repealed by 2018 Acts, ch 1137, §19.
230.35 Releasing liens.

230.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Administrative service organization"* means the same as defined in section 225A.1.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"Department"* means the department of health and human services.

4. *"Director"* means the director of health and human services.

5. *"State mental health institute"* or *"mental health institute"* means a mental health institute designated in section 226.1.

2018 Acts, ch 1137, §1; 2023 Acts, ch 19, §550; 2024 Acts, ch 1161, §90, 91, 137

230.1A Liability of county and state. Repealed by 2024 Acts, ch 1161, §135, 137.

230.2 Finding of residence. Repealed by 2024 Acts, ch 1161, §135, 137.

230.3 Certification of residence. Repealed by 2024 Acts, ch 1161, §135, 137.

230.4 Certification to regional administrator. Repealed by 2024 Acts, ch 1161, §135, 137.

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230.5 Nonresidents. Repealed by 2024 Acts, ch 1161, §135, 137.

230.6 Investigation by department. Repealed by 2024 Acts, ch 1161, §135, 137.

230.7 Transfer of nonresidents.

Upon determining that a patient in a state mental health institute who has been involuntarily hospitalized under chapter 229 or admitted voluntarily at public expense was not a resident of this state at the time of the involuntary hospitalization or admission, the director or director's designee may cause the patient to be conveyed to the patient's place of residence. However, a transfer under this section may be made only if the patient's condition permits and other reasons do not render the transfer inadvisable. If the patient was involuntarily hospitalized, prior approval of the transfer shall be obtained from the court which ordered the patient hospitalized.

[C73, §1419; C97, §2283; S13, §2283, 2727-a28a; C24, 27, 31, 35, 39, §**3587;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.7]

97 Acts, ch 23, §19; 2023 Acts, ch 19, §554

230.8 Transfers of persons with mental illness — expenses.

The transfer to any state mental health institute or to the places of their residence of persons with mental illness who have no residence in this state or whose residence is unknown, shall be made according to the directions of the department, and when practicable by employees of the state mental health institutes. The actual and necessary expenses of such transfers shall be paid by the department on itemized vouchers sworn to by the claimants and approved by the director.

[S13, §2308-a, 2727-a28b; C24, 27, 31, 35, 39, §**3588;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.8]

96 Acts, ch 1129, §113; 2012 Acts, ch 1120, §112, 130; 2016 Acts, ch 1138, §5; 2018 Acts, ch 1165, §71; 2023 Acts, ch 19, §555

Referred to in §230.31

230.9 Subsequent discovery of residence. Repealed by 2024 Acts, ch 1161, §135, 137.

230.10 Payment of costs.

All legal costs and expenses for the taking into custody, care, investigation, and admission or commitment of a person to a state mental health institute shall be charged to an administrative services organization.

[S13, §2308-a; C24, 27, 31, 35, 39, §**3590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.10]

87 Acts, ch 36, §1; 96 Acts, ch 1129, §113; 2012 Acts, ch 1120, §114, 130; 2018 Acts, ch 1137, §6; 2023 Acts, ch 19, §557; 2024 Acts, ch 1161, §92, 137

230.11 Recovery of costs from state.

Costs and expenses for the taking into custody, care, and investigation of a person who has been admitted or committed to a state mental health institute, United States department of veterans affairs hospital, or other agency of the United States government, for persons with mental illness and who has no residence in this state or whose residence is unknown, including cost of commitment, if any, shall be paid as approved by the department. The amount of the costs and expenses approved by the department is appropriated to the department from any moneys in the state treasury not otherwise appropriated.

[S13, §2308-a; C24, 27, 31, 35, 39, §**3591;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.11]

96 Acts, ch 1129, §113; 2009 Acts, ch 26, §13; 2012 Acts, ch 1120, §115, 130; 2014 Acts, ch 1092, §48; 2015 Acts, ch 30, §73; 2018 Acts, ch 1137, §7; 2018 Acts, ch 1165, §73; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §558; 2024 Acts, ch 1161, §93, 137

Referred to in §331.502

230.12 Residency disputes. Repealed by 2024 Acts, ch 1161, §135, 137.

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230.13 and 230.14 Repealed by 2004 Acts, ch 1090, §55.

230.15 Personal liability.

1. A person with mental illness and a person legally liable for the person's support remain liable for the support of the person with mental illness as provided in this section. Persons legally liable for the support of a person with mental illness include the spouse of the person, and any person bound by contract for support of the person. The liability incurred by a person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute. After reaching this limit of liability, a person with mental illness or a person legally liable for the person's support is liable to the state for the care and treatment of the person with mental illness at a state mental health institute in an amount not to exceed the average minimum cost of the maintenance of an individual who is physically and mentally healthy residing in the individual's own home as established by the department by rule.

2. A person with a substance use disorder is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the person with a substance use disorder while a voluntary or committed patient. When a portion of the cost is paid by an administrative services organization, the person with a substance use disorder is legally liable to the administrative services organization for the amount paid. The person with a substance use disorder shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the person's care, maintenance, and treatment in a state mental health institute to the state.

3. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any person with mental illness or a substance use disorder as established by the department.

[R60, §1488; C73, §1433; C97, §2297; C24, 27, 31, 35, 39, §**3595;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.15; 82 Acts, ch 1260, §114 – 116]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1001, §17; 90 Acts, ch 1085, §21; 96 Acts, ch 1129, §60; 2011 Acts, ch 121, §57, 62; 2013 Acts, ch 30, §43; 2018 Acts, ch 1137, §9; 2023 Acts, ch 19, §560; 2024 Acts, ch 1161, §94, 137

Referred to in §234.39, 331.502

230.16 Presumption. Repealed by 2024 Acts, ch 1161, §135, 137.

230.17 Board may compromise lien. Repealed by 2024 Acts, ch 1161, §135, 137.

230.18 Expense in county or private facility. Repealed by 2024 Acts, ch 1161, §135, 137.

230.19 Nonresidents liable to state — presumption. Repealed by 2024 Acts, ch 1161, §135, 137.

230.20 Billing of patient charges — computation of actual costs — cost settlement. Repealed by 2024 Acts, ch 1161, §135, 137.

230.21 Notice to county of residence. Repealed by 2024 Acts, ch 1161, §135, 137.

230.22 Penalty. Repealed by 2024 Acts, ch 1161, §135, 137.

230.23 State — payor of last resort.

The department shall implement services and adopt rules pursuant to chapter 17A in a manner that ensures that the state is the payor of last resort, and that the department does not

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make any payments for services that have been provided until the department has determined that the services provided are not payable by a third-party source.

2024 Acts, ch 1161, §95, 137

230.24 Reserved.

230.25 Financial investigation by supervisors. Repealed by 2024 Acts, ch 1161, §135, 137.

230.26 Regional administrator to keep record. Repealed by 2024 Acts, ch 1161, §135, 137.

230.27 Board and county attorney to collect. Repealed by 2024 Acts, ch 1161, §135, 137.

230.28 and 230.29 Reserved.

230.30 Claim against estate.

On the death of a person receiving or who has received assistance under the provisions of this chapter, and whom the department has previously found is able to pay, there shall be allowed against the estate of such decedent a claim of the sixth class for that portion of the total amount paid for that person's care which exceeds the total amount of all claims of the first through the fifth classes, inclusive, as defined in section 633.425, which are allowed against that estate.

[C39, §**3604.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §230.30]

2024 Acts, ch 1161, §96, 137

230.31 Departers from other states.

If a person with mental illness departs without proper authority from a facility in another state and is found in this state, a peace officer in the county in which the patient is found may take and detain the patient without order and shall report the detention to the department who shall provide for the return of the patient to the authorities of the state where the unauthorized leave was made. Pending such return, the patient may be detained temporarily at one of the institutions of this state under the control of the department. Expenses incurred under this section shall be paid in the same manner as is provided for transfers in section 230.8.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §230.31]

83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §113; 2000 Acts, ch 1112, §42; 2023 Acts, ch 19, §566

230.32 Support of nonresident patients on leave.

The cost of support of patients without residence in this state, who are placed on convalescent leave or removed from a state mental health institute to any health care facility licensed under chapter 135C for rehabilitation purposes, shall be paid from the state mental health institute support fund and shall be charged on abstract in the same manner as state inpatients, until such time as the patient becomes self-supporting or qualifies for support under existing statutes.

[C66, 71, 73, 75, 77, 79, 81, §230.32]

2012 Acts, ch 1120, §117, 130; 2023 Acts, ch 19, §567

230.33 Reciprocal agreements.

1. The department may enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of persons with mental illness and persons with an intellectual disability to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

2. However, in the case of a proposed transfer of a person with mental illness or an

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intellectual disability from this state, final action shall not be taken without the approval of the district court of the county of admission or commitment.

[C66, 71, 73, 75, 77, 79, 81, §230.33]

96 Acts, ch 1129, §61; 2000 Acts, ch 1112, §43; 2012 Acts, ch 1019, §82; 2013 Acts, ch 90, §55; 2018 Acts, ch 1137, §18; 2023 Acts, ch 19, §568

230.34 Definitions. Repealed by 2018 Acts, ch 1137, §19. See §230.1.

230.35 Releasing liens.

A lien obtained pursuant to an action to collect any claim arising under this chapter shall be released by the board of supervisors when the claim or claims on which the lien is based have been fully paid or compromised and settled by the board, or when the estate of which the real estate subject to the lien is a part has been probated and the proceeds allowable have been applied to the claim or claims on which the lien is based.

[C79, 81, §230.35]

CHAPTER 230A

COMMUNITY MENTAL HEALTH CENTERS

Repealed by 2024 Acts, ch 1161, §134, 137
For behavioral health service system, see chapter 225A

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SUBTITLE 4

AGING AND DISABILITY SERVICES

Referred to in §714.8

CHAPTER 231

DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING AND DISABILITY SERVICES

Referred to in §217.37, 225A.7

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231.80 Comprehensive family support program.

SUBCHAPTER I

POLICY AND DEFINITIONS

231.1 Short title.

This chapter, entitled the *"Older Iowans Act"*, sets forth the state's commitment to its older individuals, their dignity, independence, and rights.

86 Acts, ch 1245, §1001
C87, §249D.1
C93, §231.1
2009 Acts, ch 23, §12

231.2 Legislative findings and declaration. Repealed by 2018 Acts, ch 1049, §18.

231.3 State policy and objectives.

1. The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's older individuals and individuals with disabilities:

a. An adequate income.

b. Access to physical and mental health care and long-term living and community support services without regard to economic status.

c. Suitable and affordable housing that reflects the needs of individuals.

d. Access to comprehensive information and a community navigation system providing all available options related to long-term living and community support services that assist individuals in the preservation of personal assets and the ability to entirely avoid or significantly delay reliance on entitlement programs.

e. Full restorative services for those who require institutional care, and a comprehensive array of long-term living and community support services adequate to sustain people in their communities and, whenever possible, in their homes, including support for caregivers.

f. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

g. Suitable community transportation systems to assist in the attainment of independent movement.

h. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

i. Freedom from abuse, neglect, and exploitation.

2. The general assembly declares that the state of Iowa recognizes a brain injury as a disability, and each agency and subdivision of this state shall recognize a brain injury as a distinct disability.

3. It is the policy of this state that each state agency shall make reasonable efforts to identify those persons with brain injuries among the persons served by the state agency.

86 Acts, ch 1245, §1003

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C87, §249D.3
C93, §231.3
2003 Acts, ch 141, §1; 2005 Acts, ch 45, §2; 2009 Acts, ch 23, §14; 2018 Acts, ch 1049, §1, 2; 2024 Acts, ch 1161, §138, 162
Referred to in §16.47

231.4 Definitions.

1. For purposes of this chapter, unless the context otherwise requires:

a. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, assisted living program, elder group home, or by a governmental agency, which affects the service provided to residents or tenants covered in this chapter.

b. "Assisted living program" means a program which provides assisted living as defined pursuant to section 231C.2 and which is certified under chapter 231C.

c. "Brain injury" means the same as defined in section 135.22.

d. "Certified volunteer long-term care ombudsman" or *"certified volunteer"* means a volunteer long-term care ombudsman certified pursuant to section 231.45.

e. "Council" means the council on health and human services created in section 217.2.

f. "Department" means the department of health and human services.

g. "Director" means the director of health and human services.

h. "Elder group home" means elder group home as defined in section 231B.1 which is certified under chapter 231B.

i. "Federal Act" means the Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

j. "Home and community-based services" means a continua of services available in an individual's home or community which include but are not limited to case management services, options counseling, family caregiving, homemaker services, personal care services, adult day services, respite services, congregate and home delivered meals, nutrition counseling, nutrition education, and other medical and social services which contribute to the health and well-being of individuals and their ability to reside in a home or community-based care setting.

k. "Legal representative" means a tenant's legal representative as defined in section 231B.1 or 231C.2, or a resident's guardian, conservator, representative payee, or agent under a power of attorney.

l. "Long-term care facility" means a long-term care unit of a hospital or a facility licensed under section 135C.1 whether the facility is public or private.

m. "Long-term care ombudsman" means an advocate for residents and tenants of long-term care facilities, assisted living programs, and elder group homes who carries out duties as specified in this chapter.

n. "Older individual" means an individual who is sixty years of age or older.

o. "Options counseling" means a service involving an interactive process, which may include a needs assessment, directed by the recipient individual and which may include other participants of the individual's choosing and the individual's legal representative, in which the individual receives guidance to make informed choices about long-term living and community support services in order to sustain independent living.

p. "Resident" means an individual residing in a long-term care facility, excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.

q. "Tenant" means an individual who receives assisted living services through an assisted living program or an individual who receives elder group home services through an elder group home.

r. "Unit of general purpose local government" means the governing body of a city, county, township, metropolitan area, or region within the state that has a population of one hundred thousand or more, that is recognized for areawide planning, and that functions as a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions, or a tribal organization.

2. For the purposes of this chapter, *"aging and disability resource center"*, *"area agency on*

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aging", "*focal point*", "*greatest economic need*", "*greatest social need*", "*planning and service area*", and "*tribal organization*" mean as those terms are defined in the federal Act.

86 Acts, ch 1245, §1004
C87, §249D.4
C93, §231.4
2003 Acts, ch 141, §2; 2005 Acts, ch 45, §3; 2009 Acts, ch 23, §15; 2010 Acts, ch 1062, §3, 4; 2011 Acts, ch 25, §143; 2012 Acts, ch 1019, §83; 2012 Acts, ch 1086, §2, 3; 2013 Acts, ch 18, §18; 2018 Acts, ch 1049, §3; 2023 Acts, ch 19, §578; 2024 Acts, ch 1161, §139, 140, 162; 2026 Acts, ch 1040, §40
Referred to in §235B.6
Subsection 1, paragraph i stricken and former paragraphs j – s redesignated as i – r

231.5 through 231.10 Reserved.

SUBCHAPTER II

COUNCIL DUTIES AND AUTHORITY

231.11 Commission established. Repealed by 2024 Acts, ch 1161, §160.

231.12 Terms. Repealed by 2024 Acts, ch 1161, §160.

231.13 Meetings — officers. Repealed by 2024 Acts, ch 1161, §160.

231.14 Council duties and authority.

The council shall do all of the following:

1. Make recommendations to the department regarding approval of the state plan on aging developed under section 231.31 and area plans developed under section 231.33.
2. Recommend policies to coordinate state activities related to the purposes of this chapter.
3. Serve as an effective and visible advocate for older individuals and individuals with disabilities by recommending policies which affect older individuals and individuals with disabilities.
4. Make recommendations to ensure that the department will take into account the views of older individuals and individuals with disabilities in the development of policy.
5. Recommend policies and measures to ensure that preference will be given to providing services to older individuals and individuals with disabilities with the greatest economic need or greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, and individuals residing in rural areas.
6. Recommend policies to administer state programs authorized by this chapter.
7. Recommend policies that support the capabilities of the area agencies on aging and the aging and disabilities resource centers to serve older individuals and individuals with disabilities experiencing Alzheimer's disease or related dementias.

86 Acts, ch 1245, §1008
C87, §249D.14
88 Acts, ch 1073, §1
C93, §231.14
2003 Acts, ch 141, §4; 2005 Acts, ch 45, §4, 5; 2009 Acts, ch 23, §17; 2009 Acts, ch 41, §263; 2012 Acts, ch 1086, §4, 5; 2018 Acts, ch 1049, §4; 2024 Acts, ch 1161, §141; 2025 Acts, ch 30, §44

231.15 through 231.20 Reserved.

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SUBCHAPTER III

DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING

231.21 Administration of chapter — department of health and human services.

The department of health and human services shall consider the recommendations of the council when administering this chapter.

86 Acts, ch 1245, §1009
C87, §249D.21
C93, §231.21
2009 Acts, ch 23, §18; 2023 Acts, ch 19, §579; 2024 Acts, ch 1161, §142

231.22 Director — assistant director. Repealed by 2023 Acts, ch 19, §1357.

231.23 Department — duties and authority.

The department shall:

1. Administer the state plan on aging developed pursuant to section 231.31.
2. Review and approve area plans developed under section 231.33.
3. Coordinate state activities related to the purposes of this chapter. State activities shall include, at a minimum, home and community-based services such as employment support, community living, and service coordination.
4. Advocate for older individuals and individuals with disabilities by reviewing and commenting upon all state plans, budgets, laws, rules, and policies which affect older individuals or individuals with disabilities and by providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals or individuals with disabilities.
5. Divide the state into distinct planning and service areas after considering the geographical distribution of older individuals and individuals with disabilities in the state, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal services, the distribution of older individuals and individuals with disabilities with low income residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the state which are drawn for the planning or administration of supportive services programs, the location of units of general purpose, local government within the state, and any other relevant factors.
6. Designate for each area a public or private nonprofit agency or organization as the area agency on aging for that area. The department may revoke the designation of an area agency on aging pursuant to section 231.32.
7. Take into account the views of older Iowans and Iowans with disabilities.
8. Adopt a method for the distribution of funds available from the federal Act and state appropriations and allocations that takes into account, to the extent feasible, the best available data on the geographic distribution of older individuals and individuals with disabilities in the state.
9. Adopt policies and measures to ensure that preference will be given to providing services to older individuals and individuals with disabilities with the greatest economic need or greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, and individuals residing in rural areas.
10. Develop, adopt, and enforce administrative rules, including by issuing necessary forms and procedures, to administer the duties specified in this chapter.
11. Apply for, receive, and administer grants, devises, donations, and gifts from any source to conduct projects consistent with the purposes of the department. Notwithstanding section 8.33, moneys received by the department pursuant to this section are not subject to reversion to the general fund of the state.
12. Administer state authorized programs.
13. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors.

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14. Adopt rules pursuant to chapter 17A that support the capabilities of the area agencies on aging, and aging and disabilities resource centers, to serve older individuals and individuals with disabilities.

86 Acts, ch 1245, §1011
C87, §249D.23
C93, §231.23
2003 Acts, ch 141, §5; 2005 Acts, ch 45, §6; 2006 Acts, ch 1184, §106; 2007 Acts, ch 81, §1; 2009 Acts, ch 23, §20, 21; 2012 Acts, ch 1086, §7; 2018 Acts, ch 1049, §5; 2023 Acts, ch 19, §580; 2024 Acts, ch 1161, §143, 162; 2025 Acts, ch 30, §45
Referred to in §231.33

231.23A Programs and services.

The department shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

1. Services for older individuals, family caregivers, and veterans as defined by the department in the most current version of the department's reporting manual and pursuant to the federal Act and regulations.
2. Case management services.
3. Aging and disability resource centers.
4. The legal assistance development program.
5. The nutrition and health promotion program.
6. The Iowa family caregiver program.
7. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.
8. Services and supports available to individuals with disabilities including but not limited to individuals with mental illness, an intellectual disability or other developmental disability, or a brain injury.
9. Other programs and services authorized by law.

2003 Acts, ch 141, §6; 2005 Acts, ch 42, §5; 2005 Acts, ch 45, §7; 2006 Acts, ch 1010, §69; 2009 Acts, ch 23, §22; 2010 Acts, ch 1062, §5; 2012 Acts, ch 1086, §8; 2013 Acts, ch 18, §19, 20; 2014 Acts, ch 1026, §48; 2018 Acts, ch 1049, §6; 2023 Acts, ch 19, §581, 2228; 2024 Acts, ch 1161, §144, 145, 162
Prevention of elder abuse, neglect, and exploitation program, see §231.56A
Aging and disability resource centers, see §231.64
Legal assistance development program, see §231.65
Nutrition and health promotion program, see §231.66

231.24 Certified retirement communities. Repealed by 2012 Acts, ch 1086, §16.

231.25 through 231.30 Reserved.

SUBCHAPTER IV

PLANNING AND SERVICE DELIVERY

231.31 State plan on aging.

The department shall develop a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements.

86 Acts, ch 1245, §1012
C87, §249D.31
C93, §231.31
2003 Acts, ch 141, §7; 2009 Acts, ch 23, §23; 2023 Acts, ch 19, §582; 2024 Acts, ch 1161, §146
Referred to in §231.14, 231.23

231.32 Criteria for designation of area agencies on aging.

1. The department shall designate an area agency on aging for each planning and service

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area. The designation shall continue until an area agency on aging's designation is removed for cause as determined by the department, until the time of renewal or the annual update of an area plan, until the agency voluntarily withdraws as an area agency on aging, or until a change in the designation of planning and service areas or area agencies on aging is required by state or federal law. In that event, the department shall proceed in accordance with subsections 2, 3, and 4. Designated area agencies on aging shall comply with the requirements of the federal Act.

2. The department shall designate an area agency on aging to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency on aging may be:

a. An established office of aging which is operating within a planning and service area designated by the department.

b. Any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit.

c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose.

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department and which can and will engage only in the planning or provision of a broad range of long-term living and community support services or nutrition services within the planning and service area.

3. When the department designates a new area agency on aging, the department shall give the right of first refusal to a unit of general purpose local government if:

a. Such unit can meet the requirements of subsection 1.

b. The boundaries of such a unit and the boundaries of the area are reasonably contiguous.

4. Each area agency on aging shall provide assurance, determined adequate by the department, that the area agency on aging has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the department shall give preference to an established office of aging, unless the department finds that no such office within the planning and service area has the capacity to carry out the area plan.

5. Upon designation, an area agency on aging shall be considered an instrumentality of the state and shall adhere to all state and federal mandates applicable to an instrumentality of the state.

86 Acts, ch 1245, §1013
C87, §249D.32
C93, §231.32
2003 Acts, ch 141, §8; 2009 Acts, ch 23, §24; 2009 Acts, ch 41, §230; 2009 Acts, ch 133, §218, 219; 2010 Acts, ch 1069, §66, 147; 2012 Acts, ch 1028, §1, 3; 2013 Acts, ch 18, §21; 2018 Acts, ch 1049, §7, 8; 2023 Acts, ch 19, §583; 2024 Acts, ch 1161, §147
Referred to in §231.23

231.33 Area agencies on aging duties.

Each area agency on aging shall:

1. Develop and administer an area plan approved by the department.

2. Assess the types and levels of services needed by older individuals and their caregivers in the planning and service area, and the effectiveness of other public or private programs serving those needs.

3. Enter into contracts to provide services under the plan.

4. Provide technical assistance as needed, document quarterly monitoring, and provide a written report of an annual on-site assessment of all service providers funded by the area agency.

5. Coordinate the administration of its plan with federal programs and with other federal,

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state, and local resources in order to develop a comprehensive and coordinated service system.

6. Establish an advisory council.

7. Give preference in the delivery of services under the area plan to older individuals with the greatest economic need or greatest social need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

8. Assure that older individuals and their caregivers in the planning and service area have reasonably convenient access to information and assistance services.

9. Provide adequate and effective opportunities for older individuals to express their views to the area agency on policy development and program implementation under the area plan.

10. Designate community focal points.

11. Conduct outreach efforts to identify older individuals with the greatest economic need or greatest social need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas, and inform them of the availability of services under the area plan.

12. Develop and publish the methods that the agency uses to establish preferences and priorities for services.

13. Submit all fiscal and performance reports in accordance with the policies of the department.

14. Monitor, evaluate, and comment on laws, rules, regulations, policies, programs, hearings, levies, and community actions which significantly affect the lives of older individuals.

15. Conduct public hearings on the needs of older individuals and their caregivers.

16. Represent the interests of older individuals and their caregivers to public officials, public and private agencies, or organizations.

17. Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older individuals.

18. Coordinate planning with other agencies for assuring the safety of older individuals in a natural disaster or other safety threatening situation.

19. Incorporate into the bylaws of the area agency's board of directors and comply with the procedure established by the department for selection of members to the board of directors as provided in section 231.23.

20. Provide the opportunity for older individuals residing in the planning and service area to offer substantive suggestions regarding the employment practices of the area agency on aging.

21. Comply with all applicable requirements of the Iowa public employees' retirement system established pursuant to chapter 97B. Notwithstanding any provision to the contrary, an employee of an area agency on aging that was enrolled in an alternative qualified plan prior to July 1, 2012, may continue participation in that alternative qualified plan in lieu of mandatory participation in the Iowa public employees' retirement system.

22. Encourage the development of public and private partnerships, entrepreneurial activities, and other mutually collaborative efforts.

86 Acts, ch 1245, §1014
C87, §249D.33
89 Acts, ch 241, §6
C93, §231.33
99 Acts, ch 129, §12; 2003 Acts, ch 141, §9; 2005 Acts, ch 45, §8, 9; 2006 Acts, ch 1184, §107; 2007 Acts, ch 218, §38; 2009 Acts, ch 23, §25; 2010 Acts, ch 1192, §51, 73; 2012 Acts, ch 1086, §9; 2013 Acts, ch 18, §22; 2013 Acts, ch 138, §48, 54, 55; 2018 Acts, ch 1049, §9, 10; 2024 Acts, ch 1161, §148; 2025 Acts, ch 30, §46
Referred to in §231.14, 231.23

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231.34 Limitation of funds used for administrative purposes.

Of the state funds appropriated or allocated to the department for programs of the area agencies on aging, not more than seven and one-half percent of the total amount shall be used for area agencies on aging administrative purposes.

2005 Acts, ch 175, §100

231.35 Procedures related to expenditure of state and federal funds.

1. The department shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

a. Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

b. Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

c. Prohibiting prepayment for goods or services not defined specifically by good or service, time period, or recipient.

d. Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

2. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules, and regulations, not the state, shall be liable for such repayment.

2024 Acts, ch 1161, §149

231.36 through 231.40 Reserved.

SUBCHAPTER V

LONG-TERM CARE OMBUDSMAN

231.41 Purpose.

The purpose of this subchapter is to establish and provide for the operation of the office of long-term care ombudsman; to carry out, through the office, a state long-term care ombudsman program within the department in accordance with the requirements of the federal Act; and to adopt the supporting federal regulations and guidelines for its operation.

86 Acts, ch 1245, §1015
C87, §249D.41
C93, §231.41
2003 Acts, ch 141, §10; 2009 Acts, ch 23, §26; 2010 Acts, ch 1062, §6; 2013 Acts, ch 18, §23

231.42 Office of long-term care ombudsman — duties — penalties for violations.

1. *Office established.* The office of long-term care ombudsman is established within the department, in accordance with the federal Act, and state law. The office shall consist of the state long-term care ombudsman, any local long-term care ombudsmen, and any certified volunteer long-term care ombudsmen.

2. *State long-term care ombudsman.* The director of the department shall appoint the state long-term care ombudsman who shall do all of the following:

a. Establish and implement a statewide confidential uniform reporting system for receiving, analyzing, referring, investigating, and resolving complaints about administrative actions and the health, safety, welfare, and rights of residents or tenants of long-term care facilities, assisted living programs, and elder group homes, excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.

b. Publicize the office of long-term care ombudsman and provide information and

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education to consumers, the public, and other agencies about issues related to long-term care in Iowa.

c. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care in Iowa.

d. Annually report to the governor and general assembly on the activities of the office and make recommendations for improving the health, safety, welfare, and rights of residents and tenants.

e. Cooperate with persons and public or private agencies with regard to, and participate in, inquiries, meetings, or studies that may lead to improvements in the health, safety, welfare, and rights of residents and tenants.

3. *Local long-term care ombudsmen.* The local long-term care ombudsmen established pursuant to this section shall do all of the following:

a. Accept, investigate, verify, and work to resolve complaints relating to any action or inaction that may adversely affect the health, safety, welfare, or rights of residents or tenants.

b. Provide information about long-term care, the rights of residents and tenants, payment sources for care, and selection of a long-term care facility, assisted living program, or elder group home to providers, consumers, family members, volunteers, and the public.

c. Make referrals to appropriate licensing, certifying, and enforcement agencies to assure appropriate investigation of abuse complaints and corrective actions.

d. Assist in the training and education of certified volunteers associated with the office of long-term care ombudsman.

e. Make non-complaint-related visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities, and work to resolve complaints if any are identified during these visits.

4. *Referrals of abuse, neglect, or exploitation.*

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections, appeals, and licensing, the department of health and human services, or the appropriate law enforcement agency, as applicable.

b. If the department of inspections, appeals, and licensing responds to a complaint referred by the state or a local long-term care ombudsman against a long-term care facility, assisted living program, elder group home, or an employee of such entity, copies of related inspection reports, plans of correction, and notice of any citations and sanctions levied against the facility, program, or home shall be forwarded to the office of long-term care ombudsman.

5. *Access to long-term care facility, assisted living program, or elder group home and residents and tenants.* The state or a local long-term care ombudsman or a certified volunteer may enter any long-term care facility, assisted living program, or elder group home at any time with or without prior notice or complaint and shall be granted access to residents and tenants at all times for the purpose of carrying out the duties specified in this section. As used in this section, "*access*" means the right to do all of the following:

a. Enter any long-term care facility, assisted living program, or elder group home and provide identification.

b. Seek consent from the resident, tenant, or legal representative to communicate privately and without restriction with any resident, tenant, or legal representative.

c. Communicate privately and without restriction with any resident, tenant, or legal representative.

d. Review the medical, social, or other records of a resident or tenant.

e. Observe all resident or tenant areas of a long-term care facility, assisted living program, or elder group home except the living area of any resident or tenant who protests the observation.

6. *Access to medical and social records.*

a. The state or a local long-term care ombudsman or certified volunteer long-term care ombudsman shall have access to the medical and social records of a resident or tenant, if any of the following applies:

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(1) The state or local long-term care ombudsman or certified volunteer long-term care ombudsman has the permission of the resident or tenant, or the legal representative of the resident or tenant.

(2) The resident or tenant is unable to consent to the access and has no legal representative.

(3) Access to the records is necessary to investigate a complaint if all of the following apply:

(a) A legal representative of the resident or tenant refuses to give the permission.

(b) The state or local long-term care ombudsman or a certified volunteer long-term care ombudsman has reasonable cause to believe that the legal representative is not acting in the best interest of the resident or tenant.

(c) The local long-term care ombudsman or a certified volunteer long-term care ombudsman obtains the approval of the state long-term care ombudsman.

b. Records may be reproduced by the state or a local long-term care ombudsman or by a certified volunteer long-term care ombudsman.

c. Upon request of the state or a local long-term care ombudsman, a long-term care facility, assisted living program, or elder group home shall provide the name, address, and telephone number of the legal representative or next of kin of any resident or tenant.

d. A long-term care facility, assisted living program, or elder group home or personnel of such a facility, program, or home who discloses records in compliance with this section and the procedures adopted pursuant to this section shall not be liable for such disclosure.

7. *Access to administrative records.*

a. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to the administrative records, policies, and documents of the long-term care facility, assisted living program, or elder group home, which are accessible to residents, tenants, or the general public.

b. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to, and upon request, copies of, all licensing and certification records maintained by the state with respect to a long-term care facility, assisted living program, or elder group home.

8. *Interference prohibited — penalties.*

a. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the work of the state or a local long-term care ombudsman or a certified volunteer is subject to a penalty imposed by the director of not more than one thousand five hundred dollars for each violation. If the director imposes a penalty for a violation under this paragraph, no other state agency shall impose a penalty for the same interference violation. Any moneys collected pursuant to this subsection shall be deposited in the general fund of the state.

b. The office of long-term care ombudsman shall adopt rules specifying procedures for notice and appeal of penalties imposed pursuant to this subsection.

c. The director, in consultation with the office of long-term care ombudsman, shall notify the county attorney of the county in which the long-term care facility, assisted living program, or elder group home is located, or the attorney general, of any violation of this subsection.

9. *Retaliation prohibited — penalties.* An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home shall not retaliate against any person for having filed a complaint with, or provided information to, the state or a local long-term care ombudsman or a certified volunteer. A person who retaliates or discriminates in violation of this subsection is guilty of a simple misdemeanor.

10. *Change in operations.* A long-term care facility, assisted living program, or elder group home shall inform the office of long-term care ombudsman in writing at least thirty days prior to any change in operations, programs, services, licensure, or certification that affects residents or tenants, including but not limited to the intention to close, decertify, or change ownership. In an emergency situation, or when a long-term care facility, assisted living program, or elder group home is evacuated, the department of inspections, appeals, and licensing shall notify the office of long-term care ombudsman.

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11. *Immunity.* The state or a local long-term care ombudsman, certified volunteer, or any representative of the office participating in the good faith performance of their official duties shall have immunity from any civil or criminal liability that otherwise might result by reason of taking, investigating, or pursuing a complaint under this section.

12. *Confidentiality.*

a. Information relating to any complaint made to or investigation by the state or a local long-term care ombudsman or certified volunteer that discloses the identity of a complainant, resident, or tenant; information related to a resident's or tenant's social or medical records; or files maintained by the state long-term care ombudsman program that disclose the identity of a complainant, resident, or tenant, shall remain confidential and shall not be disclosed unless any of the following applies:

(1) The complainant, resident, tenant, or a legal representative consents to the disclosure and the consent is given in writing.

(2) The complainant, resident, or tenant gives consent orally and the consent is documented contemporaneously in a writing made by the state long-term care ombudsman or a local long-term care ombudsman.

(3) The disclosure is required by a court order.

b. The department shall adopt rules pursuant to chapter 17A to administer this subsection.

13. *Posting of state long-term care ombudsman information.* Every long-term care facility, assisted living program, and elder group home shall post information in a prominent location that includes the name, address, and telephone number, and a brief description of the services provided by the office of long-term care ombudsman. The information posted shall be approved or provided by the office of long-term care ombudsman.

86 Acts, ch 1245, §1016
C87, §249D.42
C93, §231.42
99 Acts, ch 129, §13; 2003 Acts, ch 141, §11; 2005 Acts, ch 45, §10; 2009 Acts, ch 23, §27 – 29; 2009 Acts, ch 41, §93; 2010 Acts, ch 1062, §7; 2012 Acts, ch 1019, §84; 2013 Acts, ch 18, §24; 2018 Acts, ch 1049, §11 – 13; 2019 Acts, ch 24, §22; 2023 Acts, ch 19, §584, 1926
Referred to in §22.7(62), 135C.1, 231.45, 231B.1, 231C.2

231.43 Authority and responsibilities of the commission. Repealed by 2010 Acts, ch 1062, §10.

231.44 Utilization of resources — assistance and advocacy related to long-term services and supports under the Medicaid program.

1. The office of long-term care ombudsman may utilize its available resources to provide assistance and advocacy services to eligible recipients, or the families or legal representatives of such eligible recipients, of long-term services and supports provided through the Medicaid program. Such assistance and advocacy shall include but is not limited to all of the following:

a. Assisting recipients in understanding the services, coverage, and access provisions and their rights under Medicaid managed care.

b. Developing procedures for the tracking and reporting of the outcomes of individual requests for assistance, the obtaining of necessary services and supports, and other aspects of the services provided to eligible recipients.

c. Providing advice and assistance relating to the preparation and filing of complaints, grievances, and appeals of complaints or grievances, including through processes available under managed care plans and the state appeals process, relating to long-term services and supports under the Medicaid program.

2. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under this section for an individual, shall be provided access to the individual, and shall be provided access to the individual's medical and social records as authorized by the individual or the individual's legal representative, as necessary to carry out the duties specified in this section.

3. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under this section for an individual, shall be provided access to

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administrative records related to the provision of the long-term services and supports to the individual, as necessary to carry out the duties specified in this section.

4. The office of long-term care ombudsman and representatives of the office, when providing assistance and advocacy services under this section, shall be considered a health oversight agency as defined in 45 C.F.R. §164.501 for the purposes of health oversight activities as described in 45 C.F.R. §164.512(d). Recipient information available to the office of long-term care ombudsman and representatives of the office under this subsection shall be limited to the recipient's protected health information as defined in 45 C.F.R. §160.103 for the purpose of recipient case resolution. When providing assistance and advocacy services under this section, the office of long-term care ombudsman shall act as an independent agency, and the office of long-term care ombudsman and representatives of the office shall be free of any undue influence that restrains the ability of the office or the office's representatives from providing such services and assistance. The office of long-term care ombudsman shall adopt rules applicable to long-term care ombudsmen providing assistance and advocacy services under this section to authorize such ombudsmen to function in a manner consistent with long-term care ombudsmen under the federal Act.

5. For the purposes of this section:

a. "Institutional setting" includes a long-term care facility, an elder group home, or an assisted living program.

b. "Long-term services and supports" means the broad range of health, health-related, and personal care assistance services and supports, provided in both institutional settings and home and community-based settings, necessary for older individuals and persons with disabilities who experience limitations in their capacity for self-care due to a physical, cognitive, or mental disability or condition.

2015 Acts, ch 137, §65, 162, 163; 2016 Acts, ch 1139, §98

231.45 Certified volunteer long-term care ombudsman program.

1. The department shall establish a certified volunteer long-term care ombudsman program in accordance with the federal Act to provide assistance to the state and local long-term care ombudsmen.

2. The department shall develop and implement a certification process for volunteer long-term care ombudsmen including but not limited to an application process, provision for background checks, classroom or on-site training, orientation, and continuing education.

3. Unless specifically excluded, the provisions of section 231.42 relating to local long-term care ombudsmen shall apply to certified volunteer long-term care ombudsmen.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

2012 Acts, ch 1133, §97; 2013 Acts, ch 18, §25

Referred to in §135C.1, 231.4

231.46 through 231.50 Reserved.

SUBCHAPTER VI

PROGRAMS

231.51 Older American community service employment program. Transferred to §84A.17; 2023 Acts, ch 19, §2231.

231.52 Senior internship program. Repealed by 2013 Acts, ch 18, §34.

231.53 Coordination with Workforce Innovation and Opportunity Act. Repealed by 2023 Acts, ch 19, §2230.

231.54 Elderlaw education program. Repealed by 2003 Acts, ch 141, §16.

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231.55 Retired senior volunteer programs. Repealed by 2005 Acts, ch 42, §6. See §15H.2.

231.56 Services and programs.

The department shall administer long-term living and community support services and programs that allow older individuals and individuals with disabilities to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals and individuals with disabilities, and provide a continuum of care for older individuals and individuals with disabilities. Funds appropriated for this purpose shall be allocated based on rules adopted by the department pursuant to chapter 17A. The department shall adopt rules pursuant to chapter 17A that allow the department to collect information as necessary from long-term living and community support services, program providers, and patients to administer this section.

86 Acts, ch 1245, §1024
C87, §249D.56
C93, §231.56
2005 Acts, ch 45, §14; 2009 Acts, ch 23, §34; 2012 Acts, ch 1086, §11; 2013 Acts, ch 90, §58; 2018 Acts, ch 1049, §15; 2024 Acts, ch 1161, §150, 162

231.56A Prevention of elder abuse, neglect, and exploitation program.

1. The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in and response to elder abuse, neglect, and exploitation including financial exploitation.
2. The department shall adopt rules to implement this section.

2003 Acts, ch 98, §1; 2003 Acts, ch 179, §67; 2009 Acts, ch 23, §35; 2012 Acts, ch 1086, §12; 2013 Acts, ch 18, §28; 2018 Acts, ch 1049, §16

231.57 Coordination of advocacy.

The department shall administer a program for the coordination of information and assistance provided within the state to assist older individuals and individuals with disabilities, and their caregivers, in obtaining and protecting their rights and benefits. State and local agencies providing information and assistance to older individuals and individuals with disabilities, and their caregivers, in seeking their rights and benefits shall cooperate with the department in administering this program.

86 Acts, ch 1245, §1025
C87, §249D.57
C93, §231.57
2003 Acts, ch 141, §13; 2009 Acts, ch 23, §36; 2024 Acts, ch 1161, §151, 162

231.58 Long-term living coordination.

The director may convene meetings, as necessary, of the director and the director of inspections, appeals, and licensing, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans and Iowans with disabilities in the state. The group may consult with individuals, institutions, and entities with expertise in the area of the long-term living system and older Iowans and Iowans with disabilities, as necessary, to facilitate the group's efforts.

86 Acts, ch 1245, §1026
C87, §249D.58
89 Acts, ch 52, §1
C93, §231.58
2000 Acts, ch 1004, §13, 22; 2003 Acts, ch 141, §14; 2003 Acts, ch 145, §215; 2005 Acts, ch 45, §15; 2008 Acts, ch 1156, §34, 58; 2009 Acts, ch 23, §37, 38; 2009 Acts, ch 182, §90; 2023 Acts, ch 19, §585, 1927; 2024 Acts, ch 1161, §152, 162

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231.59 and 231.60 Repealed by 2003 Acts, ch 141, §16.

231.61 Adult day services requirements — oversight. Repealed by 2003 Acts, ch 165, §20. See chapter 231D.

231.62 Alzheimer's disease services and assistance.

Pursuant to the federal Act, the department shall direct the area agencies on aging to use outreach efforts to identify older individuals with Alzheimer's disease and related disorders and to establish supportive services for those individuals and their families. The department shall regularly review trends and initiatives to address the long-term living needs of Iowans to determine how the needs of persons with Alzheimer's disease and related disorders can be appropriately met.

2008 Acts, ch 1140, §2; 2011 Acts, ch 34, §57; 2012 Acts, ch 1086, §13

231.63 End-of-life care information. Repealed by 2012 Acts, ch 1086, §16.

231.64 Aging and disability resource centers.

1. The department shall designate aging and disability resource centers to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated local aging and disability service system. In addition to services required by the department by rules adopted pursuant to chapter 17A, aging and disability resource centers shall provide for all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term living and community support services, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. Options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term living and community support services designed to meet their specific needs and circumstances. The plan for long-term living and community support services may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term living and community support services for which consumers may be eligible, by serving as a convenient point of entry for such services. Aging and disability resource centers shall offer information online and be available via a toll-free telephone number, electronic communications, and in person.

2. The following entities shall be eligible to be designated as an aging and disability resource center by the department:

a. An area agency on aging established on or before June 30, 2024.

b. A public or private nonprofit agency, or any separate organizational unit within the public or private nonprofit agency, that has the capabilities to engage in the planning or provision of aging and disability services only as directed by the department.

3. Aging and disability resource centers shall assist older individuals, individuals with disabilities, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term living and community support services.

4. The department shall adopt rules pursuant to chapter 17A to implement this section.

2009 Acts, ch 23, §39; 2012 Acts, ch 1086, §14; 2013 Acts, ch 18, §29; 2013 Acts, ch 140, §19; 2018 Acts, ch 1049, §17; 2019 Acts, ch 59, §68; 2024 Acts, ch 1161, §153, 162

231.65 Legal assistance development program.

A legal assistance development program shall be administered by the department in accordance with the requirements of the federal Act. The purpose of the program is to provide leadership for improving the quality and quantity of legal advocacy assistance as a means of ensuring a comprehensive elder rights system for Iowa's older individuals. The extent of implementation of this program shall be based on available resources.

2009 Acts, ch 23, §40

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231.66 Nutrition and health promotion program.

A nutrition and health promotion program shall be administered by the department, in accordance with the requirements of the federal Act, including congregate and home-delivered nutrition programs, nutrition screening, nutrition education, nutrition counseling, and evidence-based health promotion programs to promote health and well-being, reduce food insecurity, promote socialization, and maximize independence of older individuals.

2009 Acts, ch 23, §41; 2012 Acts, ch 1086, §15

231.67 through 231.74 Reserved.

SUBCHAPTER VII

BILL OF RIGHTS AND SERVICE QUALITY STANDARDS FOR PERSONS WITH AN INTELLECTUAL DISABILITY, DEVELOPMENTAL DISABILITY, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS

231.75 Scope.

The service quality standards and rights in this subchapter VII shall apply to any person with an intellectual disability, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds, or services which are permitted under Iowa law.

2024 Acts, ch 1161, §154, 162

Referred to in §231.78

231.76 Service quality standards.

As the state participates more fully in funding services and other support for persons with an intellectual disability, developmental disability, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of services and other supports:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of a person.
2. Provide an individual treatment, habilitation, and program services plan.
3. Provide treatment, habilitation, and program services that are individualized, flexible, cost-effective, and produce results.
4. Provide periodic review of an individual's treatment, habilitation, and program services plan.
5. Provide for the least restrictive environment, and age-appropriate services.
6. Provide appropriate training and employment opportunities so that a person's ability to contribute to, and participate in, the community is maximized.
7. Provide an ongoing process to determine the degree of access to, and the effectiveness of, the services and other supports in achieving the disability service outcomes and indicators identified by the department.

2024 Acts, ch 1161, §155, 162

Referred to in §231.78

231.77 Rights.

All of the following rights shall apply to a person with an intellectual disability, a developmental disability, a brain injury, or a chronic mental illness:

1. *Wage protection.* A person engaged in a work program shall be paid wages commensurate with the going rate for comparable work and productivity.
2. *Insurance protection.* Pursuant to section 507B.4, subsection 3, paragraph *"g"*, a person or designated group of persons shall not be unfairly discriminated against for purposes of insurance coverage.
3. *Citizenship.* A person retains the right to citizenship in accordance with the laws of the state.

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4. *Participation in planning activities.* A person has the right to participate in the formulation of an individual treatment, habilitation, and program plan developed for the person.

2024 Acts, ch 1161, §156, 162
Referred to in §231.78

231.78 Compliance.

1. A person's sole remedy for a violation of a rule adopted by the department to implement sections 231.75 through 231.77 shall be to initiate a proceeding with the department by request pursuant to chapter 17A.

a. Any decision of the department shall be in accordance with due process of law. A person or party who is aggrieved or adversely affected by the department's action may seek judicial review pursuant to section 17A.19. A person or party who is aggrieved or adversely affected by a final judgment of the district court may appeal under section 17A.20.

b. Either the department or a party in interest may apply to the Iowa district court for an order to enforce a final decision of the department.

2. Any rules adopted by the department to implement sections 231.76 and 231.77 shall not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against the state or a political subdivision of the state, or for which the state or a political subdivision of the state would be responsible.

3. Notwithstanding subsection 1, any violation of section 231.77, subsection 2, shall be subject to enforcement by the commissioner of insurance pursuant to chapter 507B.

2024 Acts, ch 1161, §157, 162

231.79 Appeals process.

The department shall establish an appeals process by which a person or the person's representative may appeal a decision of the department concerning the provision or denial of aging or disability services to the person.

2024 Acts, ch 1161, §158, 162

SUBCHAPTER VIII

COMPREHENSIVE FAMILY SUPPORT PROGRAM

231.80 Comprehensive family support program.

1. For the purposes of this section, unless the context otherwise requires:

a. "Comprehensive family support" means services and supports that assist families caring for an individual with a disability who is a member of the family, including but not limited to programs, services, parent-to-parent support, assistive devices, and various adaptations that allow an individual with a disability to participate more fully in family and community life.

b. (1) *"Family"* means a group of interdependent persons living in the same household. A family consists of an individual with a disability and any of the following:

(a) The individual's parent.

(b) The individual's sibling.

(c) The individual's grandparent, aunt, or uncle.

(d) The individual's legal custodian.

(e) A person providing short-term foster care to the individual with a disability subject to a case permanency plan that provides for reunification between the individual and the individual's parent.

(2) *"Family"* does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

c. "Individual with a disability" means an individual who is less than twenty-two years of age and meets the definition of developmental disability in 42 U.S.C. §15002.

d. "Services and support" means assistance intended to enable an individual with a

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disability to control the individual's environment, to remain living with the individual's family, to function more independently, and to increase the integration of the individual into the individual's community including but not limited to funding for purchase of equipment, respite care, supplies, assistive technology, and payment of other costs attributable to the individual's disability which are identified by the individual's family.

2. A comprehensive family support program is created under the purview of the department to provide a statewide system of services and support to eligible families. The program shall be implemented in a manner that enables a family member of an individual with a disability to identify the needed services and support.

3. Eligibility for the program is limited to families who meet all of the following criteria:

a. The family resides in the state of Iowa.

b. The family intends for the family member who is an individual with a disability to remain living in the family's home.

c. The family's taxable income is less than sixty thousand dollars for the most recently completed tax year.

4. A family may apply to the department or to a family support center for assistance under the comprehensive family support program. The department or family support center shall determine eligibility for the comprehensive family support program in accordance with subsection 3.

5. The department shall adopt rules pursuant to chapter 17A to implement the comprehensive family support program. The comprehensive family support program must do all of the following:

a. To the extent possible, incorporate in the application process the eligibility determination processes that the department uses for other disability services programs.

b. Ensure the ability of families to maintain control of decisions which affect an individual with a disability who is a member of a family.

c. Utilize existing local agencies to provide facilities and a single entry point for program applicants.

d. Ensure services and support are provided in a timely manner and emergency access to needed services and support is provided.

e. Ensure technical assistance is provided to providers and users of services and support.

f. Utilize state, regional, and local media to publicize the program.

g. Incorporate a process to appeal the department's or family support center's denial of services and support to a family under the program, including reasonable efforts by the department to utilize telecommunications in the appeal process.

h. Identify the services and support, and service provider components, included in the program.

i. Upon request by a family member, provide a family with assistance in locating a service provider.

j. Make payment for services and support directly to families by voucher or other appropriate means.

k. Utilize a voucher system for payment for the family support center component of the program under subsection 7.

6. Services and support provided under the comprehensive family support program shall not be used to supplant other services and support available to a family of an individual with a disability but shall be used to meet family needs that will not be met without the program.

7. The comprehensive family support program shall include a family support center component. Under the component, a family member of an individual with a disability shall be assisted by a family support center in identifying the services and support to be provided to the family under the family support subsidy program or the comprehensive family support program. The identification of services and support must be based upon the specific needs of the individual with a disability and the individual's family which are not met by other service programs available to the individual with a disability and the individual's family.

8. The comprehensive family support program shall be funded by appropriations made by the general assembly for purposes of the program. Notwithstanding section 8.33, moneys appropriated for the comprehensive family support program under this section that remain

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unobligated or unexpended at the close of each fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the immediately succeeding fiscal year.

2026 Acts, ch 1195, §32, 34, 35
Section applies retroactively to July 1, 2025; 2026 Acts, ch 1195, §35
NEW section

CHAPTER 231A

ELDER FAMILY HOMES

Repealed by 2003 Acts, ch 166, §28

CHAPTER 231B

ELDER GROUP HOMES

Referred to in §135C.33, 231.4, 235E.2, 483A.24

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231B.1 Definitions.

1. *"Department"* means the department of inspections, appeals, and licensing or the department's designee.

2. *"Elder"* means a person sixty years of age or older.

3. *"Elder group home"* means a single-family residence that is operated by a person who is providing room, board, and personal care and may provide health-related services to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity, and which is staffed by an on-site manager twenty-four hours per day, seven days per week.

4. *"Governmental unit"* means the state, or any county, municipality, or other political subdivision or any department, division, board, or other agency of any of these entities.

5. *"Health-related care"* means services provided by a registered nurse or a licensed practical nurse, on a part-time or intermittent basis, and services provided by other licensed health care professionals, on a part-time or intermittent basis.

6. *"Medication setup"* means assistance with various steps of medication administration to support a tenant's autonomy, which may include but is not limited to routine prompting, cueing and reminding, opening containers or packaging at the direction of the tenant,

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reading instructions or other label information, or transferring medications from the original container into suitable medication dispensing containers, reminder containers, or medication cups.

7. *"Occupancy agreement"* means a written agreement entered into between an elder group home and a tenant that clearly describes the rights and responsibilities of the elder group home and the tenant, and other information required by rule. *"Occupancy agreement"* may include a separate signed lease and signed service agreement.

8. *"Personal care"* means assistance with the essential activities of daily living which may include but are not limited to transferring, bathing, personal hygiene, dressing, grooming, and housekeeping that are essential to the health and welfare of a tenant.

9. *"Tenant"* means an individual who receives elder group home services through a certified elder group home.

10. *"Tenant advocate"* means the office of long-term care ombudsman established in section 231.42.

11. *"Tenant's legal representative"* means a person appointed by the court to act on behalf of a tenant, or a person acting pursuant to a power of attorney.

93 Acts, ch 72, §2; 2003 Acts, ch 166, §3; 2005 Acts, ch 62, §1; 2007 Acts, ch 215, §135; 2013 Acts, ch 18, §30; 2023 Acts, ch 19, §1928

Referred to in §142D.2, 144C.2, 144D.1, 144F.1, 231.4, 235E.1, 441.21

231B.1A Findings — purpose.

1. The general assembly finds that elder group homes are an important part of the long-term care continua in this state. Elder group homes emphasize the independence and dignity of the individual while providing housing in a cost-effective manner.

2. The purposes of establishing and regulating elder group homes include all of the following:

a. To encourage the establishment and maintenance of a safe and homelike environment for individuals of all income levels who require assistance with personal care to live independently but who require health-related care only on a part-time or intermittent basis.

b. To establish standards for elder group homes that allow flexibility in design, which promotes a model of service delivery by focusing on individual independence, needs and desires, and consumer-driven quality of service.

c. To encourage public participation in the development of elder group home programs for individuals of all income levels.

2005 Acts, ch 62, §2; 2007 Acts, ch 215, §136

231B.2 Certification of elder group homes — rules.

1. The department shall establish by rule, in accordance with chapter 17A, minimum standards for certification and monitoring of elder group homes. The department may adopt by reference, with or without amendment, nationally recognized standards and rules for elder group homes. The standards and rules shall be formulated in consultation with affected state agencies and affected industry, professional, and consumer groups; shall be designed to accomplish the purposes of this chapter; and shall include but not be limited to rules relating to all of the following:

a. Provisions to ensure, to the greatest extent possible, the health, safety, well-being, and appropriate treatment of tenants.

b. Requirements that elder group homes furnish the department with specified information necessary to administer this chapter. All information related to the provider application for an elder group home presented to the department shall be considered a public record pursuant to chapter 22.

c. Standards for tenant evaluation or assessment, which may vary in accordance with the nature of the services provided or the status of the tenant.

d. Provisions for granting short-term waivers for tenants who exceed occupancy criteria.

2. Each elder group home operating in this state shall be certified by the department.

3. The owner or manager of a certified elder group home shall comply with the rules adopted by the department for an elder group home. A person, including a governmental

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unit, shall not represent an elder group home to the public as an elder group home or as a certified elder group home unless and until the program is certified pursuant to this chapter.

4. *a.* Services provided by a certified elder group home may be provided directly by staff of the elder group home, by individuals contracting with the elder group home to provide services, or by individuals employed by the tenant or with whom the tenant contracts if the tenant agrees to assume the responsibility and risk of the employment or the contractual relationship.

b. If a tenant is terminally ill and has elected to receive hospice services under the federal Medicare program from a Medicare-certified hospice program, the elder group home and the Medicare-certified hospice program shall enter into a written agreement under which the hospice program retains professional management responsibility for those services.

5. The department may enter into contracts to provide certification and monitoring of elder group homes. The department shall:

a. Have full access at reasonable times to all records, materials, and common areas pertaining to the provision of services and care to the tenants of a program during certification, monitoring, and complaint investigations of programs seeking certification, currently certified, or alleged to be uncertified.

b. With the consent of the tenant, visit the tenant's unit.

6. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an elder group home for an actual or prospective tenant, unless the program holds a current certificate issued by the department and meets all current requirements for certification.

7. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the elder group home is operated, if the business or activity serves persons who are not tenants. The rules shall be developed in consultation with affected state agencies and affected industry, professional, and consumer groups.

8. An elder group home shall comply with section 135C.33.

9. The department shall conduct training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of elder group homes.

10. Certification shall be for two years unless revoked for good cause by the department.

93 Acts, ch 72, §3; 99 Acts, ch 129, §16; 2003 Acts, ch 166, §4, 5; 2005 Acts, ch 62, §3; 2006 Acts, ch 1010, §70; 2007 Acts, ch 215, §137 – 141

231B.3 Referral to uncertified elder group home prohibited.

1. A person shall not place, refer, or recommend the placement of another person in an elder group home that is not certified pursuant to this chapter.

2. A person who has knowledge that an elder group home is operating without certification shall report the name and address of the home to the department. The department shall investigate a report made pursuant to this section.

93 Acts, ch 72, §4; 2003 Acts, ch 166, §6; 2007 Acts, ch 215, §142

231B.4 Zoning — fire and safety standards.

An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the department. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 105.4 and the state building code established pursuant to section 103A.7 and the rules adopted for the special classification by the department. The rules adopted for the special classification by the department regarding second floor occupancy shall take into consideration the mobility of the tenants.

93 Acts, ch 72, §5; 2005 Acts, ch 62, §4; 2007 Acts, ch 215, §143; 2023 Acts, ch 19, §1640; 2024 Acts, ch 1043, §65; 2024 Acts, ch 1182, §11

Referred to in §335.33, 414.31

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231B.5 Written occupancy agreement required.

1. An elder group home shall not operate in this state unless a written occupancy agreement, as prescribed in subsection 2, is executed between the elder group home and each tenant or the tenant's legal representative prior to the tenant's occupancy, and unless the elder group home operates in accordance with the terms of the occupancy agreement. The elder group home shall deliver to the tenant or the tenant's legal representative a complete copy of the occupancy agreement and all supporting documents and attachments and shall deliver, at least thirty days prior to any changes, a written copy of changes to the occupancy agreement if any changes to the copy originally delivered are subsequently made, unless otherwise provided in this section.

2. An elder group home occupancy agreement shall clearly describe the rights and responsibilities of the tenant and the elder group home. The occupancy agreement shall also include but is not limited to inclusion of all of the following information in the body of the agreement or in the supporting documents and attachments:

a. A description of all fees, charges, and rates describing tenancy and basic services covered, and any additional and optional services and their related costs.

b. A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and resources are accepted by the elder group home.

c. The procedure followed for nonpayment of fees.

d. Identification of the party responsible for payment of fees and identification of the tenant's legal representative, if any.

e. The term of the occupancy agreement.

f. A statement that the elder group home shall notify the tenant or the tenant's legal representative, as applicable, in writing at least thirty days prior to any change being made in the occupancy agreement with the following exceptions:

(1) When the tenant's health status or behavior constitutes a substantial threat to the health or safety of the tenant, other tenants, or others, including when the tenant refuses to consent to relocation.

(2) When an emergency or a significant change in the tenant's condition results in the need for the provision of services that exceed the type or level of services included in the occupancy agreement and the necessary services cannot be safely provided by the elder group home.

g. A statement that all tenant information shall be maintained in a confidential manner to the extent required under state and federal law.

h. Occupancy, involuntary transfer, and transfer criteria and procedures, which ensure a safe and orderly transfer.

i. The internal appeals process provided relative to an involuntary transfer.

j. The program's policies and procedures for addressing grievances between the elder group home and the tenants, including grievances relating to transfer and occupancy.

k. A statement of the prohibition against retaliation as prescribed in section 231B.13.

l. The emergency response policy.

m. The staffing policy which specifies if nurse delegation will be used, and how staffing will be adapted to meet changing tenant needs.

n. The refund policy.

o. A statement regarding billing and payment procedures.

3. Occupancy agreements and related documents executed by each tenant or tenant's legal representative shall be maintained by the elder group home from the date of execution until three years from the date the occupancy agreement is terminated. A copy of the most current occupancy agreement shall be provided to members of the general public, upon request. Occupancy agreements and related documents shall be made available for on-site inspection to the department upon request and at reasonable times.

2005 Acts, ch 62, §5; 2007 Acts, ch 215, §144

231B.6 Involuntary transfer.

1. If an elder group home initiates the involuntary transfer of a tenant and the action is not a result of a monitoring evaluation or complaint investigation by the department, and if

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the tenant or tenant's legal representative contests the transfer, the following procedure shall apply:

a. The elder group home shall notify the tenant or tenant's legal representative, in accordance with the occupancy agreement, of the need to transfer, the reason for the transfer, and the contact information of the tenant advocate.

b. The elder group home shall provide the tenant advocate with a copy of the notification to the tenant.

c. The tenant advocate shall offer the notified tenant or tenant's legal representative assistance with the program's internal appeals process. The tenant is not required to accept the assistance of the tenant advocate.

d. If, following the internal appeals process, the elder group home upholds the transfer decision, the tenant or the tenant's legal representative may utilize other remedies authorized by law to contest the transfer.

2. The department, in consultation with affected state agencies and affected industry, professional, and consumer groups, shall establish by rule, in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a tenant results from a monitoring evaluation or complaint investigation conducted by the department.

2005 Acts, ch 62, §6; 2007 Acts, ch 215, §145, 146

231B.7 Complaints.

1. Any person with concerns regarding the operations or service delivery of an elder group home may file a complaint with the department. The name of the person who files a complaint with the department and any personal identifying information of the person or any tenant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved with the complaint.

2. The department shall establish procedures for the disposition of complaints received in accordance with this section.

2005 Acts, ch 62, §7; 2007 Acts, ch 215, §147

231B.8 Exit interview — issuance of findings.

1. The department shall provide an elder group home an exit interview at the conclusion of a monitoring evaluation or complaint investigation, and the department shall inform the home's representative of all issues and areas of concern related to the insufficient practices. The department may conduct the exit interview in person or by telephone, and the department shall provide a second exit interview if any additional issues or areas of concern are identified. The home shall have two working days from the date of the exit interview to submit additional or rebuttal information to the department.

2. The department shall issue the final findings of a monitoring evaluation or complaint investigation within ten working days after completion of the on-site monitoring evaluation or complaint investigation. The final findings shall be served upon the home personally, by electronic mail, or by certified mail.

2005 Acts, ch 62, §8; 2007 Acts, ch 215, §148; 2014 Acts, ch 1040, §19, 28

231B.9 Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an elder group home by the department pursuant to this chapter, the department's final findings with respect to compliance by the elder group home with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an elder group home that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the elder group home shall not be made available to the public except in proceedings involving

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the assessment of a civil penalty pursuant to section 231B.14 or the denial, suspension, or revocation of a certificate under this chapter.

2005 Acts, ch 62, §9; 2007 Acts, ch 215, §149; 2008 Acts, ch 1048, §1, 4; 2014 Acts, ch 1040, §20, 28; 2015 Acts, ch 80, §7

231B.9A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the elder group home shall notify the director if the home desires to contest the findings and do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of an informal conference, if the elder group home desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. *a.* The department shall provide an independent reviewer to hold an informal conference with an elder group home within ten working days after receiving a request from the home pursuant to subsection 1, paragraph *"a"*. At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the home.

b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an elder group home in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

3. An elder group home that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

2014 Acts, ch 1040, §21, 28; 2015 Acts, ch 80, §8

231B.10 Denial, suspension, or revocation — conditional operation.

1. The department may deny, suspend, or revoke a certificate in any case where the department finds that there has been a substantial or repeated failure on the part of the elder group home to comply with this chapter or minimum standards adopted under this chapter or for any of the following reasons:

a. Appropriation or conversion of the property of an elder group home tenant without the tenant's written consent or the written consent of the tenant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the elder group home.

c. Obtaining or attempting to obtain or retain a certificate by fraudulent means, misrepresentation, or by submitting false information.

d. Habitual intoxication or addiction to the use of drugs by the applicant, administrator, executive director, manager, or supervisor of the elder group home.

e. Securing the devise or bequest of the property of a tenant of an elder group home by undue influence.

f. Founded dependent adult abuse as defined in section 235E.1.

g. In the case of any officer, member of the board of directors, trustee, or designated manager of the elder group home or any stockholder, partner, or individual who has greater than a five percent equity interest in the elder group home, having or having had an ownership interest in an elder group home, assisted living or adult day services program, home health agency, residential care facility, or licensed nursing facility in this or any state which has been

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closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or having been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

h. In the case of a certificate applicant or an existing certified owner or operator who is an entity other than an individual, the person is in a position of control or is an officer of the entity and engages in any act or omission proscribed by this chapter.

i. In the case of an application for a new or newly acquired elder group home, continuing or repeated failure of the certificate holder to operate any previously certified elder group home or homes in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the elder group home is subject to in this state or any other state.

j. Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, *"lawful enforcement"* includes but is not limited to the following:

(1) Contacting or interviewing any tenant of an elder group home in private at any reasonable hour and without advance notice.

(2) Examining any relevant books or records of an elder group home unless otherwise protected from disclosure by operation of law.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

k. For any other reason as provided by law or administrative rule.

2. The department may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the elder group home of reasonable conditions within a reasonable period of time as set by the department so as to permit the program to commence or continue the operation of the elder group home pending full compliance with this chapter or the rules adopted pursuant to this chapter. If the elder group home does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by this chapter, deny, suspend, or revoke the certificate. An elder group home shall not be operated on a conditional certificate for more than one year.

2005 Acts, ch 62, §10; 2006 Acts, ch 1030, §23; 2007 Acts, ch 215, §150, 151; 2014 Acts, ch 1040, §22; 2015 Acts, ch 80, §9

231B.11 Notice — appeal — emergency provisions.

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within such thirty-day period, requests a hearing, in writing, of the department, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department in accordance with chapter 17A.

3. When the department finds that an imminent danger to the health or safety of a tenant of an elder group home exists which requires action on an emergency basis, the department may direct removal of all tenants of the elder group home and suspend the certificate prior to a hearing.

2005 Acts, ch 62, §11; 2007 Acts, ch 215, §152

231B.12 Department notified of casualties.

The department shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing substantial injury or death to a tenant, and any substantial fire or natural or other disaster occurring at or near an elder group home.

2005 Acts, ch 62, §12; 2007 Acts, ch 215, §153

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231B.13 Retaliation by elder group home prohibited.

An elder group home shall not discriminate or retaliate in any way against a tenant, a tenant's family, or an employee of the elder group home who has initiated or participated in any proceeding authorized by this chapter. An elder group home that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, to be assessed and collected by the department, paid into the state treasury, and credited to the general fund of the state.

2005 Acts, ch 62, §13; 2006 Acts, ch 1010, §71; 2007 Acts, ch 215, §154
Referred to in §231B.5

231B.14 Civil penalties.

The department may establish by rule, in accordance with chapter 17A, civil penalties for the following violations by an elder group home:

1. Noncompliance with any regulatory requirements which presents an imminent danger or a substantial probability of resultant death or physical harm to a tenant.

2. Following receipt of notice from the department, continued failure or refusal to comply within a prescribed time frame with regulatory requirements that have a direct relationship to the health, safety, or security of elder group home tenants.

3. Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this subsection, *"lawful enforcement"* includes but is not limited to:

a. Contacting or interviewing any tenant of an elder group home in private at any reasonable hour and without advance notice.

b. Examining any relevant records of an elder group home.

c. Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

2005 Acts, ch 62, §14; 2007 Acts, ch 215, §155, 156
Referred to in §231B.9

231B.15 Criminal penalties and injunctive relief.

A person establishing, conducting, managing, or operating an elder group home without a certificate is guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense. A person establishing, conducting, managing, or operating an elder group home without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

2005 Acts, ch 62, §15; 2007 Acts, ch 215, §157

231B.16 Coordination of the long-term care system — transitional provisions.

1. A hospital licensed pursuant to chapter 135B, a health care facility licensed pursuant to chapter 135C, an assisted living program certified pursuant to chapter 231C, or an adult day services program certified pursuant to chapter 231D may operate an elder group home, if the elder group home is certified pursuant to this chapter.

2. This chapter shall not be construed to require that a facility licensed as a different type of facility also comply with the requirements of this chapter, unless the facility is represented to the public as an elder group home.

3. A certified elder group home that complies with the requirements of this chapter shall not be required to be licensed or certified as a different type of facility, unless the elder group home is represented to the public as another type of facility.

2005 Acts, ch 62, §16

231B.17 Iowa elder group home fees.

1. The department shall collect elder group home certification and related fees. Fees collected and retained pursuant to this section shall be deposited in the general fund of the state.

2. The following certification and related fees shall apply to elder group homes:

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a. For a two-year initial certification, seven hundred fifty dollars.
b. For a two-year recertification, one thousand dollars.
c. For a blueprint plan review, nine hundred dollars.
d. For an optional preliminary plan review, five hundred dollars.
2005 Acts, ch 62, §17; 2007 Acts, ch 215, §158

231B.18 Application of landlord and tenant Act.
Chapter 562A, the uniform residential landlord and tenant Act, shall apply to elder group homes under this chapter.
2005 Acts, ch 62, §18

231B.19 Resident advocate committees. Repealed by 2013 Acts, ch 18, §34.

231B.20 Nursing assistant and medication aide — certification.
The department, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within an elder group home as credit toward sustaining the nursing assistant's or medication aide's certification.
2005 Acts, ch 62, §20; 2007 Acts, ch 215, §159

231B.21 Medication setup — administration and storage of medications.
1. An elder group home may provide for medication setup if requested by a tenant or the tenant's legal representative. If medication setup is provided following such request, the elder group home shall be responsible for the specific task requested and the tenant shall retain responsibility for those tasks not requested to be provided.
2. If medications are administered or stored by an elder group home, or if the elder group home provides for medication setup, all of the following shall apply:
a. If administration of medications is delegated to the elder group home by the tenant or tenant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, advanced registered nurse practitioner licensed in Iowa, or by the individual to whom such licensed individuals may properly delegate administration of medications.
b. Medications, other than those self-administered by the tenant or provided through medication setup, shall be stored in locked storage that is not accessible to persons other than employees responsible for administration or storage of medications.
c. Medications shall be labeled and maintained in compliance with label instructions and state and federal law.
d. A person, other than a person authorized to prescribe prescription drugs under state and federal law, shall not alter the prescription of a tenant.
e. Medications shall be stored in their originally received containers.
f. If medication setup is provided by the elder group home at the request of the tenant or tenant's legal representative, or if medication administration is delegated to the elder group home by the tenant or tenant's legal representative, appropriate staff of the elder group home may transfer the medications in the tenant's presence from the original prescription container to medication dispensing containers, reminder containers, or medication cups.
g. Elder group home assistance with medication administration as specified in the occupancy agreement shall not require the elder group home to provide assistance with the storage of medications.
2005 Acts, ch 62, §21; 2015 Acts, ch 56, §18

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CHAPTER 231C

ASSISTED LIVING PROGRAMS

Referred to in §105.11, 135C.33, 135P.1, 144C.2, 231.4, 231B.16, 231D.16, 235E.2, 483A.24, 514H.1

Retirement facilities, see chapter 523D

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231C.1 Findings, purpose, and intent.

1. The general assembly finds that assisted living is an important part of the long-term care continua in this state. Assisted living emphasizes the independence and dignity of the individual while providing services in a cost-effective manner.

2. The purposes of establishing an assisted living program include all of the following:

a. To encourage the establishment and maintenance of a safe and homelike environment for individuals of all income levels who require assistance to live independently but who do not require health-related care on a continuous twenty-four-hour per day basis.

b. To establish standards for assisted living programs that allow flexibility in design which promotes a social model of service delivery by focusing on independence, individual needs and desires, and consumer-driven quality of service.

c. To encourage public participation in the development of assisted living programs for individuals of all income levels.

3. It is the intent of the general assembly that the department promote a social model for assisted living programs and a consultative process to assist with compliance by assisted living programs.

96 Acts, ch 1192, §1; 2003 Acts, ch 166, §7; 2005 Acts, ch 60, §1, 2, 21; 2007 Acts, ch 215, §160

231C.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Adult day services"* means adult day services as defined in section 231D.1.

2. *"Assisted living"* means provision of housing with services which may include but are not limited to health-related care, personal care, and assistance with instrumental activities of daily living to three or more tenants in a physical structure which provides a homelike environment. *"Assisted living"* also includes encouragement of family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. *"Assisted living"* includes the provision of housing and assistance with instrumental activities of daily living only if personal care or health-related care is also included. *"Assisted living"* includes twenty-four hours per day

response staff to meet scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety, and security.

3. *"Assisted living program"* or *"program"* means an entity that provides assisted living.

4. *"Department"* means the department of inspections, appeals, and licensing or the department's designee.

5. *"Governmental unit"* means the state, or any county, municipality, or other political subdivision or any department, division, board, or other agency of any of these entities.

6. *"Health-related care"* means services provided by a registered nurse or a licensed practical nurse, on a part-time or intermittent basis, and services provided by other licensed health care professionals, on a part-time or intermittent basis.

7. *"Instrumental activities of daily living"* means those activities that reflect the tenant's ability to perform household and other tasks necessary to meet the tenant's needs within the community, which may include but are not limited to shopping, cooking, housekeeping, chores, and traveling within the community.

8. *"Medication setup"* means assistance with various steps of medication administration to support a tenant's autonomy, which may include but is not limited to routine prompting, cueing and reminding, opening containers or packaging at the direction of the tenant, reading instructions or other label information, or transferring medications from the original container into suitable medication dispensing containers, reminder containers, or medication cups.

9. *"Occupancy agreement"* means a written agreement entered into between an assisted living program and a tenant that clearly describes the rights and responsibilities of the assisted living program and a tenant, and other information required by rule. *"Occupancy agreement"* may include a separate signed lease and signed service agreement.

10. *"Personal care"* means assistance with the essential activities of daily living which may include but are not limited to transferring, bathing, personal hygiene, dressing, grooming, and housekeeping that are essential to the health and welfare of the tenant.

11. *"Recognized accrediting entity"* means a nationally recognized accrediting entity that the department recognizes as having specific assisted living program standards equivalent to the standards established by the department for assisted living programs.

12. *"Significant change"* means a major decline or improvement in the tenant's status which does not normally resolve itself without further interventions by staff or by implementing standard disease-related clinical interventions that have an impact on the tenant's mental, physical, or functional health status.

13. *"Substantial compliance"* means a level of compliance with this chapter and rules adopted pursuant to this chapter such that any identified insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm. *"Substantial compliance"* constitutes compliance with the rules of this chapter.

14. *"Tenant"* means an individual who receives assisted living services through a certified assisted living program.

15. *"Tenant advocate"* means the office of long-term care ombudsman established in section 231.42.

16. *"Tenant's legal representative"* means a person appointed by the court to act on behalf of a tenant or a person acting pursuant to a power of attorney.

96 Acts, ch 1192, §2; 2000 Acts, ch 1004, §14, 22; 2003 Acts, ch 165, §19; 2003 Acts, ch 166, §8, 9; 2005 Acts, ch 60, §3 – 5, 21; 2005 Acts, ch 179, §121; 2007 Acts, ch 215, §161; 2009 Acts, ch 156, §11; 2011 Acts, ch 83, §1; 2013 Acts, ch 18, §31; 2023 Acts, ch 19, §1929

Referred to in §135C.33, 135Q.1, 142D.2, 144D.1, 144F.1, 231.4, 231C.11A, 441.21

231C.3 Certification of assisted living programs.

1. The department shall establish by rule in accordance with chapter 17A minimum standards for certification and monitoring of assisted living programs. The department may adopt by reference with or without amendment, nationally recognized standards and rules for assisted living programs. The rules shall include specification of recognized accrediting entities and provisions related to dementia-specific programs. The standards and rules shall be formulated in consultation with affected state agencies and affected industry,

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professional, and consumer groups; shall be designed to accomplish the purposes of this chapter; and shall include but are not limited to rules relating to all of the following:

a. Provisions to ensure, to the greatest extent possible, the health, safety, and well-being and appropriate treatment of tenants.

b. Requirements that assisted living programs furnish the department with specified information necessary to administer this chapter. All information related to a provider application for an assisted living program submitted to the department shall be considered a public record pursuant to chapter 22.

c. Standards for tenant evaluation or assessment, and service plans, which may vary in accordance with the nature of the services provided or the status of the tenant. When a tenant needs personal care or health-related care, the service plan shall be updated within thirty days of occupancy and as needed with significant change, but not less than annually.

d. Provisions for granting short-term waivers for tenants who exceed occupancy criteria.

2. Each assisted living program operating in this state shall be certified by the department. If an assisted living program is voluntarily accredited by a recognized accrediting entity, the department shall certify the assisted living program on the basis of the voluntary accreditation. An assisted living program that is certified by the department on the basis of voluntary accreditation shall not be subject to payment of the certification fee prescribed in section 231C.18, but shall be subject to an administrative fee as prescribed by rule. An assisted living program certified under this section is exempt from the requirements of section 135.62 relating to certificate of need requirements.

3. The owner or manager of a certified assisted living program shall comply with the rules adopted by the department for an assisted living program. A person including a governmental unit shall not represent an assisted living program to the public as an assisted living program or as a certified assisted living program unless and until the program is certified pursuant to this chapter.

4. *a.* Services provided by a certified assisted living program may be provided directly by staff of the assisted living program, by individuals contracting with the assisted living program to provide services, or by individuals employed by the tenant or with whom the tenant contracts if the tenant agrees to assume the responsibility and risk of the employment or the contractual relationship.

b. If a tenant is terminally ill and has elected to receive hospice services under the federal Medicare program from a Medicare-certified hospice program, the assisted living program and the Medicare-certified hospice program shall enter into a written agreement under which the hospice program retains professional management responsibility for those services.

5. The department may enter into contracts to provide certification and monitoring of assisted living programs. The department shall:

a. Have full access at reasonable times to all records, materials, and common areas pertaining to the provision of services and care to the tenants of a program during certification, monitoring, and complaint investigations of programs seeking certification, currently certified, or alleged to be uncertified.

b. With the consent of the tenant, visit the tenant's unit.

c. Require that the recognized accrediting entity providing accreditation for a program provide copies to the department of all materials related to the accreditation, monitoring, and complaint process.

6. The department may also establish by rule in accordance with chapter 17A minimum standards for subsidized and dementia-specific assisted living programs. The rules shall be formulated in consultation with affected state agencies and affected industry, professional, and consumer groups.

7. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an assisted living program for an actual or prospective tenant, unless the program holds a current certificate issued by the department and meets all current requirements for certification.

8. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the assisted living program is provided, if the business or activity serves nontenants. The rules shall be

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developed in consultation with affected state agencies and affected industry, professional, and consumer groups.

9. An assisted living program shall comply with section 135C.33.

10. The department shall conduct training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of assisted living programs.

11. Certification of an assisted living program shall be for two years unless certification is revoked for good cause by the department.

96 Acts, ch 1192, §3; 2003 Acts, ch 166, §10; 2005 Acts, ch 60, §6 – 10, 21; 2006 Acts, ch 1010, §72; 2007 Acts, ch 215, §162 – 166; 2009 Acts, ch 156, §12; 2025 Acts, ch 120, §70

Referred to in §53.8, 53.22, 235E.1

231C.3A Monitoring — conflicts of interest.

1. Any of the following circumstances disqualifies a monitor from inspecting a particular assisted living program under this chapter:

a. The monitor currently works or, within the past two years, has worked as an employee or employment agency staff at the program, or as an officer, consultant, or agent for the program to be monitored.

b. The monitor has any financial interest or any ownership interest in the program. For purposes of this paragraph, indirect ownership, such as through a broad-based mutual fund, does not constitute financial or ownership interest.

c. The monitor has an immediate family member who has a relationship with the program as described in paragraph *"a"* or *"b"*.

d. The monitor has an immediate family member who currently resides in the program.

2. For purposes of this section, *"immediate family member"* means a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, or stepsibling; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; or grandparent or grandchild.

2009 Acts, ch 156, §13

231C.4 Fire and safety standards.

The department shall adopt rules relating to the certification and monitoring of the fire and safety standards of certified assisted living programs.

96 Acts, ch 1192, §4; 97 Acts, ch 23, §21; 2003 Acts, ch 166, §11; 2007 Acts, ch 215, §167; 2023 Acts, ch 19, §1641

231C.5 Written occupancy agreement required.

1. An assisted living program shall not operate in this state unless a written occupancy agreement, as prescribed in subsection 2, is executed between the assisted living program and each tenant or the tenant's legal representative, prior to the tenant's occupancy, and unless the assisted living program operates in accordance with the terms of the occupancy agreement. The assisted living program shall deliver to the tenant or the tenant's legal representative a complete copy of the occupancy agreement and all supporting documents and attachments and shall deliver, at least thirty days prior to any changes, a written copy of changes to the occupancy agreement if any changes to the copy originally delivered are subsequently made.

2. An assisted living program occupancy agreement shall clearly describe the rights and responsibilities of the tenant and the program. The occupancy agreement shall also include but is not limited to inclusion of all of the following information in the body of the agreement or in the supporting documents and attachments:

a. A description of all fees, charges, and rates describing tenancy and basic services covered, and any additional and optional services and their related costs.

b. (1) A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and resources are accepted by the assisted living program.

(2) The occupancy agreement shall specifically include a statement regarding each of the following:

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(a) Whether the program requires disclosure of a tenant's personal financial information for occupancy or continued occupancy.

(b) The program's policy regarding the continued tenancy of a tenant following exhaustion of private resources.

(c) Contact information for the department of health and human services and the senior health insurance information program to assist tenants in accessing third-party payment sources.

c. The procedure followed for nonpayment of fees.

d. Identification of the party responsible for payment of fees and identification of the tenant's legal representative, if any.

e. The term of the occupancy agreement.

f. A statement that the assisted living program shall notify the tenant or the tenant's legal representative, as applicable, in writing at least thirty days prior to any change being made in the occupancy agreement with the following exceptions:

(1) When the tenant's health status or behavior constitutes a substantial threat to the health or safety of the tenant, other tenants, or others, including when the tenant refuses to consent to relocation.

(2) When an emergency or a significant change in the tenant's condition results in the need for the provision of services that exceed the type or level of services included in the occupancy agreement and the necessary services cannot be safely provided by the assisted living program.

g. A statement that all tenant information shall be maintained in a confidential manner to the extent required under state and federal law.

h. Occupancy, involuntary transfer, and transfer criteria and procedures, which ensure a safe and orderly transfer.

i. The internal appeals process provided relative to an involuntary transfer.

j. The program's policies and procedures for addressing grievances between the assisted living program and the tenants, including grievances relating to transfer and occupancy.

k. A statement of the prohibition against retaliation as prescribed in section 231C.13.

l. The emergency response policy.

m. The staffing policy which specifies if nurse delegation will be used, and how staffing will be adapted to meet changing tenant needs.

n. In dementia-specific assisted living programs, a description of the services and programming provided to meet the life skills and social activities of tenants.

o. The refund policy.

p. A statement regarding billing and payment procedures.

3. Occupancy agreements and related documents executed by each tenant or the tenant's legal representative shall be maintained by the assisted living program in program files from the date of execution until three years from the date the occupancy agreement is terminated. A copy of the most current occupancy agreement shall be provided to members of the general public, upon request. Occupancy agreements and related documents shall be made available for on-site inspection to the department upon request and at reasonable times.

96 Acts, ch 1192, §5; 2003 Acts, ch 166, §12; 2005 Acts, ch 60, §11, 21; 2007 Acts, ch 215, §168; 2011 Acts, ch 83, §2; 2023 Acts, ch 19, §586

231C.5A Assessment of tenants — program eligibility.

An assisted living program receiving reimbursement through the medical assistance program under chapter 249A shall assist the department of veterans affairs in identifying, upon admission of a tenant, the tenant's eligibility for benefits through the United States department of veterans affairs. The assisted living program shall also assist the commission of veterans affairs in determining such eligibility for tenants residing in the program on July 1, 2009. The department of inspections, appeals, and licensing, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a tenant is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the assisted living program is the medical assistance program. The

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rules shall also require the assisted living program to request information from a tenant or tenant's personal representative regarding the tenant's veteran status and to report to the department of veterans affairs only the names of tenants identified as potential veterans along with the names of their spouses and any dependents. Information reported by the assisted living program shall be verified by the department of veterans affairs.

2009 Acts, ch 84, §1; 2023 Acts, ch 19, §587, 1930

231C.6 Involuntary transfer.

1. If an assisted living program initiates the involuntary transfer of a tenant and the action is not a result of a monitoring evaluation or complaint investigation by the department, and if the tenant or the tenant's legal representative contests the transfer, the following procedure shall apply:

a. The assisted living program shall notify the tenant or the tenant's legal representative, in accordance with the occupancy agreement, of the need to transfer, the reason for the transfer, and the contact information of the tenant advocate.

b. The assisted living program shall provide the tenant advocate with a copy of the notification to the tenant.

c. The tenant advocate shall offer the notified tenant or the tenant's legal representative assistance with the program's internal appeals process. The tenant is not required to accept the assistance of the tenant advocate.

d. If, following the internal appeals process, the assisted living program upholds the transfer decision, the tenant or the tenant's legal representative may utilize other remedies authorized by law to contest the transfer.

2. The department, in consultation with affected state agencies and affected industry, professional, and consumer groups, shall establish, by rule in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a tenant results from a monitoring evaluation or complaint investigation conducted by the department.

2000 Acts, ch 1222, §13, 17; 2003 Acts, ch 166, §13; 2005 Acts, ch 60, §12, 21; 2007 Acts, ch 215, §169, 170

231C.7 Complaints.

1. Any person with concerns regarding the operations or service delivery of an assisted living program may file a complaint with the department. The name of the person who files a complaint with the department and any personal identifying information of the person or any tenant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved with the complaint.

2. The department shall establish procedures for the disposition of complaints received in accordance with this section.

2003 Acts, ch 166, §14; 2007 Acts, ch 215, §171

231C.8 Exit interview — issuance of findings.

1. The department shall provide an assisted living program an exit interview at the conclusion of a monitoring evaluation or complaint investigation, and the department shall inform the program's representative of all issues and areas of concern related to the insufficient practices. The department may conduct the exit interview in person or by telephone, and the department shall provide a second exit interview if any additional issues or areas of concern are identified. The program shall have two working days from the date of the exit interview to submit additional or rebuttal information to the department.

2. The department shall issue the final findings of a monitoring evaluation or complaint investigation within ten working days after completion of the on-site monitoring evaluation or complaint investigation. The final findings shall be served upon the program personally, by electronic mail, or by certified mail.

2003 Acts, ch 166, §15; 2005 Acts, ch 60, §13, 21; 2007 Acts, ch 215, §172; 2013 Acts, ch 26, §4, 7

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231C.9 Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an assisted living program by the department pursuant to this chapter, the department's final findings with respect to compliance by the assisted living program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an assisted living program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the assisted living program shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231C.14 or the denial, suspension, or revocation of a certificate under this chapter.

2003 Acts, ch 166, §16; 2005 Acts, ch 60, §14, 21; 2007 Acts, ch 215, §173; 2008 Acts, ch 1048, §2, 4; 2013 Acts, ch 26, §5, 7; 2015 Acts, ch 80, §10

231C.9A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the assisted living program shall notify the director if the program desires to contest the findings and do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of an informal conference, if the assisted living program desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. *a.* The department shall provide an independent reviewer to hold an informal conference with an assisted living program within ten working days after receiving a request from the program pursuant to subsection 1, paragraph "*a*". At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an assisted living program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

3. An assisted living program that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

2013 Acts, ch 26, §6, 7; 2015 Acts, ch 80, §11

231C.10 Denial, suspension, or revocation — conditional operation.

1. The department may deny, suspend, or revoke a certificate in any case where the department finds that there has been a substantial or repeated failure on the part of the assisted living program to comply with this chapter or the rules, or minimum standards adopted under this chapter, or for any of the following reasons:

a. Appropriation or conversion of the property of an assisted living program tenant without the tenant's written consent or the written consent of the tenant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the assisted living program.

c. Obtaining or attempting to obtain or retain a certificate by fraudulent means, misrepresentation, or by submitting false information.

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d. Habitual intoxication or addiction to the use of drugs by the applicant, administrator, executive director, manager, or supervisor of the assisted living program.

e. Securing the devise or bequest of the property of a tenant of an assisted living program by undue influence.

f. Failure to protect tenants from dependent adult abuse as defined in section 235E.1.

g. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, having or having had an ownership interest in an assisted living program, adult day services program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or having been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

h. In the case of a certificate applicant or an existing certified owner or operator who is an entity other than an individual, the person is in a position of control or is an officer of the entity and engages in any act or omission proscribed by this chapter.

i. In the case of an application for a new or newly acquired assisted living program, continuing or repeated failure of the certificate holder to operate any previously certified assisted living program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the assisted living program is subject to in this state or any other state.

j. Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, *"lawful enforcement"* includes but is not limited to the following:

(1) Contacting or interviewing any tenant of an assisted living program in private at any reasonable hour and without advance notice.

(2) Examining any relevant books or records of an assisted living program unless otherwise protected from disclosure by operation of law.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

k. For any other reason as provided by law or administrative rule.

2. The department may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the assisted living program of reasonable conditions within a reasonable period of time as set by the department so as to permit the program to commence or continue the operation of the program pending substantial compliance with this chapter or the rules adopted pursuant to this chapter. If the assisted living program does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by this chapter, suspend or revoke the certificate. An assisted living program shall not be operated on a conditional certificate for more than one year.

2003 Acts, ch 166, §17; 2005 Acts, ch 60, §15, 21; 2006 Acts, ch 1030, §24; 2007 Acts, ch 215, §174, 175; 2009 Acts, ch 156, §14, 15; 2014 Acts, ch 1040, §23; 2015 Acts, ch 80, §12

231C.11 Notice — appeal — emergency provisions.

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within such thirty-day period, requests a hearing, in writing, of the department, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department in accordance with chapter 17A.

3. When the department finds that an imminent danger to the health or safety of tenants of an assisted living program exists which requires action on an emergency basis, the

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department may direct removal of all tenants of an assisted living program and suspend the certificate prior to a hearing.

2003 Acts, ch 166, §18; 2007 Acts, ch 215, §176

231C.11A Voluntary cessation of program operations — decertification.

1. The department shall adopt rules regarding the voluntary cessation of program operations of an assisted living program, including decertification. The rules shall address notification of the tenants, tenant legal representatives, the department, and the tenant advocate at least ninety days prior to the anticipated date of cessation of program operations; the requirements for the safe and orderly transfer or transition of all tenants; and monitoring of the program during the process and after cessation of program operations.

2. Within seven days following provision of notice of cessation of program operations, the assisted living program shall hold a meeting and invite all tenants, tenant legal representatives, families of tenants, representatives of the department, and the tenant advocate to discuss the pending cessation of the program and to answer any questions. The department and the tenant advocate shall have access to attend the meeting and provide information to the tenants regarding their legal rights.

3. The tenant advocate shall monitor the decertification process and shall undertake any investigations necessary to ensure that the rights of tenants are protected during the process and after cessation of program operations. The tenant advocate shall assist tenants during the transition, including assisting tenants in finding necessary and appropriate service providers if the assisted living program is unable to provide such necessary and appropriate services during the transition period. The assisted living program shall cooperate with the tenant advocate by providing contact information for service providers within a thirty-mile radius of the program.

4. Following cessation of program operations and decertification, the department shall retain authority to monitor the decertified program to ensure that the entity does not continue to act as an uncertified assisted living program or other unlicensed, uncertified, or unregistered entity otherwise regulated by the state following decertification. If a decertified assisted living program continues to or subsequently acts in a manner that meets the definition of assisted living pursuant to section 231C.2, the decertified program is subject to the criminal penalties and injunctive relief provisions of section 231C.15, and any other penalties applicable by law.

2011 Acts, ch 83, §3

231C.12 Department notified of casualties.

The department shall be notified no later than the next working day, by the most expeditious means available, of any accident causing major injury or death, and any substantial fire or natural or other disaster occurring at or near an assisted living program.

2003 Acts, ch 166, §19; 2007 Acts, ch 215, §177; 2009 Acts, ch 156, §16

231C.13 Retaliation by assisted living program prohibited.

An assisted living program shall not discriminate or retaliate in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by this chapter. An assisted living program that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, to be assessed and collected by the department, paid into the state treasury, and credited to the general fund of the state.

2003 Acts, ch 166, §20; 2006 Acts, ch 1010, §73; 2007 Acts, ch 215, §178

Referred to in §231C.5

231C.14 Civil penalties.

1. The department may establish by rule, in accordance with chapter 17A, civil penalties for the following violations by an assisted living program:

a. Noncompliance with any regulatory requirements which presents an imminent danger or a substantial probability of resultant death or physical harm to a tenant.

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b. Following receipt of notice from the department, continued failure or refusal to comply within a prescribed time frame with regulatory requirements that have a direct relationship to the health, safety, or security of program tenants.

c. Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, *"lawful enforcement"* includes but is not limited to:

(1) Contacting or interviewing any tenant of an assisted living program in private at any reasonable hour and without advance notice.

(2) Examining any relevant records of an assisted living program.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

2. If a program assessed a penalty does not request a formal hearing pursuant to chapter 17A or withdraws its request for a formal hearing within thirty days of the date the penalty was assessed, the penalty shall be reduced by thirty-five percent, if the penalty is paid within thirty days of the issuance of a demand letter issued by the department. The demand letter, which includes the civil penalty, shall include a statement to this effect.

2003 Acts, ch 166, §21; 2005 Acts, ch 60, §16, 21; 2007 Acts, ch 215, §179, 180; 2009 Acts, ch 156, §17

Referred to in §231C.9

231C.15 Criminal penalties and injunctive relief.

A person establishing, conducting, managing, or operating any assisted living program without a certificate is guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating an assisted living program without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

2003 Acts, ch 166, §22; 2005 Acts, ch 60, §17, 21; 2007 Acts, ch 215, §181

Referred to in §231C.11A

231C.16 Nursing assistant and medication aide — certification.

The department, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within an assisted living program as credit toward sustaining the nursing assistant's or medication aide's certification.

2003 Acts, ch 166, §23; 2007 Acts, ch 215, §182

231C.16A Medication setup — administration and storage of medications.

1. An assisted living program may provide for medication setup if requested by a tenant or the tenant's legal representative. If medication setup is provided following such request, the program shall be responsible for the specific task requested and the tenant shall retain responsibility for those tasks not requested to be provided.

2. If medications are administered or stored by an assisted living program, or if the assisted living program provides for medication setup, all of the following shall apply:

a. If administration of medications is delegated to the program by the tenant or tenant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, advanced registered nurse practitioner licensed in Iowa, or by the individual to whom such licensed individuals may properly delegate administration of medications.

b. Medications, other than those self-administered by the tenant or provided through medication setup, shall be stored in locked storage that is not accessible to persons other than employees responsible for administration or storage of medications.

c. Medications shall be labeled and maintained in compliance with label instructions and state and federal law.

d. A person, other than a person authorized to prescribe prescription drugs under state and federal law, shall not alter the prescription of a tenant.

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e. Medications shall be stored in their originally received containers.

f. If medication setup is provided by the program at the request of the tenant or tenant's legal representative, or if medication administration is delegated to the program by the tenant or tenant's legal representative, appropriate staff of the program may transfer the medications in the tenant's presence from the original prescription container to medication dispensing containers, reminder containers, or medication cups.

g. Program assistance with medication administration as specified in the occupancy agreement shall not require the program to provide assistance with the storage of medications.

2005 Acts, ch 60, §18, 21; 2015 Acts, ch 56, §19

231C.17 Coordination of the long-term care system — transitional provisions.

1. A hospital licensed pursuant to chapter 135B, a health care facility licensed pursuant to chapter 135C, or an adult day services program certified pursuant to chapter 231D may operate an assisted living program if the assisted living program is certified pursuant to this chapter.

2. This chapter shall not be construed to require that a facility licensed as a different type of facility also comply with the requirements of this chapter, unless the facility is represented to the public as a certified assisted living program.

3. A certified assisted living program that complies with the requirements of this chapter shall not be required to be licensed or certified as a different type of facility, unless the facility is represented to the public as another type of facility.

4. *a.* A continuing care retirement community, as defined in section 523D.1, may provide limited personal care services and emergency response services to its independent living tenants if all of the following conditions are met:

(1) The provision of such personal care services or emergency response services does not result in inadequate staff coverage to meet the service needs of all tenants of the continuing care retirement community.

(2) The staff providing the personal care or emergency response services is trained or qualified to the extent necessary to provide such services.

(3) The continuing care retirement community documents the date, time, and nature of the personal care or emergency response services provided.

(4) Emergency response services are only provided in situations which constitute an urgent need for immediate action or assistance due to unforeseen circumstances.

b. This subsection shall not be construed to prohibit an independent living tenant of a continuing care retirement community from contracting with a third party for personal care or emergency response services.

2003 Acts, ch 166, §24; 2003 Acts, 1st Ex, ch 2, §17, 33; 2005 Acts, ch 60, §19, 21; 2009 Acts, ch 41, §263

231C.18 Iowa assisted living fees.

1. The department shall collect assisted living program certification and related fees. An assisted living program that is certified by the department on the basis of voluntary accreditation by a recognized accrediting entity shall not be subject to payment of the certification fee, but shall be subject to an administrative fee as prescribed by rule. Fees collected and retained pursuant to this section shall be deposited in the general fund of the state.

2. The following certification and related fees shall apply to assisted living programs:

a. For a two-year initial certification, seven hundred fifty dollars.

b. For a two-year recertification, one thousand dollars.

c. For a blueprint plan review, nine hundred dollars.

d. For an optional preliminary plan review, five hundred dollars.

e. For accreditation via a national body of accreditation, one hundred twenty-five dollars.

2003 Acts, ch 166, §25; 2005 Acts, ch 60, §20, 21; 2007 Acts, ch 215, §183

Referred to in §231C.3

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231C.19 Application of landlord and tenant Act.

Chapter 562A, the uniform residential landlord and tenant Act, shall apply to assisted living programs under this chapter.

2003 Acts, ch 166, §26

231C.20 Limitation on penalties.

The department shall not impose duplicate civil penalties for the same set of facts and circumstances. All monitoring revisits by the department shall review the program prospectively from the date of the plan of correction to determine compliance.

2009 Acts, ch 156, §18

231C.21 Certification list to county commissioner of elections.

To facilitate the implementation of section 53.8, subsection 3, and section 53.22, the director shall provide to each county commissioner of elections at least annually a list of each certified dementia-specific assisted living program in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each program.

2017 Acts, ch 120, §8

Referred to in §53.8

CHAPTER 231D

ADULT DAY SERVICES

Referred to in §105.11, 231B.16, 231C.17, 235E.2, 483A.24

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231D.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Adult day services"*, *"adult day services program"*, or *"program"* means an organized program providing a variety of health-related care, social services, and other related support services for sixteen hours or less in a twenty-four-hour period to two or more persons with a functional impairment on a regularly scheduled, contractual basis.

2. *"Contractual agreement"* means a written agreement entered into between an adult day services program and a participant that clearly describes the rights and responsibilities of the adult day services program and the participant, and other information required by rule.

3. *"Department"* means the department of inspections, appeals, and licensing.

4. *"Functional impairment"* means a psychological, cognitive, or physical impairment creating the inability to perform personal and instrumental activities of daily living and associated tasks necessitating some form of supervision or assistance or both.

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5. *"Governmental unit"* means the state, or any county, municipality, or other political subdivision or any department, division, board, or other agency of any of these entities.

6. *"Health-related care"* means services provided by a registered nurse or a licensed practical nurse, on a part-time or intermittent basis, and services provided by other licensed health care professionals, on a part-time or intermittent basis.

7. *"Medication setup"* means assistance with various steps of medication administration to support a participant's autonomy, which may include but is not limited to routine prompting, cueing and reminding, opening containers or packaging at the direction of the participant, reading instructions or other label information, or transferring medications from the original container into suitable medication dispensing containers, reminder containers, or medication cups.

8. *"Participant"* means an individual who is the recipient of services provided by an adult day services program.

9. *"Participant's legal representative"* means a person appointed by the court to act on behalf of a participant, or a person acting pursuant to a power of attorney.

10. *"Personal care"* means assistance with the essential activities of daily living which may include but are not limited to transferring, bathing, personal hygiene, dressing, grooming, and housekeeping that are essential to the health and welfare of a participant.

11. *"Recognized accrediting entity"* means a nationally recognized accrediting entity that the department recognizes as having specific adult day services program standards equivalent to the standards established by the department for adult day services.

12. *"Social services"* means services relating to the psychological and social needs of the individual in adjusting to participating in an adult day services program, and minimizing the stress arising from that circumstance.

13. *"Supervision"* means direct oversight and inspection of the act of accomplishing a function or activity.

2003 Acts, ch 165, §1; 2005 Acts, ch 61, §1, 17; 2007 Acts, ch 215, §184; 2023 Acts, ch 19, §1931

Referred to in §135C.1, 142D.2, 144C.2, 231C.2, 231D.3A, 235E.1

231D.2 Purpose — rules.

1. The purpose of this chapter is to promote and encourage adequate and safe care for adults with functional impairments.

2. The department shall establish, by rule in accordance with chapter 17A, a program for certification and monitoring of and complaint investigations related to adult day services programs. The department, in establishing minimum standards for adult day services programs, may adopt by rule in accordance with chapter 17A, nationally recognized standards for adult day services programs. The rules shall include specification of recognized accrediting entities. The rules shall include a requirement that sufficient staffing be available at all times to fully meet a participant's identified needs. The rules shall include a requirement that no fewer than two staff persons who monitor participants as indicated in each participant's service plan shall be awake and on duty during the hours of operation when two or more participants are present. The rules and minimum standards adopted shall be formulated in consultation with affected state agencies and affected industry, professional, and consumer groups and shall be designed to accomplish the purpose of this chapter.

3. The department may establish by administrative rule, in accordance with chapter 17A, specific rules related to minimum standards for dementia-specific adult day services programs. The rules shall be formulated in consultation with affected state agencies and affected industry, professional, and consumer groups.

2003 Acts, ch 165, §2; 2005 Acts, ch 61, §2, 17; 2007 Acts, ch 215, §185, 186

231D.3 Certification required.

1. A person or governmental unit acting severally or jointly with any other person or governmental unit shall not establish or operate an adult day services program and shall not represent an adult day services program to the public as certified unless and until the

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program is certified pursuant to this chapter. If an adult day services program is voluntarily accredited by a recognized accrediting entity with specific adult day services standards, the department shall accept voluntary accreditation as the basis for certification by the department. The owner or manager of a certified adult day services program shall comply with the rules adopted by the department for an adult day services program.

2. An adult day services program may provide any type of adult day services for which the program is certified. An adult day services program shall provide services and supervision commensurate with the needs of the participants. An adult day services program shall not provide services to individuals requiring a level or type of services for which the program is not certified and services provided shall not exceed the level or type of services for which the program is certified.

3. An adult day services program that has been certified by the department shall not alter the program, operation, or adult day services for which the program is certified in a manner that affects continuing certification without prior approval of the department. The department shall specify, by rule, alterations that are subject to prior approval.

4. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an adult day services program for an actual or prospective participant, unless the program holds a current certificate issued by the department and meets all current requirements for certification.

5. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the adult day services program is provided, if the business or activity serves persons who are not participants. The rules shall be developed in consultation with affected state agencies and affected industry, professional, and consumer groups.

6. The department shall conduct training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of adult day services programs.

7. Beginning January 1, 2013, certification of an adult day services program shall be for three years unless revoked for good cause by the department.

2003 Acts, ch 165, §3; 2005 Acts, ch 61, §3, 4, 17; 2007 Acts, ch 215, §187; 2013 Acts, ch 55, §1, 3, 4

231D.3A Exception.

An entity certified by the centers for Medicare and Medicaid services of the United States department of health and human services as a federal program of all-inclusive care for the elderly shall not be required to be certified as an adult day services program under this chapter. A program of all-inclusive care for the elderly, as used in this section, shall not identify itself or hold itself out to be an adult day services program as defined in section 231D.1.

2012 Acts, ch 1035, §1; 2013 Acts, ch 30, §44

231D.4 Application and fees.

1. Certificates for adult day services programs shall be obtained from the department. Applications shall be upon such forms and shall include such information as the department may reasonably require, which may include affirmative evidence of compliance with applicable statutes and local ordinances. Each application for certification shall be accompanied by the appropriate fee.

2. *a.* The department shall collect adult day services certification fees. The fees shall be deposited in the general fund of the state.

b. The following certification and related fees shall apply to adult day services programs:

(1) Beginning January 1, 2013, for a three-year initial certification, seven hundred fifty dollars.

(2) Beginning January 1, 2013, for a three-year recertification, one thousand dollars.

(3) For a blueprint review, nine hundred dollars.

(4) For an optional preliminary plan review, five hundred dollars.

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(5) For certification via a national body of accreditation, one hundred twenty-five dollars.

2003 Acts, ch 165, §4; 2005 Acts, ch 61, §5, 17; 2007 Acts, ch 215, §188, 189; 2013 Acts, ch 55, §2, 3, 4

231D.5 Denial, suspension, or revocation.

1. The department may deny, suspend, or revoke certification if the department finds that there has been a substantial or repeated failure on the part of the adult day services program to comply with this chapter or the rules or minimum standards adopted pursuant to this chapter, or for any of the following reasons:

a. Appropriation or conversion of the property of a participant without the participant's written consent or the written consent of the participant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the adult day services program.

c. Obtaining or attempting to obtain or retain certification by fraudulent means, misrepresentation, or by submitting false information.

d. Habitual intoxication or addiction to the use of drugs by the applicant, owner, manager, or supervisor of the adult day services program.

e. Securing the devise or bequest of the property of a participant by undue influence.

f. Failure or neglect to maintain a required continuing education and training program for all personnel employed in the adult day services program.

g. Founded dependent adult abuse as defined in section 235E.1.

h. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, having or having had an ownership interest in an adult day services program, assisted living program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or having been found to have failed to provide adequate protection or services for participants to prevent abuse or neglect.

i. In the case of a certificate applicant or an existing certified owner or operator who is an entity other than an individual, the person is in a position of control or is an officer of the entity and engages in any act or omission proscribed by this chapter.

j. In the case of an application by an existing certificate holder for a new or newly acquired adult day services program, the department may deny certification on the basis of continuing or repeated failure of the certificate holder to operate any previously certified adult day services program in compliance with this chapter or of the rules adopted pursuant to this chapter.

k. In the case of an application for a new or newly acquired adult day services program, continuing or repeated failure of the certificate holder to operate any previously certified adult day services program or programs in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the adult day services program is subject to in this state or any other state.

l. Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, "*lawful enforcement*" includes but is not limited to the following:

(1) Contacting or interviewing any participant of an adult day services program in private at any reasonable hour and without advance notice.

(2) Examining any relevant books or records of an adult day services program unless otherwise protected from disclosure by operation of law.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

m. For any other reason as provided by law or administrative rule.

2. In the case of a certificate applicant or existing certificate holder which is an entity other than an individual, the department may deny, suspend, or revoke a certificate if any

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individual who is in a position of control or is an officer of the entity engages in any act or omission proscribed by this section.

2003 Acts, ch 165, §5; 2005 Acts, ch 61, §6, 17; 2006 Acts, ch 1030, §25; 2007 Acts, ch 215, §190, 191; 2008 Acts, ch 1031, §41; 2008 Acts, ch 1032, §37; 2014 Acts, ch 1040, §24; 2015 Acts, ch 80, §13

Referred to in §231D.7

231D.6 Notice — appeal — emergency provisions.

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for the action. The denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within the thirty-day period, requests a hearing, in writing, of the department, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department in accordance with chapter 17A.

3. When the department finds that an immediate danger to the health or safety of participants in an adult day services program exists which requires action on an emergency basis, the department may direct the removal of all participants in the adult day services program and suspend the certificate prior to a hearing.

2003 Acts, ch 165, §6; 2005 Acts, ch 61, §7, 17; 2007 Acts, ch 215, §192

231D.7 Conditional operation.

The department may, as an alternative to denial, suspension, or revocation of certification under section 231D.5, conditionally issue or continue certification dependent upon the performance by the adult day services program of reasonable conditions within a reasonable period of time as prescribed by the department so as to permit the program to commence or continue the operation of the program pending full compliance with this chapter or the rules adopted pursuant to this chapter. If the adult day services program does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by this chapter, suspend or revoke the certificate. An adult day services program shall not be operated under conditional certification for more than one year.

2003 Acts, ch 165, §7; 2007 Acts, ch 215, §193

231D.8 Department notified of casualties.

The department shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing substantial injury or death, and any substantial fire or natural or other disaster occurring at or near an adult day services program.

2003 Acts, ch 165, §8; 2007 Acts, ch 215, §194

231D.9 Complaints and confidentiality.

1. A person with concerns regarding the operations or service delivery of an adult day services program may file a complaint with the department. The name of the person who files a complaint with the department and any personal identifying information of the person or any participant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than employees of the department involved in the investigation of the complaint.

2. The department shall establish procedures for the disposition of complaints received in accordance with this section.

2003 Acts, ch 165, §9; 2005 Acts, ch 61, §8, 17; 2007 Acts, ch 215, §195

Referred to in §231D.12

231D.9A Exit interview — issuance of findings.

1. The department shall provide an adult day services program an exit interview at the conclusion of a monitoring evaluation or a complaint investigation, and the department shall inform the program's representative of all issues and areas of concern related to the insufficient practices. The department may conduct the exit interview in person or by

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telephone, and the department shall provide a second exit interview if any additional issues or areas of concern are identified. The program shall have two working days from the date of the exit interview to submit additional or rebuttal information to the department.

2. The department shall issue the final findings of a monitoring evaluation or complaint investigation within ten working days after completion of the on-site monitoring evaluation or complaint investigation. The final findings shall be served upon the program personally, by electronic mail, or by certified mail.

2005 Acts, ch 61, §9, 17; 2007 Acts, ch 215, §196; 2014 Acts, ch 1040, §25, 28

231D.10 Disclosure of findings.

Upon completion of a monitoring evaluation or complaint investigation of an adult day services program by the department pursuant to this chapter, the department's final findings with respect to compliance by the adult day services program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an adult day services program that is obtained by the department which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the adult day services program shall not be made available to the public except in proceedings involving the assessment of a civil penalty pursuant to section 231D.11 or the denial, suspension, or revocation of a certificate under this chapter.

2003 Acts, ch 165, §10; 2005 Acts, ch 61, §10, 17; 2007 Acts, ch 215, §197; 2008 Acts, ch 1048, §3, 4; 2014 Acts, ch 1040, §26, 28; 2015 Acts, ch 80, §14

231D.10A Informal conference — formal contest — judicial review.

1. Within twenty business days after issuance of the final findings, the adult day services program shall notify the director if the program desires to contest the findings and do either of the following:

a. Request an informal conference with an independent reviewer pursuant to subsection 2. Upon the conclusion of an informal conference, if the adult day services program desires to further contest an affirmed or modified regulatory insufficiency, it may do so by giving notice of intent to formally contest the regulatory insufficiency, in writing, to the department within five days after receipt of the written decision of the independent reviewer.

b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department.

2. *a.* The department shall provide an independent reviewer to hold an informal conference with an adult day services program within ten working days after receiving a request from the program pursuant to subsection 1, paragraph "*a*". At the conclusion of the informal conference, the independent reviewer may affirm, modify, or dismiss a contested regulatory insufficiency. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the department and to the program.

b. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of an adult day services program in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of providing one or more independent reviewers for informal conferences.

3. An adult day services program that has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A.

2014 Acts, ch 1040, §27, 28; 2015 Acts, ch 80, §15

231D.11 Penalties.

1. A person establishing, conducting, managing, or operating an adult day services program without a certificate is guilty of a serious misdemeanor. Each day of continuing

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violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating an adult day services program without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

2. A civil penalty, as established by rule, may apply in any of the following situations:

a. Program noncompliance with one or more regulatory requirements has caused or is likely to cause harm, serious injury, threat, or death to a participant.

b. Program failure or refusal to comply with regulatory requirements within prescribed time frames.

c. Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, *"lawful enforcement"* includes but is not limited to:

(1) Contacting or interviewing any participant in an adult day services program in private at any reasonable hour and without advance notice.

(2) Examining any relevant records of an adult day services program.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter.

2003 Acts, ch 165, §11; 2005 Acts, ch 61, §11, 17; 2007 Acts, ch 215, §198, 199
Referred to in §231D.10

231D.12 Retaliation by adult day services program prohibited.

1. An adult day services program shall not discriminate or retaliate in any way against a participant, participant's family, or an employee of the program who has initiated or participated in any proceeding authorized by this chapter. An adult day services program that violates this section is subject to a penalty as established by administrative rule, to be assessed and collected by the department, paid into the state treasury, and credited to the general fund of the state.

2. Any attempt to discharge a participant from an adult day services program by whom or upon whose behalf a complaint has been submitted to the department under section 231D.9, within ninety days after the filing of the complaint or the conclusion of any proceeding resulting from the complaint, shall raise a rebuttable presumption that the action was taken by the program in retaliation for the filing of the complaint, except in situations in which the participant is discharged due to changes in health status which exceed the level of care offered by the adult day services program or in other situations as specified by rule.

2003 Acts, ch 165, §12; 2005 Acts, ch 61, §12, 17; 2006 Acts, ch 1010, §74; 2007 Acts, ch 215, §200
Referred to in §231D.17

231D.13 Nursing assistant and medication aide — certification.

The department, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within adult day services programs as credit toward sustaining the nursing assistant's or medication aide's certification.

2003 Acts, ch 165, §13; 2007 Acts, ch 215, §201

231D.13A Medication setup — administration and storage of medications.

1. An adult day services program may provide for medication setup if requested by a participant or the participant's legal representative. If medication setup is provided following such request, the program shall be responsible for the specific task requested and the participant shall retain responsibility for those tasks not requested to be provided.

2. If medications are administered or stored by an adult day services program, or if the adult day services program provides for medication setup, all of the following shall apply:

a. If administration of medications is delegated to the program by the participant or the participant's legal representative, the medications shall be administered by a registered nurse, licensed practical nurse, advanced registered nurse practitioner licensed in Iowa, or

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by the individual to whom such licensed individuals may properly delegate administration of medications.

b. Medications, other than those self-administered by the participant or provided through medication setup, shall be stored in locked storage that is not accessible to persons other than employees responsible for administration or storage of medications.

c. Medications shall be labeled and maintained in compliance with label instructions and state and federal law.

d. A person, other than a person authorized to prescribe prescription drugs under state and federal law, shall not alter the prescription of a participant.

e. Medications shall be stored in their originally received containers.

f. If medication setup is provided by the program at the request of the participant or the participant's legal representative, or if medication administration is delegated to the program by the participant or the participant's legal representative, appropriate staff of the program may transfer the medications in the participant's presence from the original prescription container to medication dispensing containers, reminder containers, or medication cups.

g. Program assistance with medication administration as specified in the contractual agreement shall not require the program to provide assistance with the storage of medications.

2005 Acts, ch 61, §13, 17; 2015 Acts, ch 56, §20

231D.14 Criminal records investigation check.

An adult day services program shall comply with section 135C.33.

2003 Acts, ch 165, §14

231D.15 Fire and safety standards.

The department shall adopt rules relating to the certification and monitoring of the fire and safety standards of adult day services programs.

2003 Acts, ch 165, §15; 2007 Acts, ch 215, §202; 2023 Acts, ch 19, §1642

231D.16 Transition provision.

1. Adult day services programs that are serving at least two but not more than five persons and that are not voluntarily accredited by a recognized accrediting entity shall comply with this chapter.

2. A hospital licensed pursuant to chapter 135B, a health care facility licensed pursuant to chapter 135C, or an assisted living program certified pursuant to chapter 231C may operate an adult day services program if the adult day services program is certified pursuant to this chapter.

3. A certified adult day services program that complies with the requirements of this chapter shall not be required to be licensed or certified as another type of facility, unless the facility is represented to the public as another type of facility.

2003 Acts, ch 165, §16; 2005 Acts, ch 61, §14, 17; 2015 Acts, ch 30, §74

231D.17 Written contractual agreement required.

1. An adult day services program shall not operate in this state unless a written contractual agreement is executed between the adult day services program and each participant or the participant's legal representative prior to the participant's admission to the program, and unless the adult day services program operates in accordance with the terms of the written contractual agreement. The adult day services program shall deliver to the participant or the participant's legal representative a complete copy of the written contractual agreement and all supporting documents and attachments, prior to the participant's admission to the program, and shall also deliver a written copy of changes to the written contractual agreement, if any changes to the copy originally delivered are subsequently made, at least thirty days prior to any changes, unless otherwise provided in this section.

2. An adult day services program written contractual agreement shall clearly describe the rights and responsibilities of the participant and the program. The written contractual

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agreement shall also include but is not limited to inclusion of all of the following information in the body of the agreement or in the supporting documents and attachments:

a. A description of all fees, charges, and rates describing admission and basic services covered, and any additional and optional services and their related costs.

b. A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and resources are accepted by the adult day services program.

c. The procedure followed for nonpayment of fees.

d. Identification of the party responsible for payment of fees and identification of the participant's legal representative, if any.

e. The term of the written contractual agreement.

f. A statement that the adult day services program shall notify the participant or the participant's legal representative, as applicable, in writing at least thirty days prior to any change being made in the written contractual agreement, with the following exceptions:

(1) When the participant's health status or behavior constitutes a substantial threat to the health or safety of the participant, other participants, or others, including when the participant refuses to consent to discharge.

(2) When an emergency or a significant change in the participant's condition results in the need for the provision of services that exceed the type or level of services included in the written contractual agreement and the necessary services cannot be safely provided by the adult day services program.

g. A statement that all participant information shall be maintained in a confidential manner to the extent required under state and federal law.

h. Discharge, involuntary transfer, and transfer criteria and procedures, which ensure a safe and orderly transfer.

i. The internal appeals process provided relative to an involuntary transfer.

j. The program's policies and procedures for addressing grievances between the adult day services program and the participants, including grievances relating to transfer and occupancy.

k. A statement of the prohibition against retaliation as prescribed in section 231D.12.

l. The emergency response policy.

m. The staffing policy which specifies staff is available during all times of program operation, if nurse delegation will be used, and how staffing will be adapted to meet changing participant needs.

n. In dementia-specific adult day services programs, a description of the services and programming provided to meet the life skills and social activities of participants.

o. The refund policy.

p. A statement regarding billing and payment procedures.

3. Written contractual agreements and related documents executed by each participant or participant's legal representative shall be maintained by the adult day services program in program files from the date of execution until three years from the date the written contractual agreement is terminated. A copy of the most current written contractual agreement shall be provided to members of the general public, upon request. Written contractual agreements and related documents shall be made available for on-site inspection to the department upon request and at reasonable times.

2005 Acts, ch 61, §15, 17; 2007 Acts, ch 215, §203

231D.18 Involuntary transfer.

1. If an adult day services program initiates the involuntary transfer of a participant and the action is not a result of a monitoring evaluation or complaint investigation by the department, and if the participant or participant's legal representative contests the transfer, the following procedure shall apply:

a. The adult day services program shall notify the participant or participant's legal representative, in accordance with the written contractual agreement, of the need to transfer and the reason for the transfer.

b. If, following the internal appeals process, the adult day services program upholds

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the transfer decision, the participant or participant's legal representative may utilize other remedies authorized by law to contest the transfer.

2. The department, in consultation with affected state agencies and affected industry, professional, and consumer groups, shall establish by rule, in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a participant results from a monitoring evaluation or complaint investigation conducted by the department.

2005 Acts, ch 61, §16, 17; 2007 Acts, ch 215, §204, 205

231D.19 Limitations on admission and retention of participants.

An adult day services program shall not knowingly admit or retain a participant who meets any of the following criteria:

1. Is under the age of eighteen.
2. Requires routine three-person assistance with standing, transfer, or evacuation.
3. Poses a danger to the participant, other participants, or the adult day services program staff. *"Pose a danger"* may include but is not limited to the following situations:

a. The participant chronically elopes despite intervention.
b. The participant is sexually or physically aggressive or abusive.
c. The participant's verbal abuse is unmanageable by staff.
d. The participant is in the acute stage of alcoholism, drug addiction, or mental illness.

2014 Acts, ch 1009, §1

CHAPTER 231E

PUBLIC GUARDIAN ACT

Referred to in §144H.1, 633.63

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231E.2 Office of public guardian — findings and intent.
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231E.4 State office of public guardian — established — duties — department rules.
231E.5 Local office of public guardian — requirements for state and local public guardians.
231E.6 Court-initiated or petition-initiated appointment of state or local public guardian — guardianship or conservatorship — discharge.
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231E.9 Fees — appropriated.
231E.10 Conflicts of interest — limitations.
231E.11 Duty of attorney general, county attorney, or other counsel.
231E.12 Liability.
231E.13 Implementation.

231E.1 Title.

This chapter shall be known and may be cited as the *"Iowa Public Guardian Act"*.

2005 Acts, ch 175, §130; 2018 Acts, ch 1048, §2

231E.2 Office of public guardian — findings and intent.

1. *a.* The general assembly finds that many adults in this state are unable to meet essential requirements to maintain their physical health or to manage essential aspects of their financial resources and are in need of guardianship, conservatorship, or representative payee services. However, a willing and responsible person may not be available to serve as a private guardian, conservator, or representative payee or the adult may not have adequate income or resources to compensate a private guardian, conservator, or representative payee.

b. The general assembly further finds that a process should exist to assist individuals in

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finding alternatives to guardianship, conservatorship, or representative payee services and less intrusive means of assistance before an individual's independence or rights are limited.

2. *a.* It is, therefore, the intent of the general assembly to establish a state office of public guardian and authorize the establishment of local offices of public guardian to provide public guardianship services to adults, when no private guardian, conservator, or representative payee is available.

b. It is also the intent of the general assembly that the state office of public guardian provide assistance to both public and private guardians, conservators, and representative payees throughout the state in securing necessary services for their protected persons and clients, and to assist guardians, conservators, representative payees, protected persons, clients, courts, and attorneys in the orderly and expeditious handling of guardianship, conservatorship, and representative payee proceedings.

2005 Acts, ch 175, §131; 2018 Acts, ch 1048, §3; 2024 Acts, ch 1009, §36

231E.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Client"* means an individual for whom a representative payee is appointed.
2. *"Conservator"* means conservator as defined in section 633.3.
3. *"Court"* means court as defined in section 633.3.
4. *"Department"* means the department of health and human services.
5. *"Director"* means the director of health and human services.
6. *"Guardian"* means guardian as defined in section 633.3.
7. *"Incompetent"* means incompetent as defined in section 633.3.
8. *"Local office"* means a local office of public guardian.
9. *"Local public guardian"* means an individual under contract with the department to act as a guardian, conservator, or representative payee.
10. *"Protected person"* means the individual for whom a guardianship or conservatorship is established.
11. *"Public guardian"* means the state public guardian or a local public guardian.
12. *"Public guardianship services"* means guardianship, conservatorship, or representative payee services provided by the state public guardian or a local public guardian.
13. *"Representative payee"* means an individual appointed by a government entity to receive funds on behalf of a client pursuant to federal regulation.
14. *"State agency"* means any executive department, commission, board, institution, division, bureau, office, agency, or other executive entity of state government.
15. *"State office"* means the state office of public guardian.
16. *"State public guardian"* means the administrator of the state office of public guardian.

2005 Acts, ch 38, §54; 2005 Acts, ch 175, §132; 2009 Acts, ch 23, §43; 2014 Acts, ch 1078, §2; 2018 Acts, ch 1048, §4; 2023 Acts, ch 19, §588; 2024 Acts, ch 1009, §37; 2024 Acts, ch 1161, §159

Referred to in §22.7(61), 235B.6, 633.63

231E.4 State office of public guardian — established — duties — department rules.

1. A state office of public guardian is established within the department to create and administer a statewide network of guardians, conservators, and representative payees who provide guardianship, conservatorship, or representative payee services if other guardians, conservators, or representative payees are not available to provide the services.

2. The director shall appoint an administrator of the state office who shall serve as the state public guardian. The state public guardian shall be qualified for the position by training and expertise in guardianship, conservatorship, and representative payee law and shall be licensed to practice law in Iowa. The state public guardian shall also have knowledge of social services available to meet the needs of persons adjudicated incompetent or in need of guardianship, conservatorship, or representative payee services.

3. The state office shall do all of the following:

a. Select persons through a request for proposals process to establish local offices of

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public guardian. Local offices shall be established contingent upon the appropriation of necessary funds to the department as determined by the director.

b. Monitor and terminate contracts with local offices based on criteria established by rule of the department.

c. Retain oversight responsibilities for all local public guardians.

d. Act as a guardian, conservator, or representative payee if a local public guardian is not available to so act.

e. Work with the Iowa developmental disabilities council and other agencies to establish a referral system for the provision of guardianship, conservatorship, and representative payee services.

f. Develop and maintain a current listing of public and private services and programs available to assist protected persons and clients, and their families, and establish and maintain relationships with public and private entities to assure the availability of effective guardianship, conservatorship, and representative payee services for protected persons and clients.

g. Provide information and referrals to the public regarding guardianship, conservatorship, and representative payee services.

h. Maintain statistical data on the local offices including various methods of funding, the types of services provided, and the demographics of the protected persons and clients, and report pursuant to section 217.22.

i. Develop, in cooperation with the judicial council as established in section 602.1202, a guardianship, conservatorship, and representative payee education and training program. The program may be offered to both public and private guardians, conservators, and representative payees. The state office shall establish a curriculum committee, which includes but is not limited to probate judges, to develop the education and training program. The state office shall be the sole authority for certifying additional curriculum trainers.

4. The state office may do any of the following:

a. Accept and receive gifts, grants, or donations from any public or private entity in support of the state office. Such gifts, grants, or donations shall be appropriated pursuant to section 231E.9. Notwithstanding section 8.33, moneys retained by the department pursuant to this section shall not be subject to reversion to the general fund of the state.

b. Accept the services of individual volunteers and volunteer organizations. Volunteers and volunteer organizations utilized by the state office shall not provide direct guardianship, conservatorship, or representative payee services.

c. Employ staff necessary to administer the state office and enter into contracts as necessary.

5. The department shall provide administrative support to the state office.

6. The department shall adopt rules in accordance with chapter 17A necessary to create and administer the state office and local offices, relating to but not limited to all of the following:

a. An application and intake process and standards for receipt of guardianship, conservatorship, or representative payee services from the state office or a local office.

b. A process for the removal or termination of the state public guardian or a local public guardian.

c. An ideal range of staff-to-client ratios for the state public guardian and local public guardians.

d. Minimum training and experience requirements for professional staff and volunteers.

e. A fee schedule. The department may establish by rule a schedule of reasonable fees for the costs of public guardianship services provided under this chapter. The fee schedule established may be based upon the ability of the protected person or client to pay for the services but shall not exceed the actual cost of providing the services. The state office or a local office may waive collection of a fee upon a finding that collection is not economically feasible. The rules may provide that the state office or a local office may investigate the financial status of a protected person or client that requests guardianship, conservatorship, or representative payee services or for whom the state public guardian or a local public guardian has been appointed for the purpose of determining the fee to be charged by

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requiring the protected person or client to provide any written authorizations necessary to provide access to records of public or private sources, otherwise confidential, needed to evaluate the individual's financial eligibility. The rules may also provide that the state public guardian or a local public guardian may, upon request and without payment of fees otherwise required by law, obtain information necessary to evaluate the individual's financial eligibility from any office of the state or of a political subdivision or agency of the state that possesses public records.

f. Standards and performance measures for evaluation of local offices.

g. Recordkeeping and accounting procedures to ensure that the state office and local offices maintain confidential, accurate, and up-to-date financial, case, and statistical records. The rules shall require each local office to file with the state office, on an annual basis, an account of all public and private funds received and a report regarding the operations of the local office for the preceding fiscal year.

h. Procedures for the sharing of records held by the court or a state agency with the state office, which are necessary to evaluate the state office or local offices, to assess the need for additional guardians, conservators, or representative payees, or to develop required reports.

2005 Acts, ch 175, §133; 2009 Acts, ch 23, §44 – 46; 2012 Acts, ch 1023, §30; 2015 Acts, ch 137, §72, 162, 163; 2016 Acts, ch 1139, §49; 2018 Acts, ch 1041, §127; 2018 Acts, ch 1048, §5; 2023 Acts, ch 19, §589; 2024 Acts, ch 1009, §38, 39; 2024 Acts, ch 1018, §7, 13, 14

2024 amendment to subsection 3, paragraph h, by 2024 Acts, ch 1018, §7, applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

231E.5 Local office of public guardian — requirements for state and local public guardians.

1. The state public guardian shall select persons to provide local public guardianship services, based upon a request for proposals process developed by the department.

2. A local office shall comply with all requirements established for the local office by the department and shall do all of the following:

a. Maintain a staff of professionally qualified individuals to carry out the guardian, conservator, and representative payee functions.

b. Identify client needs and local resources to provide necessary support services to recipients of guardianship, conservatorship, and representative payee services.

c. Collect program data as required by the state office.

d. Meet standards established for the local office.

e. Comply with minimum staffing requirements and caseload restrictions.

f. Conduct background checks on employees and volunteers.

g. With regard to a proposed protected person, the local office shall do all of the following:

(1) Determine the most appropriate form of guardianship or conservatorship services needed, if any, giving preference to the least restrictive alternative.

(2) Determine whether the needs of the proposed protected person require the appointment of a guardian or conservator.

(3) Assess the financial resources of the proposed protected person based on the information supplied to the local office at the time of the determination.

(4) Inquire and, if appropriate, search to determine whether any other person may be willing and able to serve as the proposed protected person's guardian or conservator.

(5) Determine the form of guardianship or conservatorship to request of a court, if any, giving preference to the least restrictive form.

(6) If determined necessary, file a petition for the appointment of a guardian or conservator pursuant to chapter 633.

3. A local office may do any of the following:

a. Contract for or arrange for provision of services necessary to carry out the duties of a local public guardian.

b. Accept the services of volunteers or consultants and reimburse them for necessary expenses.

c. Employ staff and delegate to members of the staff the powers and duties of the local public guardian. However, the local office shall retain responsibility for the proper

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performance of the delegated powers and duties. All delegations shall be to persons who meet the eligibility requirements of the specific type of public guardian.

4. An individual acting as the state public guardian or a local public guardian shall comply with applicable requirements for guardians and conservators pursuant to chapter 633, or representative payees pursuant to federal law and regulations.

5. Notwithstanding any provision to the contrary, an individual acting as the state public guardian or a local public guardian shall not be subject to the posting of a bond pursuant to chapter 633. An individual acting as the state public guardian or a local public guardian shall complete at least eight hours of training annually as certified by the department.

2005 Acts, ch 175, §134; 2018 Acts, ch 1041, §127; 2018 Acts, ch 1048, §6; 2024 Acts, ch 1009, §40, 41

231E.6 Court-initiated or petition-initiated appointment of state or local public guardian — guardianship or conservatorship — discharge.

1. The court may appoint on its own motion or upon petition of any person, the state office or a local office, to serve as guardian or conservator for any proposed protected person in cases in which the court determines that the proceeding will establish the least restrictive form of guardianship or conservatorship services suitable for the proposed protected person and if the proposed protected person meets all of the following criteria:

a. Is a resident of the service area in which the local office is located from which services would be provided or is a resident of the state, if the state office would provide the services.

b. Is eighteen years of age or older.

c. Does not have suitable family or another appropriate entity willing and able to serve as guardian or conservator.

d. Is incompetent.

e. Is an individual for whom guardianship or conservatorship services are the least restrictive means of meeting the individual's needs.

2. For all appointments made pursuant to this section, notice shall be provided to the state office or local office prior to appointment. For appointments made pursuant to this section, the state office or local office shall only accept appointments made pursuant to the filing of an involuntary petition for appointment of a conservator or guardianship pursuant to chapter 633.

2005 Acts, ch 175, §135; 2009 Acts, ch 23, §47; 2018 Acts, ch 1048, §7; 2024 Acts, ch 1009, §42

Referred to in §231E.8

231E.7 Public guardian-initiated appointment — interventions.

The state office or local office may on its own motion or at the request of the court intervene in a guardianship or conservatorship proceeding if the state office or local office or the court considers the intervention to be justified because of any of the following:

1. An appointed guardian or conservator is not fulfilling prescribed duties or is subject to removal under section 633.65.

2. A willing and qualified guardian or conservator is not available.

3. The best interests of the protected person require the intervention.

2005 Acts, ch 175, §136; 2009 Acts, ch 23, §48; 2018 Acts, ch 1048, §8; 2024 Acts, ch 1009, §43

Referred to in §231E.8

231E.8 Provisions applicable to all appointments and designations — discharge.

1. The court shall only appoint or intervene on its own motion or act upon the petition of any person under section 231E.6 or 231E.7 if such appointment or intervention would comply with staffing ratios established by the department and if sufficient resources are available to the state office or local office. Notice of the proposed appointment shall be provided to the state office or local office prior to the granting of such appointment.

2. The state office or local office shall maintain reasonable personal contact with each protected person or client for whom the state office or local office is appointed or designated in order to monitor the protected person's or client's care and progress.

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3. Notwithstanding any provision of law to the contrary, the state office or local office appointed by the court may access all confidential records concerning the protected person for whom the state office or local office is appointed or designated, including medical records and abuse reports.

4. In any proceeding in which the state or a local office is appointed or is acting as guardian or conservator, the court shall waive court costs or filing fees, if the state office or local office certifies to the court that the state office or local office has waived its fees in their entirety based upon the ability of the protected person to pay for the services of the state office or local office.

5. The state public guardian or a local public guardian shall be subject to discharge or removal, by the court, on the grounds and in the manner in which other guardians or conservators are discharged or removed pursuant to chapter 633.

6. The state public guardian or a local public guardian may petition to be removed as guardian or conservator. A petition for removal shall be granted for any of the following reasons:

a. The protected person displays assaultive or aggressive behavior that causes the public guardian to fear for their personal safety.

b. The protected person refuses the services of the public guardian.

c. The protected person refuses to have contact with the public guardian.

d. The protected person moves out of Iowa.

2005 Acts, ch 175, §137; 2009 Acts, ch 23, §49; 2018 Acts, ch 1041, §127; 2018 Acts, ch 1048, §9; 2024 Acts, ch 1009, §44, 45

231E.9 Fees — appropriated.

Fees received by the state office and by local offices for services provided as the state public guardian or as a local public guardian shall be deposited in the general fund of the state and the amounts received are appropriated to the department for the purposes of administering this chapter.

2005 Acts, ch 175, §138; 2018 Acts, ch 1048, §10
Referred to in §231E.4

231E.10 Conflicts of interest — limitations.

Notwithstanding section 633.63 or any other provision to the contrary, a local public guardian shall not provide direct services to or have an actual or the appearance of any conflict of interest relating to any individual for whom the local public guardian acts in the capacity of a guardian, conservator, or representative payee, unless such provision of direct services or the appearance of a conflict of interest is approved and monitored by the state office in accordance with rules adopted by the department.

2005 Acts, ch 175, §139; 2018 Acts, ch 1048, §11

231E.11 Duty of attorney general, county attorney, or other counsel.

1. The attorney general may advise the state office on legal matters and represent the state office in legal proceedings.

2. Upon the request of the attorney general, a county attorney may represent the state office or a local office in connection with the filing of a petition for appointment as guardian or conservator and with routine, subsequent appearances.

3. Notwithstanding section 13.7, the state public guardian or a local public guardian may retain a local attorney to represent the state office or a local office in legal proceedings. A local attorney retained under this subsection shall be experienced in probate matters.

2005 Acts, ch 175, §140; 2018 Acts, ch 1048, §12

231E.12 Liability.

All employees and volunteers of the state office and local offices operating under this chapter and other applicable chapters and pursuant to rules adopted under this and other applicable chapters are considered employees of the state and state volunteers for the purposes of chapter 669 and shall be afforded protection under section 669.21 or 669.24, as

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applicable. This section does not relieve a guardian or conservator from performing duties prescribed under chapter 633.

2005 Acts, ch 175, §141

231E.13 Implementation.

Implementation of this chapter is subject to availability of funding as determined by the department.

2005 Acts, ch 175, §142; 2015 Acts, ch 30, §75

CHAPTER 231F

LONG-TERM LIVING SYSTEM

231F.1 Intent for Iowa's long-term living system.

231F.1 Intent for Iowa's long-term living system.

1. The general assembly finds and declares that the intent for Iowa's long-term living system is to ensure all Iowans access to an extensive range of high-quality, affordable, and cost-effective long-term living options that maximize independence, choice, and dignity for consumers.

2. The long-term living system should be comprehensive, offering multiple services and support in home, community-based, and facility-based settings; should utilize a uniform assessment process to ensure that such services and support are delivered in the most integrated and life-enhancing setting; and should ensure that such services and support are provided by a well-trained, motivated workforce.

3. The long-term living system should exist in a regulatory climate that appropriately ensures the health, safety, and welfare of consumers, while not being overly restrictive or inflexible.

4. The long-term living system should sustain existing informal care systems including family, friends, volunteers, and community resources; should encourage innovation through the use of technology and new delivery and financing models, including housing; should provide incentives to consumers for private financing of long-term living services and support; and should allow Iowans to live independently as long as they desire.

5. Information regarding all components of the long-term living system should be effectively communicated to all persons potentially impacted by the need for long-term living services and support in order to empower consumers to plan, evaluate, and make decisions about how best to meet their own long-term living needs.

2005 Acts, ch 175, §146

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SUBTITLE 5

JUVENILES

Referred to in §714.8

CHAPTER 232

JUVENILE JUSTICE

Referred to in §13B.9, 85.59, 123.47, 135.108, 135H.6, 135L.3, 232B.3, 232B.6, 232E.2, 233.2, 233A.5, 234.1, 234.46, 235A.13, 236.11, 236A.12, 237.1, 237.20, 238.32, 252D.1, 252D.16, 252D.16A, 252H.2, 252I.2, 252J.1, 256.177, 256.212, 257.11, 257.41, 273.2, 280.29, 282.35, 299.8, 321.180B, 321.184, 321.482, 321G.14, 321I.15, 331.427, 331.756(42), 356.3, 462A.13, 483A.24, 598.21C, 598.21H, 598A.3, 600.5, 600.6, 600.8, 600.16A, 600B.41A, 602.6110, 602.7101, 602.7202, 602.8102(42), 664A.1, 664A.2, 664A.5, 664A.7, 709.12, 709A.1, 715E.1, 716.13, 716.14, 717B.1, 814.11, 815.9, 915.25, 915.37

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SUBCHAPTER XIII

RUNAWAY TREATMENT PLANS

232.195 and 232.196 Repealed by 2022 Acts, ch 1098, §90.

SUBCHAPTER I

CONSTRUCTION AND DEFINITIONS

232.1 Rules of construction.

This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure the least restrictive care for the child's placement with a preference for placement with the child's family or a fictive kin.

[S13, §254-a14; C24, 27, 31, 35, 39, §**3617;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §232.1]

2022 Acts, ch 1098, §1

232.1A Foster care placement — annual goal.

The annual state goal for children placed in foster care that is funded under the federal Social Security Act, Tit. IV-E, is that not more than fifteen percent of the children will be in a foster care placement for a period of more than twenty-four months.

2005 Acts, ch 175, §101; 2010 Acts, ch 1061, §180

232.2 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Abandonment of a child"* means the relinquishment or surrender, without reference to any particular person, of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of abandonment must include both the intention to abandon and the acts by which the intention is evidenced. The term does not require that the relinquishment or surrender be over any particular period of time.

2. *"Adjudicatory hearing"* means a hearing to determine if the allegations of a petition are true.

3. *"Adult"* means a person other than a child.

4. *"Behavioral health condition"* means a serious emotional disturbance, a mental health disorder, a substance abuse disorder, life stressors and crises, and stress-related physical symptoms.

5. *"Behavioral health evaluation"* means a process used to assess an individual's behavioral health status and functioning for purposes including but not limited to the diagnosis of a behavioral health condition or to determine the need for treatment or intervention.

6. *"Case permanency plan"* means the plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §622(b)(10), 671(a)(16), and 675(1),(5), which is designed to achieve placement in the most appropriate, least restrictive, and most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. If the child is fourteen years of age or older, the plan shall be developed in consultation with the child and, at the option of the child, with up to two persons chosen by the child to be members of the child's case planning team if such persons are not a foster parent of, or caseworker for, the child. The department may reject a person selected by a child to be a member of the

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child's case planning team at any time if the department has good cause to believe that the person would not act in the best interests of the child. One person selected by a child to be a member of the child's case planning team may be designated to be the child's advisor or, if necessary, the child's advocate with respect to the application of the reasonable and prudent parent standard. The plan shall specifically include all of the following:

a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.

b. The type and appropriateness of the placement and services to be provided to the child.

c. The care and services that will be provided to the child, biological parents, and foster parents.

d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

e. The most recent information available regarding the child's health and education records, including the date the records were supplied to the agency or individual who is the child's foster care provider. If the child remains in foster care until the age of majority, the child is entitled to receive prior to discharge the most recent information available regarding the child's health and educational records.

f. Plans for retaining any suitable existing medical, dental, or mental health providers providing medical, dental, or mental health care to the child when the child entered foster care.

g. (1) When a child is fourteen years of age or older, a written transition plan of services, supports, activities, and referrals to programs which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The transition plan and needs assessment shall be developed with a focus on the services, other support, and actions necessary to facilitate the child's successful entry into adulthood. The transition plan shall be personalized at the direction of the child and shall be developed with the child present, honoring the goals and concerns of the child, and shall address the following areas of need for the child's successful transition from foster care to adulthood, including but not limited to all of the following:

(a) Education.

(b) Employment services and other workforce support.

(c) Health and health care coverage.

(d) Housing and money management.

(e) Relationships, including local opportunities to have a mentor.

(f) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall provide for the child's application for adult services.

(2) The transition plan shall be considered a working document and shall be reviewed and updated during a periodic case review, which shall occur at a minimum of once every six months. The transition plan shall also be reviewed and updated during the ninety calendar-day period preceding the child's eighteenth birthday and during the ninety calendar-day period immediately preceding the date the child is expected to exit foster care, if the child remains in foster care after the child's eighteenth birthday. The transition plan may be reviewed and updated more frequently.

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

(4) The final transition plan shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition plan shall provide

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for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 256.177.

(6) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall be reviewed and approved by the transition committee for the area in which the child resides, in accordance with section 235.7, before the child reaches age seventeen and one-half. The transition committee's review and approval shall be indicated in the case permanency plan.

(7) The transition plan shall include a provision for the department or a designee of the department on or before the date the child reaches age eighteen, unless the child has been placed in foster care for less than thirty days, to provide to the child written verification of the child's foster care status, and a certified copy of the child's birth certificate, social security card, and driver's license or government-issued nonoperator's identification card. The fee for the certified copy of the child's birth certificate that is otherwise chargeable under section 144.13A, 144.46, or 331.605 shall be waived by the state or county registrar.

h. The actions expected of the parent, guardian, or custodian in order for the department or agency to recommend that the court terminate a dispositional order for the child's out-of-home placement and for the department or agency to end its involvement with the child and the child's family.

i. If reasonable efforts to place a child for adoption or with a guardian are made concurrently with reasonable efforts as defined in section 232.102A, the concurrent goals and timelines may be identified. Concurrent case permanency plan goals for reunification, and for adoption or for other permanent out-of-home placement of a child shall not be considered inconsistent in that the goals reflect divergent possible outcomes for a child in an out-of-home placement.

j. A provision that a designee of the department or other person responsible for placement of a child out-of-state shall visit the child at least once every six months.

k. If it has been determined that the child cannot return to the child's home, documentation of the steps taken to make and finalize an adoption or other permanent placement.

l. If it is part of the child's records or it is otherwise known that the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, that information shall be addressed in the plan and shall be provided to the child's parent, guardian, or foster parent or other person with custody of the child. The information shall be provided whether the child's placement is voluntary or made pursuant to a court determination. The information shall be provided at the time it is learned by the department or agency developing the plan and, if possible, at the time of the child's placement. The information shall only be withheld if ordered by the court or it is determined by the department or agency developing the plan that providing the information would be detrimental to the child or to the family with whom the child is living. In determining whether providing the information would be detrimental, the court, department, or agency shall consider any history of abuse within the child's family or toward the child.

m. The provisions involving sibling visitation or interaction required under section 232.108.

n. Documentation of the educational stability of the child while in foster care. The documentation shall include but is not limited to all of the following:

(1) Evidence there was an evaluation of the appropriateness of the child's educational setting while in placement and of the setting's proximity to the educational setting in which the child was enrolled at the time of placement.

(2) An assurance either that the department coordinated with appropriate local educational agencies to identify how the child could remain in the educational setting in which the child was enrolled at the time of placement or, if it was determined it was not in the child's best interest to remain in that setting, that the affected educational agencies would immediately and appropriately enroll the child in another educational setting during the child's placement and ensure that the child's educational records were provided for use

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in the new educational setting. For the purposes of this subparagraph, *"local educational agencies"* means the same as defined in the federal Elementary and Secondary Education Act of 1965, §9101, as codified in 20 U.S.C. §7801(26).

o. Any issues relating to the application of the reasonable and prudent parent standard and the child's participation in age or developmentally appropriate activities while in foster care.

7. *"Child"* means a person under eighteen years of age.

8. *"Child in need of assistance"* means a child who has been found to meet the grounds for adjudication pursuant to section 232.96A.

9. *"Chronic runaway"* means a child who is reported to law enforcement as a runaway more than once in any thirty-day period or three or more times in any year.

10. *"Commercial sexual exploitation"* refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value including monetary and nonmonetary benefits given or received by any person.

11. *"Complaint"* means an oral or written report which is made to the juvenile court by any person and alleges that a child is within the jurisdiction of the court.

12. *"Court"* means the juvenile court established under section 602.7101.

13. *"Court appointed special advocate"* means a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to carry out duties pursuant to section 237.24.

14. *"Criminal or juvenile justice agency"* means any agency which has as its primary responsibility the enforcement of the state's criminal laws or of local ordinances made pursuant to state law.

15. *a.* *"Custodian"* means a stepparent or a relative within the fourth degree of consanguinity to a child who has assumed responsibility for that child, a person who has accepted a release of custody pursuant to subchapter IV, or a person appointed by a court or juvenile court having jurisdiction over a child.

b. The rights and duties of a custodian with respect to a child are as follows:

(1) To maintain or transfer to another the physical possession of that child.

(2) To protect, train, and discipline that child.

(3) To provide food, clothing, housing, and medical care for that child.

(4) To consent to emergency medical care, including surgery.

(5) To sign a release of medical information to a health professional.

c. (1) All rights and duties of a custodian shall be subject to any residual rights and duties remaining in a parent or guardian.

(2) Notwithstanding subparagraph (1), the department may consent to emergency medical care and routine medical care for a child that will allow the child to experience childhood and participate in activities in a manner similar to the child's peers. *"Routine medical care"* includes but is not limited to all of the following:

(a) Preventative care, also known as wellness care, not including the administration of a vaccination.

(b) Nonemergency medical care including but not limited to a physical examination, a diagnostic laboratory test, or a medical visit for a minor illness.

(c) Use of necessary medication, including but not limited to antibiotics.

(3) Notwithstanding subparagraph (1), the department may consent to a child's participation in an individualized education program.

d. If a court order entered under this chapter transfers legal custody of a child to the department, the department shall have the authority to delegate the department's rights and duties as custodian of the child to an individual licensee, or an approved kinship caregiver under chapter 237.

16. *"Delinquent act"* means:

a. The violation of any state law or local ordinance which would constitute a public offense if committed by an adult except any offense which by law is exempted from the jurisdiction of this chapter.

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b. The violation of a federal law or a law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.

c. The violation of section 123.47 which is committed by a child.

d. The violation of sections 716.7 and 716.8, which is committed by a child.

e. The violation of section 724.4E which is committed by a child.

17. *"Department"* means the department of health and human services and includes the local and county officers of the department.

18. *"Desertion"* means the relinquishment or surrender for a period in excess of six months of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of desertion need not include the intention to desert, but is evidenced by the lack of attempted contact with the child or by only incidental contact with the child.

19. *"Detention"* means the temporary care of a child in a physically restricting facility designed to ensure the continued custody of the child at any point between the child's initial contact with the juvenile authorities and the final disposition of the child's case.

20. *"Detention hearing"* means a hearing at which the court determines whether it is necessary to place or retain a child in detention.

21. *"Director"* means the director of health and human services or the director's designee.

22. *"Dismissal of complaint"* means the termination of all proceedings against a child.

23. *"Dispositional hearing"* means a hearing held after an adjudication to determine what dispositional order should be made.

24. *"Family in need of assistance"* means a family in which there has been a breakdown in the relationship between a child and the child's parent, guardian, or custodian.

25. *"Fictive kin"* means an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child's family.

26. *"Foster care"* means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person, including an adult relative or fictive kin of the child, and where the child is under the placement, care, or supervision of the department, juvenile court services, or tribes with whom the department has entered into an agreement pursuant to a court order or voluntary placement, but not including a guardian of the child.

27. *a.* *"Guardian"* means a person who is not the parent of a child, but who has been appointed by a court having jurisdiction over the child, to have a permanent self-sustaining relationship with the child and to make important decisions which have a permanent effect on the life and development of that child and to promote the general welfare of that child. A guardian may be a court. *"Guardian"* does not mean conservator, as defined in section 633.3, although a person who is appointed to be a guardian may also be appointed to be a conservator.

b. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the rights and duties of a guardian with respect to a child shall be as follows:

(1) To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.

(2) To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the child or unless another person has been appointed guardian ad litem.

(3) To serve as custodian, unless another person has been appointed custodian.

(4) To make periodic visitations if the guardian does not have physical possession or custody of the child.

(5) To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.

(6) To make other decisions involving protection, education, and care and control of the child.

28. *a.* *"Guardian ad litem"* means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party.

b. Unless otherwise enlarged or circumscribed after a finding of good cause by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a guardian ad litem with respect to a child shall include the following:

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(1) Conducting in-person interviews with the child, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.

(2) Conducting interviews with the child, if the child's age is appropriate for the interview, prior to any court-ordered hearing.

(3) Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.

(4) Interviewing any person providing medical, mental health, social, educational, or other services to the child, before any hearing referred to in subparagraph (2).

(5) Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.

(6) Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

(7) If the child is required to have a transition plan developed in accordance with the child's case permanency plan and subject to review and approval of a transition committee under section 235.7, assisting the transition committee in development of the transition plan.

(8) Submitting a written report to the juvenile court and to each of the parties detailing compliance with this subsection. If the guardian ad litem is also appointed to represent the child as an attorney, the written report shall contain an assessment of this dual role and whether there is a need for the court to appoint a separate guardian ad litem. A written report shall be submitted for each court hearing unless otherwise ordered by the court.

(9) Providing a sibling of a child not placed with the child with the reasons why the child and the sibling have not been placed together and an explanation of the efforts being made to facilitate placement together or why efforts to place the child and sibling together are not appropriate. This subparagraph shall not apply if the sibling's age or mental state makes such explanations inappropriate.

c. The order appointing the guardian ad litem shall grant authorization to the guardian ad litem to interview any relevant person and inspect and copy any records relevant to the proceedings, if not prohibited by federal law. The order shall specify that the guardian ad litem may interview any person providing medical, mental health, social, educational, or other services to the child, may attend any departmental staff meeting, case conference, or meeting with medical or mental health providers, service providers, organizations, or educational institutions regarding the child, if deemed necessary by the guardian ad litem, and may inspect and copy any records relevant to the proceedings.

d. If authorized by the court, a guardian ad litem may continue a relationship with and provide advice to a child for a period of time beyond the child's eighteenth birthday.

e. In determining the best interests of the child, rather than relying solely on a guardian ad litem's life experiences or instinct, a guardian ad litem shall, with the primary goal of achieving permanency for the child by preserving the child's family or reunifying the child with the child's family, do all of the following:

(1) Determine the child's circumstances through a full, independent, and efficient investigation, including the information gathered from the child's medical, mental health, and education professionals, social workers, other relevant experts, and other sources obtained in accordance with this subsection.

(2) Assess the child and the totality of the child's circumstances at the time of each placement determination, including any potential trauma to the child that may be caused by any recommended action.

(3) Examine all options available to the child in light of the permanency plans.

(4) Incorporate a child's expressed wishes in recommendations and reports.

29. *"Health practitioner"* means a licensed physician or surgeon, osteopathic physician or surgeon, dentist, optometrist, podiatric physician, or chiropractor, a resident or intern of any such profession, and any registered nurse or licensed practical nurse.

30. *"Informal adjustment"* means the disposition of a complaint without the filing of a petition and may include but is not limited to the following:

a. Placement of the child on nonjudicial probation.

b. Provision of intake services.

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c. Referral of the child to a public or private agency other than the court for services.

31. *"Informal adjustment agreement"* means an agreement between an intake officer, a child who is the subject of a complaint, and the child's parent, guardian, or custodian providing for the informal adjustment of the complaint.

32. *"Intake"* means the preliminary screening of complaints by an intake officer to determine whether the court should take some action and if so, what action.

33. *"Intake officer"* means a juvenile court officer or other officer appointed by the court to perform the intake function.

34. *"Judge"* means the judge of a juvenile court.

35. *"Juvenile"* means the same as "*child*". However, in the interstate compact for juveniles, section 232.173, *"juvenile"* means a person defined as a juvenile in the compact.

36. *"Juvenile court officer"* means a person appointed as a juvenile court officer under section 602.7202 and a chief juvenile court officer appointed under section 602.1217.

37. *"Juvenile court social records"* or *"social records"* means all records, other than official records, made with respect to a child in connection with proceedings over which the court has jurisdiction under this chapter and includes but is not limited to records made and compiled by intake officers, predisposition reports, and reports of physical assessments and behavioral health evaluations.

38. *"Juvenile detention home"* means a physically restricting facility used only for the detention of children.

39. *"Juvenile diversion program"* means an organized effort to coordinate services for a child who is alleged to have committed a delinquent act, when the organized effort results in the dismissal of a complaint alleging the commission of the delinquent act or results in informally proceeding without a complaint being filed against the child, and which does not result in an informal adjustment agreement involving juvenile court services or the filing of a delinquency petition.

40. *"Juvenile parole officer"* means a person representing an agency which retains jurisdiction over the case of a child adjudicated to have committed a delinquent act, placed in a secure facility and subsequently released, who supervises the activities of the child until the case is dismissed.

41. *"Juvenile shelter care home"* means a physically unrestricting facility used only for the shelter care of children.

42. *"Mental health disorder"* means the same as defined in section 135H.1.

43. *"Mental injury"* means a nonorganic injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, considering the child's cultural origin.

44. *"Neglect"* means the failure on the part of a person responsible for the care of a child to provide for adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so.

45. *"Newborn infant"* means the same as defined in section 233.1.

46. *"Nonjudicial probation"* means the informal adjustment of a complaint which involves the supervision of the child who is the subject of the complaint by an intake officer or juvenile court officer for a period during which the child may be required to comply with specified conditions concerning the child's conduct and activities.

47. *"Nonsecure facility"* means a physically unrestricting facility in which children may be placed pursuant to a dispositional order of the court made in accordance with the provisions of this chapter.

48. *"Official juvenile court records"* or *"official records"* means official records of the court of proceedings over which the court has jurisdiction under this chapter which includes but is not limited to the following:

a. The docket of the court and entries therein.

b. Complaints, petitions, other pleadings, motions, and applications filed with a court.

c. Any summons, notice, subpoena, or other process and proofs of publication.

d. Transcripts of proceedings before the court.

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e. Findings, judgments, decrees, and orders of the court.

49. *"Parent"* means a biological or adoptive mother or father of a child; or a father whose paternity has been established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child. *"Parent"* does not include a mother or father whose parental rights have been terminated or a father whose paternity has been overcome pursuant to section 232.3A.

50. *"Peace officer"* means a law enforcement officer or a person designated as a peace officer by a provision of the Code.

51. *"Petition"* means a pleading the filing of which initiates formal judicial proceedings in the juvenile court.

52. *"Physical abuse"* means any nonaccidental physical injury suffered by a child as the result of the acts or omissions of the child's parent, guardian, or custodian or other person legally responsible for the child.

53. *"Physical assessment"* means direct physical touching, viewing, and medically necessary manipulation of any area of a child's body by a physician licensed under chapter 148.

54. *"Preadoptive care"* means the provision of parental nurturing on a full-time basis to a child in foster care by a person who has signed a preadoptive placement agreement with the department for the purposes of proceeding with a legal adoption of the child. Parental nurturing includes but is not limited to furnishing of food, lodging, training, education, treatment, and other care.

55. *"Predisposition investigation"* means an investigation conducted for the purpose of collecting information relevant to the court's fashioning of an appropriate disposition of a delinquency case over which the court has jurisdiction.

56. *"Predisposition report"* is a report furnished to the court which contains the information collected during a predisposition investigation.

57. *"Probation"* means a legal status which is created by a dispositional order of the court in a case where a child has been adjudicated to have committed a delinquent act, which exists for a specified period of time, and which places the child under the supervision of a juvenile court officer or other person or agency designated by the court. The probation order may require a child to comply with specified conditions imposed by the court concerning conduct and activities, subject to being returned to the court for violation of those conditions.

58. *"Putative father"* means a person who has been identified by the mother of a child as the child's potential biological father or a person who claims to be the biological father of a child and who was not married to the child's mother at the time of the child's birth, when all of the following circumstances apply:

a. Biological testing has not excluded the person as the child's biological father.

b. No legal father has been established, biological testing excludes the previously identified father, or previous paternity has otherwise been disestablished.

c. Information sufficient to identify and find the person has been provided to the county attorney by the mother, the person, or a party to proceedings under this chapter.

d. The person has not been found by a court to be uncooperative with genetic testing.

59. *"Reasonable and prudent parent standard"* means the same as defined in section 237.1.

60. *"Registry"* means the central registry for child abuse information as established under chapter 235A.

61. *"Relative"* means an individual related to a child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. For purposes of subchapters III and IV, *"relative"* includes the parent of a sibling of the child if the sibling's parent's parental rights were not previously terminated in relation to the child.

62. *"Residual parental rights and responsibilities"* means those rights and responsibilities remaining with the parent after transfer of legal custody or guardianship of the person of the child. These include but are not limited to the right of visitation, the right to consent to adoption, and the responsibility for support.

63. *"Secure facility"* means a physically restricting facility in which children adjudicated

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to have committed a delinquent act may be placed pursuant to a dispositional order of the court.

64. *"Serious emotional disturbance"* means the same as defined in section 135H.1.

65. *"Sexual abuse"* means the commission of a sex offense as defined by the penal law.

66. *"Shelter care"* means the temporary care of a child in a physically unrestricting facility at any time between a child's initial contact with juvenile authorities and the final judicial disposition of the child's case.

67. *"Shelter care hearing"* means a hearing at which the court determines whether it is necessary to place or retain a child in shelter care.

68. *"Sibling"* means an individual who is related to another individual by blood, adoption, or affinity through a common legal or biological parent, regardless of whether a common legal or biological parent's parental rights have been terminated.

69. *"Social investigation"* means an investigation conducted for the purpose of collecting information relevant to the court's fashioning of an appropriate disposition of a child in need of assistance case over which the court has jurisdiction.

70. *"Social report"* means a report furnished to the court which contains the information collected during a social investigation.

71. *"Substance use disorder"* means the same as defined in section 125.2.

72. *"Taking into custody"* means an act which would be governed by the laws of arrest under the criminal code if the subject of the act were an adult. The taking into custody of a child is subject to all constitutional and statutory protections which are afforded an adult upon arrest.

73. *"Termination hearing"* means a hearing held to determine whether the court should terminate a parent-child relationship.

74. *"Termination of the parent-child relationship"* means the divestment by the court of the parent's and child's privileges, duties, and powers with respect to each other.

75. *"Voluntary placement"* means a foster care placement in which the department provides foster care services to a child according to a signed placement agreement between the department and the child's parent or guardian.

76. *"Waiver hearing"* means a hearing at which the court determines whether it shall waive its jurisdiction over a child alleged to have committed a delinquent act so that the state may prosecute the child as if the child were an adult.

[S13, §254-a14, -a21; C24, 27, 31, 35, 39, §**3618, 3619, 3620, 3638;** C46, 50, 54, 58, 62, §232.2, 232.3, 232.4, 232.22; C66, 71, 73, 75, 77, 79, 81, §232.2; 82 Acts, ch 1209, §1]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10054, 10055, 10201; 84 Acts, ch 1279, §1, 2; 87 Acts, ch 121, §1, 2; 88 Acts, ch 1134, §46, 47; 89 Acts, ch 169, §1; 89 Acts, ch 229, §1 – 4; 89 Acts, ch 230, §1, 2; 90 Acts, ch 1251, §22; 91 Acts, ch 232, §1; 92 Acts, ch 1231, §10; 93 Acts, ch 93, §1; 94 Acts, ch 1046, §1, 2; 94 Acts, ch 1172, §12; 95 Acts, ch 108, §16; 95 Acts, ch 147, §3; 95 Acts, ch 182, §1, 2, 6; 95 Acts, ch 191, §7; 96 Acts, ch 1092, §1; 97 Acts, ch 90, §1; 97 Acts, ch 126, §10; 97 Acts, ch 164, §1; 98 Acts, ch 1019, §1; 98 Acts, ch 1047, §21; 98 Acts, ch 1190, §1 – 3; 99 Acts, ch 164, §1; 99 Acts, ch 208, §33, 34; 2000 Acts, ch 1067, §4, 5; 2000 Acts, ch 1232, §56; 2001 Acts, ch 46, §1; 2001 Acts, ch 67, §7, 13; 2002 Acts, ch 1081, §1; 2002 Acts, ch 1162, §16; 2003 Acts, ch 117, §1 – 3; 2004 Acts, ch 1090, §33; 2004 Acts, ch 1116, §3; 2005 Acts, ch 117, §2, 4; 2005 Acts, ch 124, §1; 2007 Acts, ch 67, §1, 2; 2007 Acts, ch 172, §2, 3; 2008 Acts, ch 1088, §141; 2008 Acts, ch 1112, §1; 2008 Acts, ch 1187, §131; 2009 Acts, ch 41, §231, 232; 2009 Acts, ch 120, §1, 2; 2010 Acts, ch 1151, §1; 2010 Acts, ch 1192, §74; 2013 Acts, ch 50, §1; 2015 Acts, ch 69, §72; 2016 Acts, ch 1063, §1 – 4; 2016 Acts, ch 1073, §83; 2016 Acts, ch 1087, §1; 2017 Acts, ch 86, §1; 2018 Acts, ch 1153, §1, 2; 2019 Acts, ch 126, §1, 2; 2020 Acts, ch 1062, §29, 94; 2022 Acts, ch 1055, §1; 2022 Acts, ch 1098, §2 – 14; 2022 Acts, ch 1153, §43, 44; 2023 Acts, ch 19, §590; 2023 Acts, ch 46, §1; 2023 Acts, ch 123, §1; 2025 Acts, ch 86, §14, 15, 57; 2025 Acts, ch 165, §5, 6, 8; 2026 Acts, ch 1104, §2

Referred to in §13B.9, 135.119, 232.82, 232.89, 232.101A, 232.147, 234.39, 235.7, 235A.15, 237.1, 237.3, 237.10, 237.15, 237.22, 282.30, 692.1, 709.13, 915.36, 915.37

NEW subsection 10 and former subsections 10 – 75 renumbered as 11 – 76

232.3 Concurrent court proceedings.

1. During the pendency of an action under this chapter, a party to the action is estopped

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from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 232D, 598, 598B, or 633.

2. The juvenile court with jurisdiction of the pending action under this chapter, however, may, upon the request of a party to the action or on its own motion, authorize the party to litigate concurrently in another court a specific issue relating to the custody, guardianship, or placement of the child who is the subject of the action. Before authorizing a party to litigate a specific issue in another court, the juvenile court shall give all parties to the action an opportunity to be heard on the proposed authorization. The juvenile court may request but shall not require another court to exercise jurisdiction and adjudicate a specific issue relating to the custody, guardianship, or placement of the child.

83 Acts, ch 21, §2; 83 Acts, ch 186, §10056, 10201; 99 Acts, ch 103, §42; 2022 Acts, ch 1098, §15

232.3A Authority relating to action to overcome paternity in a child in need of assistance or termination of parental rights proceeding.

1. During an action under subchapter III, child in need of assistance proceedings, or subchapter IV, termination of parent-child relationship proceedings, the court may, on its own motion or that of any party, require the child and established father of the child to submit to blood or genetic testing in accordance with the procedures and method prescribed under section 600B.41 to overcome the paternity of the established father.

2. The juvenile court may enter an order overcoming paternity of an established father pursuant to section 600B.41A if all of the following conditions are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and the birth of the child.

c. Pursuant to section 600B.41, the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

d. The established father agrees that the established father's paternity should be overcome or the established father objects to having his paternity overcome but the court finds that it is in the best interest of the child to overcome the established father's paternity.

3. When the criteria specified in subsection 2 are met, the juvenile court shall enter an order overcoming paternity, and shall send a copy of the order to the clerk of the district court. The juvenile court shall designate the petitioner and respondent for the purposes of the order.

4. Upon receipt of the order by the district court, the clerk of the district court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to child support services without a court order.

6. If paternity testing is completed and the established father is not excluded as the biological father of the child, the juvenile court shall find the established father to be the biological father of the child and a necessary party to the action.

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7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

2023 Acts, ch 19, §1358; 2023 Acts, ch 123, §2; 2024 Acts, ch 1043, §66; 2025 Acts, ch 30, §47

Referred to in §232.2, 600B.41A, 602.6306

232.4 Jurisdiction — support obligation.

Notwithstanding any other provision of this chapter, and for the purposes of establishing a parental liability obligation for a child under the jurisdiction of the juvenile court, a support obligation shall be established pursuant to section 234.39.

92 Acts, ch 1195, §302; 94 Acts, ch 1171, §7

232.5 Abortion performed on a minor — waiver of notification proceedings.

The court shall have exclusive jurisdiction over the proceedings for the granting of an order for waiver of the notification requirements relating to the performance of an abortion on a minor pursuant to section 135L.3.

96 Acts, ch 1011, §10; 96 Acts, ch 1174, §6

232.6 Jurisdiction — adoptions and terminations of parental rights.

The court may exercise jurisdiction over adoption and termination of parental rights proceedings under chapters 600 and 600A.

2000 Acts, ch 1145, §1

232.7 Iowa Indian child welfare Act.

1. If a proceeding held under this chapter involves an Indian child as defined in section 232B.3 and the proceeding is subject to the Iowa Indian child welfare Act under chapter 232B, the proceeding and other actions taken in connection with the proceeding or this chapter shall comply with chapter 232B.

2. In any proceeding held or action taken under this chapter involving an Indian child, the applicable requirements of the federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, shall be applied to the proceeding or action in a manner that complies with chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608.

2003 Acts, ch 153, §1; 2014 Acts, ch 1026, §49

232.7A Rules of juvenile procedure.

Proceedings under this chapter are subject to rules prescribed by the supreme court under section 602.4201.

[C79, 81, §232.152]

83 Acts, ch 186, §10058, 10201; 2021 Acts, ch 76, §150

C2022, §232.7A

Rules adopted by the supreme court are published in the compilation "Iowa Court Rules"

232.7B Applicability of this chapter prior to July 1, 1979.

1. Except as provided in subsections 2 and 3, this chapter does not apply to juvenile court cases brought prior to July 1, 1979, or to acts committed prior to July 1, 1979, which would otherwise bring a child or a child's parent, guardian, or custodian within the jurisdiction of the juvenile court pursuant to this chapter.

2. In a case pending on or commenced after July 1, 1979, involving acts committed prior to July 1, 1979, upon the request of any party and the approval of the court:

a. Procedural provisions of this chapter shall apply insofar as they are justly applicable.

b. The court may order a disposition of the case pursuant to the provisions of this chapter.

3. Provisions of this chapter governing the termination, modification, or vacation of a dispositional order shall apply to persons to whom a dispositional order has been issued for acts committed prior to July 1, 1979, except that the maximum length of the order and the severity of the disposition shall not be increased. The provisions of this chapter shall not affect

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the substantive or procedural validity of a judgment entered before July 1, 1979, regardless of the fact that appeal time has not run or that an appeal is pending.

[C81, §232.153]
2021 Acts, ch 76, §150
C2022, §232.7B

SUBCHAPTER II

JUVENILE DELINQUENCY PROCEEDINGS

Referred to in §232.89

PART 1

GENERAL PROVISIONS

232.8 Jurisdiction.

1. *a.* The juvenile court has exclusive original jurisdiction in proceedings concerning a child who is alleged to have committed a delinquent act unless otherwise provided by law, and has exclusive original jurisdiction in proceedings concerning an adult who is alleged to have committed a delinquent act prior to having become an adult, and who has been transferred to the jurisdiction of the juvenile court pursuant to an order under section 803.5.

b. Violations by a child of provisions of chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

c. Violations by a child, aged sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph "*e*" or "*f*", or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the district court transfers jurisdiction of the child to the juvenile court upon motion and for good cause pursuant to section 803.6. Notwithstanding any other provision of the Code to the contrary, the district court may accept from a child in district court a plea of guilty, or may instruct the jury on a lesser included offense to the offense excluded from the jurisdiction of the juvenile court under this paragraph, in the same manner as regarding an adult. The judgment and sentence of a child in district court shall be as provided in section 901.5. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

d. The juvenile court shall have jurisdiction in proceedings commenced against a child pursuant to section 236.3 over which the district court has waived its jurisdiction. The juvenile court shall hear the action in the manner of an adjudicatory hearing under section 232.47, subject to the following:

(1) The juvenile court shall abide by the provisions of sections 236.4, 236.6, 236A.6, and 236A.8 in holding hearings and making a disposition.

(2) The plaintiff is entitled to proceed pro se under sections 236.3A and 236.3B.

e. The juvenile court shall have exclusive jurisdiction in a proceeding concerning a child under the age of eighteen alleged to have committed the offense of harassment in violation of section 708.7, subsection 1, paragraph "*a*", subparagraph (5).

2. *a.* A case involving a person charged in a court other than the juvenile court with the commission of a public offense not exempted by law from the jurisdiction of the juvenile court and who is within the provisions of subsection 1 of this section shall immediately be

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transferred to the juvenile court. The transferring court shall order a transfer and shall forward the transfer order together with all papers, documents, and a transcript of all testimony filed or admitted into evidence in connection with the case to the clerk of the juvenile court. The jurisdiction of the juvenile court shall attach immediately upon the signing of an order of transfer. From the time of transfer, the custody, shelter care, and detention of the person alleged to have committed a delinquent act shall be in accordance with the provisions of this chapter and the case shall be processed in accordance with the provisions of this chapter.

b. Upon completion of the transfer to juvenile court, the court shall file an order dismissing the charge in the transferring court and directing the clerk of court to seal all records of the charge initiated in the transferring court.

3. *a.* The juvenile court, after a hearing and in accordance with the provisions of section 232.45, may waive jurisdiction of a child alleged to have committed a public offense so that the child may be prosecuted as an adult or youthful offender for such offense in another court. If the child pleads guilty or is found guilty of a public offense other than a class "A" felony in another court of this state, that court may suspend the sentence or, with the consent of the child, defer judgment or sentence and, without regard to restrictions placed upon deferred judgments or sentences for adults, place the child on probation for a period of not less than one year upon such conditions as it may require. Upon fulfillment of the conditions of probation, a child who receives a deferred judgment shall be discharged without entry of judgment. A child prosecuted as a youthful offender shall be sentenced pursuant to section 907.3A.

b. This subsection does not apply in a proceeding concerning an offense of animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

4. In a proceeding concerning a child who is alleged to have committed a second delinquent act or a second violation excluded from the jurisdiction of the juvenile court, the court or the juvenile court shall determine whether there is reason to believe that the child has a behavioral health condition and may be in need of treatment. If the court so determines, the court shall advise appropriate juvenile authorities and refer such offenders to the juvenile court for disposition pursuant to section 232.52A.

5. *a.* Juvenile court services may provide follow-up services for a child adjudicated to have committed a delinquent act upon the child reaching eighteen years of age until the child is twenty-one years of age, if the child and juvenile court services determine the child should remain under the guidance of a juvenile court officer. Follow-up services shall be made available to the child, as necessary, to meet the long-term needs of the child aging into adulthood.

b. A child who remains under the guidance of juvenile court services under paragraph "*a*" who is alleged to have committed a subsequent public offense shall be prosecuted as an adult.

6. Nothing in this chapter shall be interpreted as affecting the statutory limitations on prosecutions for murder in the first or second degree.

7. The supreme court shall prescribe rules under section 602.4202 to resolve jurisdictional and venue issues when juveniles who are placed in another court's jurisdiction are alleged to have committed subsequent delinquent acts.

[C71, 73, 75, 77, §232.63 – 232.67, 232.72; C79, 81, §232.8]

84 Acts, ch 1275, §6; 86 Acts, ch 1186, §1, 2; 87 Acts, ch 149, §1; 88 Acts, ch 1134, §48; 88 Acts, ch 1167, §1; 90 Acts, ch 1251, §23, 24; 91 Acts, ch 240, §9; 92 Acts, ch 1160, §21; 92 Acts, ch 1231, §12; 95 Acts, ch 180, §2; 95 Acts, ch 191, §8; 96 Acts, ch 1134, §1; 97 Acts, ch 126, §11; 2000 Acts, ch 1056, §1; 2000 Acts, ch 1152, §1, 2; 2000 Acts, ch 1232, §57, 58; 2004 Acts, ch 1132, §79; 2009 Acts, ch 41, §263; 2013 Acts, ch 42, §1, 2; 2015 Acts, ch 62, §1; 2017 Acts, ch 117, §1; 2017 Acts, ch 121, §2; 2018 Acts, ch 1153, §3; 2019 Acts, ch 24, §23; 2025 Acts, ch 86, §16

Referred to in §232.22, 232.45, 232.45A, 232.52A, 232.53, 232C.4, 717B.3A, 803.5, 803.6

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232.9 Motion for change of judge.

Prior to a hearing pursuant to sections 232.44 through 232.47, 232.50, or 232.54, the child may file a motion with the district court for the appointment of a new judge. The chief judge of the district court for cause shown shall appoint a new judge.

[C79, 81, §232.9]

2021 Acts, ch 80, §125

232.10 Venue.

1. Venue for delinquency proceedings shall be in the judicial district where the child is found, where the child resides, or where the alleged delinquent act occurred.

2. The court may transfer delinquency proceedings to the court of any county having venue at any stage in the proceeding as follows:

a. When it appears that the best interests of the child or society or the convenience of the parties will be served by a transfer, the court may transfer the case to the court of the county of the child's residence.

b. With the consent of the receiving court, the court may transfer the case to the court of the county where the child is found.

c. The court may transfer the case to the county where the alleged delinquent act occurred.

3. The court shall transfer the case by ordering the transfer and a continuance and by forwarding to the clerk of the receiving court a certified copy of all papers filed together with an order of transfer. The judge of the receiving court may accept the filings of the transferring court or may direct the filing of a new petition and hear the case anew.

[C71, 73, 75, 77, §232.68 – 232.70; C79, 81, §232.10]

88 Acts, ch 1134, §49; 2025 Acts, ch 30, §48

232.11 Right to assistance of counsel.

1. A child shall have the right to be represented by counsel at the following stages of the proceedings within the jurisdiction of the juvenile court under subchapter II or subchapter VIII:

a. From the time the child is taken into custody for any alleged delinquent act that constitutes a serious or aggravated misdemeanor or felony under the Iowa criminal code, and during any questioning thereafter by a peace officer or probation officer.

b. A detention or shelter care hearing as required by section 232.44.

c. A waiver hearing as required by section 232.45.

d. An adjudicatory hearing required by section 232.47.

e. A dispositional hearing as required by section 232.50.

f. Hearings to review and modify a dispositional order as required by section 232.54.

g. A hearing on a confidentiality order under section 232.149A or a public records order under section 232.149B.

2. The child's right to be represented by counsel under subsection 1, paragraphs *"b"* through *"f"*, shall not be waived by a child of any age. The child's right to be represented by counsel under subsection 1, paragraph *"a"*, shall not be waived by a child less than sixteen years of age without the written consent of the child's parent, guardian, or custodian. The waiver by a child who is at least sixteen years of age is valid only if a good faith effort has been made to notify the child's parent, guardian, or custodian that the child has been taken into custody and of the alleged delinquent act for which the child has been taken into custody, the location of the child, and the right of the parent, guardian, or custodian to visit and confer with the child.

3. If the child is not represented by counsel as required under subsection 1, counsel shall be provided as follows:

a. If the court determines, after giving the child's parent, guardian, or custodian an opportunity to be heard, that such person has the ability in whole or in part to pay for the employment of counsel, it shall either order that person to retain an attorney to represent the child or shall appoint counsel for the child and order the parent, guardian, or custodian to pay for that counsel as provided in subsection 5.

b. If the court determines that the parent, guardian, or custodian cannot pay any part

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of the expenses of counsel to represent the child, it shall appoint counsel, who shall be reimbursed according to section 232.141, subsection 2, paragraph "*b*".

c. The court may appoint counsel to represent the child and reserve the determination of payment until the parent, guardian, or custodian has an opportunity to be heard.

4. If the child is represented by counsel and the court determines that there is a conflict of interest between the child and the child's parent, guardian, or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child and order the parent, guardian, or custodian to pay for such counsel as provided in subsection 5.

5. If the court determines, after an inquiry which includes notice and reasonable opportunity to be heard that the parent, guardian, or custodian has the ability to pay in whole or in part for the attorney appointed for the child, the court may order that person to pay such sums as the court finds appropriate in the manner and to whom the court directs. If the person so ordered fails to comply with the order without good reason, the court shall enter judgment against the person.

6. Nothing in this section shall be construed to prevent the child or the child's parent, guardian, or custodian from retaining counsel to represent the child in proceedings under this subchapter II in which the alleged delinquent act constitutes a simple misdemeanor under the Code.

[C24, 27, 31, 35, 39, §**3631;** C46, 50, 54, 58, 62, §232.15; C66, 71, 73, 75, 77, §232.28; C79, 81, §232.11; 82 Acts, ch 1209, §2]

90 Acts, ch 1168, §34; 2016 Acts, ch 1002, §1, 2, 17; 2020 Acts, ch 1062, §30, 94; 2021 Acts, ch 80, §126; 2023 Acts, ch 19, §591

Referred to in §232.28, 232.37, 232.52, 815.9

232.12 Duties of county attorney.

Upon the filing of a petition the county attorney shall represent the state in all adversary proceedings arising under this subchapter and shall present evidence in support of the petition.

[C66, 71, 73, 75, 77, §232.19; C79, 81, §232.12]

2020 Acts, ch 1062, §94

232.13 State liability.

1. For purposes of chapter 669, the following persons shall be considered state employees:

a. A child given a work assignment of value to the state or the public or a community work assignment under this chapter.

b. A court appointed special advocate and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19.

2. The state of Iowa is exclusively liable for and shall pay any compensation becoming due a person under section 85.59.

84 Acts, ch 1280, §2; 85 Acts, ch 177, §2; 87 Acts, ch 24, §1; 87 Acts, ch 121, §3; 2005 Acts, ch 55, §1

232.14 through 232.18 Reserved.

PART 2

CHILD CUSTODY

232.19 Taking a child into custody.

1. A child may be taken into custody:

a. By order of the court.

b. For a delinquent act pursuant to the laws relating to arrest.

c. By a peace officer, when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining

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whether the child shall be reunited with the child's parents, guardian, or custodian or placed in shelter care.

d. By a peace officer, juvenile court officer, or juvenile parole officer when the officer has reasonable grounds to believe the child has committed a material violation of a dispositional order.

2. When a child is taken into custody as provided in subsection 1 the person taking the child into custody shall notify the child's parent, guardian, or custodian as soon as possible. The person may place bodily restraints, such as handcuffs, on the child if the child physically resists; threatens physical violence when being taken into custody; is being taken into custody for an alleged delinquent act of violence against a person; or when, in the reasonable judgment of the officer, the child presents a risk of injury to the child or others. The child may also be restrained by handcuffs or other restraints at any time after the child is taken into custody if the child has a known history of physical violence to others. Unless the child is placed in shelter care or detention in accordance with the provisions of section 232.21 or 232.22, the child shall be released to the child's parent, guardian, custodian, responsible adult relative, or other adult approved by the court upon the promise of such person to produce the child in court at such time as the court may direct.

3. Notwithstanding any other provision of this chapter, a child shall not be placed in detention as a result of a violation by that child of section 123.47.

4. Information pertaining to a child who is at least ten years of age and who is taken into custody for a delinquent act which would be a forcible felony offense if committed by an adult is a public record and is not confidential under section 232.147, subject to the provisions of section 232.149.

[SS15, §254-a16; C24, 27, 31, 35, 39, §**3630;** C46, 50, 54, 58, 62, §232.14; C66, 71, 73, 75, 77, §232.15, 232.16; C79, 81, §232.19]

83 Acts, ch 186, §10055, 10201; 90 Acts, ch 1251, §25; 94 Acts, ch 1172, §13; 97 Acts, ch 90, §2; 97 Acts, ch 126, §12, 13; 98 Acts, ch 1100, §24; 2016 Acts, ch 1002, §3, 17; 2022 Acts, ch 1098, §16

Referred to in §123.46, 232.20, 232.21, 232.149, 232.149A, 321J.1, 692.1

232.20 Admission of child to shelter care or detention.

1. If a child is taken into custody and not released as provided in section 232.19, subsection 2, the child shall immediately be taken to a detention or shelter care facility as specified in sections 232.21 or 232.22.

2. When a child is admitted to a detention or shelter care facility the person in charge of the facility or the person's designated representative shall notify the court, the child's attorney, and the child's parent, guardian, or custodian as soon as possible of the admission and the reasons for that admission.

[C66, 71, 73, 75, 77, §232.17; C79, 81, §232.20]

Referred to in §234.35

232.21 Placement in shelter care.

1. No child shall be placed in shelter care unless one of the following circumstances applies:

a. The child has no parent, guardian, custodian, responsible adult relative or other adult approved by the court who will provide proper shelter, care and supervision.

b. The child desires to be placed in shelter care.

c. It is necessary to hold the child until the child's parent, guardian, or custodian has been contacted and has taken custody of the child.

d. It is necessary to hold the child for transfer to another jurisdiction.

e. The child is being placed pursuant to an order of the court.

2. *a.* A child may be placed in shelter care as provided in this section only in one of the following facilities:

(1) A juvenile shelter care home.

(2) A licensed foster home.

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(3) An institution or other facility operated by the department, or one which is licensed or otherwise authorized by law to receive and provide care for the child.

(4) Any other suitable place designated by the court provided that no place used for the detention of a child may be so designated.

b. Placement shall be made in the least restrictive facility available consistent with the best interests and special needs of the child. Foster family care shall be used for a child unless the child has problems requiring specialized service or supervision which cannot be provided in a family living arrangement.

3. When there is reason to believe that a child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "*c*", would not voluntarily remain in the shelter care facility, the shelter care facility shall impose reasonable restrictions necessary to ensure the child's continued custody.

4. A child placed in a shelter care facility under this section shall not be held for a period in excess of forty-eight hours without an oral or written court order authorizing the shelter care. When the action is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. A child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "*c*", shall not be held in excess of seventy-two hours in any event. If deemed appropriate by the court, an order authorizing shelter care placement may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used by the department to assist in obtaining federal funding for the child's placement.

5. If no satisfactory provision is made for uniting a child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "*c*", with the child's family, a child in need of assistance complaint may be filed pursuant to section 232.81. Nothing in this subsection shall limit the right of a child to file a family in need of assistance petition under section 232.125.

6. A child twelve years of age or younger shall not be placed in a group shelter care home, unless there have been reasonable but unsuccessful efforts to place the child in an emergency foster family home which is able to meet the needs of the child. The efforts shall be documented at the shelter care hearing.

[S13, §254-a24; SS15, §254-a16; C24, 27, 31, 35, 39, §**3633;** C46, 50, 54, 58, 62, §232.17; C66, 71, 73, 75, 77, §232.17, 232.18; C79, 81, §232.21; 82 Acts, ch 1209, §3]

83 Acts, ch 96, §157, 159; 88 Acts, ch 1249, §10, 11; 2001 Acts, ch 135, §5; 2001 Acts, ch 176, §64; 2002 Acts, ch 1050, §22; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §592

Referred to in §232.19, 232.20, 232.44, 234.35

232.22 Placement in detention.

1. A child shall not be placed in detention unless one of the following conditions is met:

a. The child is being held under warrant for another jurisdiction.

b. The child is an escapee from a juvenile correctional or penal institution.

c. There is probable cause to believe that the child has violated conditions of release imposed under section 232.44, subsection 5, paragraph "*b*", or section 232.52 or 232.54, and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.

d. There is probable cause to believe the child has committed a delinquent act, and one of the following conditions is met:

(1) There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance.

(2) There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another.

(3) There is a serious risk that the child if released may commit serious damage to the property of others.

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e. There is probable cause to believe that the child has committed a delinquent act involving possession with intent to deliver any of the following controlled substances:

(1) A mixture or substance containing cocaine base, also known as crack cocaine, and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1, paragraph "*a*", subparagraph (3), paragraph "*b*", subparagraph (3), or paragraph "*c*", subparagraph (3).

(2) A mixture or substance containing cocaine, its salts, optical and geometric isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1, paragraph "*a*", subparagraph (2), subparagraph division (b), paragraph "*b*", subparagraph (2), subparagraph division (b), or paragraph "*c*", subparagraph (2), subparagraph division (b).

(3) A mixture or substance containing methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, and if the act was committed by an adult, it would be a violation of section 124.401, subsection 1.

f. A dispositional order has been entered under section 232.52 placing the child in secure custody in a facility defined in subsection 3, paragraph "*a*" or "*b*".

g. There is probable cause to believe that the child has committed a delinquent act which would be domestic abuse under chapter 236, sexual abuse under chapter 236A, or a domestic abuse assault under section 708.2A if committed by an adult.

2. If deemed appropriate by the court, an order for placement of a child in detention may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may assist the department in obtaining federal funding for the child's placement.

3. Except as provided in subsection 7, a child may be placed in detention as provided in this section in one of the following facilities only:

a. A juvenile detention home.

b. Any other suitable place designated by the court other than a facility under paragraph "*c*".

c. (1) A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, or a violation of section 123.46, and if all of the following apply:

(a) The child is at least fourteen years of age.

(b) The child has shown by the child's conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place enumerated in paragraph "*a*" or "*b*" is unavailable, or the court determines that the child's conduct or condition endangers the safety of others in the facility.

(c) The facility has an adequate staff to supervise and monitor the child's activities at all times.

(d) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.

(2) However, if the child is to be detained for a violation of section 123.46 or section 321J.2, placement in a facility pursuant to this paragraph "*c*" shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph "*c*" shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.

d. A place used for the detention of children prior to an adjudicatory hearing may also

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be used for the detention of a child awaiting disposition to a placement under section 232.52, subsection 2, paragraph *"e"*, while the adjudicated child is awaiting transfer to the disposition placement.

4. A child shall not be held in a facility under subsection 3, paragraph *"a"* or *"b"*, for a period in excess of twenty-four hours without an oral or written court order authorizing the detention. When the detention is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order.

5. A child shall not be detained in a facility under subsection 3, paragraph *"c"*, for a period of time in excess of six hours without the oral or written order of a judge or a magistrate authorizing the detention. A judge or magistrate may authorize detention in a facility under subsection 3, paragraph *"c"*, for a period of time in excess of six hours but less than twenty-four hours, excluding weekends and legal holidays, but only if all of the following occur or exist:

a. The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States office of management and budget.

b. The court determines that an acceptable alternative placement does not exist pursuant to criteria developed by the department.

c. The facility has been certified by the department of corrections as being capable of sight and sound separation pursuant to this section and section 356.3.

d. The child is awaiting an initial hearing before the court pursuant to section 232.44.

6. An adult within the jurisdiction of the court under section 232.8, subsection 1, who has been placed in detention, is not bailable under chapter 811. If such an adult is detained in a room in a facility intended or used for the detention of adults, the adult shall be confined in a room entirely separated from adults not within the jurisdiction of the court under section 232.8, subsection 1.

7. *a.* If the juvenile court has waived its jurisdiction over the child pursuant to section 232.45 or 232.45A or the child is excluded from the jurisdiction of the juvenile court pursuant to section 232.8, subsection 1, paragraph *"c"*, and the child is awaiting trial or other legal process, the child shall not be detained in any facility intended for the detention of adults unless the district court determines that after a hearing and issuing written findings, that such detention is in the best interest of the child and the community. In determining whether it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the court shall consider all of the following:

(1) The age of the child, including the child's physical and mental maturity.

(2) The present mental state of the child, including whether the child presents an imminent risk of harm to the child's self.

(3) The nature and circumstances of the alleged offense.

(4) The child's history of prior delinquent acts.

(5) The relative ability of available adult and juvenile detention facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained children.

(6) Any other relevant factor.

b. If a court determines pursuant to paragraph *"a"* that it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the following conditions shall apply:

(1) The child shall not have sight or sound contact with adult inmates.

(2) The court shall hold a hearing, not less than once every thirty days, or in the case of a rural, nonmetropolitan jurisdiction as determined by the United States office of management and budget, not less than once every forty-five days, to review whether it is still in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults.

(3) The child shall not be detained in a facility intended for the detention of adults for more than one hundred eighty days unless the court, in writing, determines there is good cause for an extension or the child expressly waives this limitation.

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(4) A child detained in a county jail in a facility intended for the detention of adults under this subsection shall have all the rights of adult postarrest or pretrial detainees.

8. Notwithstanding any other provision of the Code to the contrary, a child shall not be placed in detention for a violation of section 123.47, or for failure to comply with a dispositional order which provides for performance of community service for a violation of section 123.47.

[S13, §254-a24; SS15, §254-a16; C24, 27, 31, 35, 39, §**3633;** C46, 50, 54, 58, 62, §232.17; C66, 71, 73, 75, 77, §232.17 – 232.19; C79, 81, §232.22; 82 Acts, ch 1209, §4, 5]

86 Acts, ch 1186, §3; 87 Acts, ch 149, §2 – 4; 88 Acts, ch 1167, §2, 3; 91 Acts, ch 232, §2, 3; 92 Acts, ch 1231, §14, 15; 95 Acts, ch 180, §3; 95 Acts, ch 191, §9; 96 Acts, ch 1164, §7; 97 Acts, ch 126, §14; 2001 Acts, ch 135, §6; 2009 Acts, ch 41, §233, 234, 263; 2017 Acts, ch 121, §3; 2021 Acts, ch 52, §1 – 3; 2023 Acts, ch 19, §593

Referred to in §232.19, 232.20, 232.23, 232.29, 232.44, 232.46, 232.52, 232.149, 803.6

232.23 Detention — youthful offenders.

1. After waiver of a child who will be prosecuted as a youthful offender, the child shall be held in a facility under section 232.22, subsection 3, paragraph "*a*" or "*b*", unless released in accordance with subsection 2.

2. *a.* The court shall determine, at the detention hearing under section 232.44, the amount of bail, appearance bond, or other conditions necessary for a child who has been waived for prosecution as a youthful offender to be released from detention or that the child should not be released from detention.

b. A child placed in detention or released under this subsection shall be supervised by a juvenile court officer or juvenile court services personnel.

c. An order under this section may be reviewed by the court upon motion of either party.

97 Acts, ch 126, §15

Referred to in §232.44, 232.45, 602.1211

232.24 through 232.27 Reserved.

PART 3

INTAKE

232.28 Intake.

1. Any person having knowledge of the facts may file a complaint with the court or its designee alleging that a child has committed a delinquent act. A written record shall be maintained of any oral complaint received.

2. *a.* The court or its designee shall refer the complaint to an intake officer who shall consult with law enforcement authorities having knowledge of the facts and conduct a preliminary inquiry to determine what action should be taken.

b. The court or its designee shall order every complaint to be reviewed using a standardized human trafficking indicator list. The court or its designee may order the child subject to the complaint with the presence of an indicator to be screened for commercial sexual exploitation using a standardized, evidence-based, trauma-informed screening tool.

3. In the course of a preliminary inquiry, the intake officer may:

a. Interview the complainant, victim, or witnesses of the alleged delinquent act.

b. Check existing records of the court, law enforcement agencies, public records of other agencies, and child abuse records as provided in section 235A.15, subsection 2, paragraph "*e*".

c. Hold conferences with the child and the child's parent or parents, guardian, or custodian for the purpose of interviewing them and discussing the disposition of the complaint in accordance with the requirements set forth in subsection 8.

d. Examine any physical evidence pertinent to the complaint.

e. Interview such persons as are necessary to determine whether the filing of a petition

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would be in the best interests of the child and the community as provided in section 232.35, subsections 2 and 3.

4. Any additional inquiries may be made only with the consent of the child and the child's parent or parents, guardian, or custodian.

5. Participation of the child and the child's parent or parents, guardian, or custodian in a conference with an intake officer shall be voluntary, and they shall have the right to refuse to participate in such conference. At such conference the child shall have the right to the assistance of counsel in accordance with section 232.11 and the right to remain silent when questioned by the intake officer.

6. The intake officer, after consultation with the county attorney when necessary, shall determine whether the complaint is legally sufficient for the filing of a petition. A complaint shall be deemed legally sufficient for the filing of a petition if the facts as alleged are sufficient to establish the jurisdiction of the court and probable cause to believe that the child has committed a delinquent act. If the intake officer determines that the complaint is legally sufficient to support the filing of a petition, the officer shall determine whether the interests of the child and the public will best be served by the dismissal of the complaint, the informal adjustment of the complaint, or the filing of a petition.

7. If the intake officer determines that the complaint is not legally sufficient for the filing of a petition or that further proceedings are not in the best interests of the child or the public, the intake officer shall dismiss the complaint.

8. If the intake officer determines that the complaint is legally sufficient for the filing of a petition and that an informal adjustment of the complaint is in the best interests of the child and the community, the officer may make an informal adjustment of the complaint in accordance with section 232.29.

9. If the intake officer determines that the complaint is legally sufficient for the filing of a petition and that the filing of a petition is in the best interests of the child and the public, the officer shall request the county attorney to file a petition in accordance with section 232.35.

[SS15, §254-a15; C24, 27, 31, 35, 39, §**3621;** C46, 50, 54, 58, 62, §232.5; C66, 71, 73, 75, 77, §232.3; C79, 81, §232.28; 82 Acts, ch 1209, §6, 7]

88 Acts, ch 1134, §50; 95 Acts, ch 191, §10; 96 Acts, ch 1110, §1; 97 Acts, ch 126, §16, 17; 98 Acts, ch 1090, §61, 84; 2013 Acts, ch 42, §3; 2023 Acts, ch 19, §594; 2026 Acts, ch 1104, §3

Referred to in §232.147, 235A.15, 915.26
Subsection 2 amended

232.28A Victim rights. Repealed by 98 Acts, ch 1090, §81, 84.

232.29 Informal adjustment.

1. The informal adjustment of a complaint is a permissible disposition of a complaint at intake subject to the following conditions:

a. The child has admitted the child's involvement in a delinquent act.

b. The intake officer shall advise the child and the child's parent, guardian, or custodian that they have the right to refuse an informal adjustment of the complaint and demand the filing of a petition and a formal adjudication.

c. Any informal adjustment agreement shall be entered into voluntarily and intelligently by the child with the advice of the child's attorney, or by the child with the consent of a parent, guardian, or custodian if the child is not represented by counsel.

d. The terms of such agreement shall be clearly stated in writing and signed by all parties to the agreement and a copy of this agreement shall be given to the child; the counsel for the child; the parent, guardian, or custodian; and the intake officer, who shall retain the copy in the case file.

e. An agreement providing for the supervision of a child by a juvenile court officer or the provision of intake services shall not exceed six months.

f. An agreement providing for the referral of a child to a public or private agency for services shall not exceed six months.

g. The child and the child's parent, guardian, or custodian shall have the right to terminate such agreement at any time and to request the filing of a petition and a formal adjudication.

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h. If an informal adjustment of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed only during the period of six months from the date the informal adjustment agreement was entered into. If a petition is filed within this period the child's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.

i. The person performing the duties of intake officer shall file a report at least annually with the court listing the number of informal adjustments made during the reporting time, the conditions imposed in each case, the number of informal adjustments resulting in dismissal without the filing of a petition, and the number of informal adjustments resulting in the filing of a petition upon the original complaint.

2. An informal adjustment agreement may prohibit a child from driving a motor vehicle for a specified period of time or under specific circumstances, require the child to perform a work assignment of value to the state or to the public, or require the child to make restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim. The juvenile court officer shall notify the state department of transportation of the informal adjustment prohibiting the child from driving.

3. The person performing the duties of intake officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends, of any informal adjustment regarding the child, fourteen years of age or older, for an act which would be an aggravated misdemeanor or felony if committed by an adult.

4. An informal adjustment agreement regarding a child who has been placed in detention under section 232.22, subsection 1, paragraph *"g"*, may include a provision that the child voluntarily participate in a batterers' treatment program under section 708.2B.

[C79, 81, §232.29; 82 Acts, ch 1209, §8]

83 Acts, ch 186, §10055, 10201; 94 Acts, ch 1172, §14; 95 Acts, ch 180, §4; 95 Acts, ch 191, §11; 2023 Acts, ch 19, §595

Referred to in §232.28, 915.28

Juvenile victim restitution; see chapter 232A and §915.24 – 915.29

232.30 through 232.34 Reserved.

PART 4

JUDICIAL PROCEEDINGS

232.35 Filing of petition.

1. A formal judicial proceeding to determine whether a child has committed a delinquent act shall be initiated by the filing by the county attorney of a petition alleging that a child has committed a delinquent act. After a petition has been filed, service of a summons requiring the child to appear before the court or service of a notice shall be made as provided in section 232.37.

2. If the intake officer determines that a complaint is legally sufficient for the filing of a petition alleging that a child has committed a delinquent act and that the filing of a petition would be in the best interests of the child and the community, the officer shall submit a written request for the filing of a petition to the county attorney. The county attorney may grant or deny the request of the intake officer for the filing of a petition. A determination by the county attorney that a petition should not be filed shall be final.

3. If the intake officer determines that a complaint is not legally sufficient for the filing of a petition or that the filing of a petition would not be in the best interests of the child and the community, the officer shall notify the complainant of the officer's determination and the reasons for such determination, and shall advise the complainant that the complainant may submit the complaint to the county attorney for review. Upon receiving a request for review, the county attorney shall consider the facts presented by the complainant, consult with the intake officer and make the final determination as to whether a petition should be filed. In the absence of a request by the complainant for a review of the intake officer's determination that

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a petition should not be filed, the officer's determination shall be final, and the intake officer shall inform the county attorney of this decision concerning complaints involving allegations of acts which, if committed by an adult, would constitute an aggravated misdemeanor or a felony.

[SS15, §254-a15; C24, 27, 31, 35, 39, §**3621;** C46, 50, 54, 58, 62, §232.5; C66, 71, 73, 75, 77, §232.3; C79, 81, §232.35]

92 Acts, ch 1231, §16; 2003 Acts, ch 151, §4

Referred to in §232.28, 331.653, 692.1, 692.8, 692.15

232.36 Contents of petition.

1. The petition and subsequent court documents shall be entitled as follows:

In the interests of ....., a child.

2. The petition shall be verified and any statements in the petition may be made upon information and belief.

3. The petition shall set forth plainly:

a. The name, age, and residence of the child who is the subject of the petition.

b. The names and residences of any:

(1) Living parent of the child.

(2) Guardian of the child.

(3) Custodian of the child.

(4) Guardian ad litem.

c. With reasonable particularity, the time, place and manner of the delinquent act alleged and the penal law allegedly violated by such act.

4. If any of the facts required under subsection 3, paragraphs *"a"* and *"b"* are not known by the petitioner, the petition shall so state.

5. The petition shall set forth plainly the nearest known relative of the child if no parent or guardian can be found.

[SS15, §254-a15; C24, 27, 31, 35, 39, §**3621, 3622;** C46, 50, 54, 58, 62, §232.5, 232.6; C66, 71, 73, 75, 77, §232.3; C79, 81, §232.36]

2019 Acts, ch 24, §24; 2025 Acts, ch 86, §58

Referred to in §232.87

232.37 Summons, notice, subpoenas, and service — order for removal.

1. After a petition has been filed the court shall set a time for an adjudicatory hearing and, unless the parties named in subsection 2 voluntarily appear, shall issue a summons requiring the child to appear before the court at a time and place stated and requiring the person who has custody or control of the child to appear before the court and to bring the child with the person at that time. The summons shall attach a copy of the petition and shall give notification of the right to counsel provided for in section 232.11.

2. Notice of the pendency of the case shall be served upon the known parents, guardians, or custodians of a child if these persons are not summoned to appear as provided in subsection 1. Notice shall also be served upon the child and upon the child's guardian ad litem, if any. The notice shall attach a copy of the petition and shall give notification of the right to counsel provided for in section 232.11.

3. Upon request of the child who is identified in the petition as a party to the proceeding, the child's parent, guardian, or custodian; or a county attorney; or on the court's own motion, the court or the clerk of the court shall issue subpoenas requiring the attendance and testimony of witnesses and production of papers at any hearing under this subchapter.

4. Service of summons or notice shall be made personally by the sheriff by delivering a copy of the summons or notice to the person being served. If the court determines that personal service of a summons or notice is impracticable, the court may order service by certified mail addressed to the last known address, by publication, or by electronic mail or other electronic means with the consent of the party to be served. Service of summons or notice shall be made not less than five days before the time fixed for hearing. Service of summons, notice, subpoenas or other process, after an initial valid summons or notice, shall be made in accordance with the rules of the court governing such service in civil actions.

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5. If a person personally served with a summons or subpoena fails without reasonable cause to appear or to bring the child, the person may be proceeded against for contempt of court or the court may issue an order for the arrest of such person or both the arrest of the person and the taking into custody of the child.

6. The court may issue an order for the removal of the child from the custody of the child's parent, guardian, or custodian when there exists an immediate threat that the parent, guardian, or custodian will flee the state with the child, or when it appears that the child's immediate removal is necessary to avoid imminent danger to the child's life or health.

[SS15, 254-a16; C24, 27, 31, 35, 39, §**3623 – 3628, 3630;** C46, 50, 54, 58, 62, §232.7 – 232.12, 232.14; C66, 71, 73, 75, 77, §232.4 – 232.10; C79, 81, §232.37]

84 Acts, ch 1279, §3; 85 Acts, ch 195, §26; 95 Acts, ch 92, §1; 2003 Acts, ch 151, §5; 2019 Acts, ch 127, §1; 2020 Acts, ch 1062, §31; 2022 Acts, ch 1032, §45; 2022 Acts, ch 1098, §17; 2025 Acts, ch 86, §59

Referred to in §232.35, 232.45, 232.54, 232.88, 331.653

232.38 Presence of parents at hearings.

1. Any hearings or proceedings under this subchapter subsequent to the filing of a petition shall not take place without the presence of one or both of the child's parents, guardian, or custodian except that a hearing or proceeding may take place without such presence if the parent, guardian, or custodian fails to appear after reasonable notification, or if the court finds that a reasonably diligent effort has been made to notify the child's parent, guardian, or custodian, and the effort was unavailing.

2. In any such hearings or proceedings the court may temporarily excuse the presence of the parent, guardian, or custodian when the court deems it in the best interests of the child. Counsel for the parent, guardian, or custodian shall have the right to participate in a hearing or proceeding during the absence of the parent, guardian, or custodian.

[SS15, §254-a16; C24, 27, 31, 35, 39, §**3631;** C46, 50, 54, 58, 62, §232.15; C66, 71, 73, 75, 77, §232.11, 232.30; C79, 81, §232.38]

2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §596

Referred to in §232.91

232.39 Exclusion of public from hearings.

At any time during the proceedings, the court, on the motion of any of the parties or upon the court's own motion, may exclude the public from hearings under this subchapter if the court determines that the possibility of damage or harm to the child outweighs the public's interest in having an open hearing. Upon closing the hearing to the public, the court may admit those persons who have direct interest in the case or in the work of the court.

[C24, 27, 31, 35, 39, §**3635;** C46, 50, 54, 58, 62, §232.19; C66, 71, 73, 75, 77, §232.27; C79, 81, §232.39]

88 Acts, ch 1134, §51; 2020 Acts, ch 1062, §94

Referred to in §232.147

232.40 Other issues adjudicated.

When it appears during the course of any hearing or proceeding that some action or remedy other than those indicated by the application or pleading is appropriate, the court, with the consent of all necessary parties, may proceed to hear and determine the additional or other issues as though originally properly sought and pleaded.

[C66, 71, 73, 75, 77, §232.12; C79, 81, §232.40]

232.41 Reporter required.

Stenographic notes or mechanical or electronic recordings shall be taken of all court hearings held pursuant to this subchapter unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be reported in the same manner as required in section 624.9.

[C66, 71, 73, 75, 77, §232.32; C79, 81, §232.41]

2020 Acts, ch 1062, §94

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232.42 Continuances.

1. Continuances in juvenile delinquency proceedings may be granted by the court only for good cause shown on the record if the child is being held in detention.

2. Where the child requests a continuance of proceedings, the court, in an order granting the continuance, may suspend the time limitations imposed on the state by this subchapter for a period of time not to exceed the length of the continuance.

3. Proceedings may be continued for up to one year upon the request of the county attorney and the child to permit the making of probation arrangements prior to the adjudicatory hearing. If either the child or the county attorney requests that the adjudicatory hearing be held at any time during the period of the continuance, the court shall set the matter for hearing.

[S13, §254-a23; C24, 27, 31, 35, 39, §**3637;** C46, 50, 54, 58, 62, §232.21; C66, 71, 73, 75, 77, §232.34; C79, §232.13, 232.42; C81, §232.42]

94 Acts, ch 1172, §15; 2020 Acts, ch 1062, §94

232.43 Answer — plea agreement — acceptance of plea admitting allegations of petition.

1. A written answer to a delinquency petition need not be filed by the child, but any matters which might be set forth in an answer or other pleading may be filed in writing or pleaded orally before the court.

2. The county attorney and the child's counsel may mutually consider a plea agreement which contemplates entry of a plea admitting the allegations of the petition in the expectation that other charges will be dismissed or not filed or that a specific disposition will be recommended by the county attorney and granted by the court. Any plea discussion shall be open to the child and the child's parent, guardian, or custodian.

3. The court shall not accept a plea admitting the allegations of the petition without first addressing the child personally in court, determining that the plea is voluntary and not the result of any force or threats or promises other than promises made in connection with a plea agreement and informing the child of and determining that the child understands the following:

a. The nature of the allegations of the petition to which the plea is offered.

b. The severest possible disposition and the maximum length of such disposition which the court may order if the court accepts the plea.

c. The child has the right to deny the allegations of the petition.

d. If the child admits the allegations of the petition the child waives the right to a further adjudicatory hearing.

4. The court shall not accept a plea admitting the allegations of the petition without first addressing the county attorney and the child's counsel in court and making an inquiry into whether such a plea is the result of a plea agreement. The court shall require the disclosure of the terms of any such agreement in court. If a plea agreement has been reached which contemplates entry of the plea in the expectation that the court will order a specific disposition or dismiss other charges against the child before the court, the court shall state to the parties whether the court will concur in the proposed disposition or dismissal of charges. If the court will not concur in such disposition or dismissal, the court should advise the child personally of this fact, advise the child that the disposition of the case may be less favorable to the child than that contemplated by the plea agreement, and afford the child the opportunity to withdraw the plea. If the court defers decision as to whether the court will concur with the proposed disposition or dismissal until there has been an opportunity to consider the predisposition report, the court shall advise the child that the court is not bound by the plea agreement and afford the child the opportunity to withdraw the plea.

5. The court shall not accept a plea admitting the allegations of the petition without:

a. Determining that there is a factual basis for the plea.

b. Determining that the child was given effective assistance of counsel prior to tender of the plea.

c. Inquiring of the parent or parents who are present in court whether they agree as to the course of action that their child has chosen. If either parent expresses disagreement with the plea, the court may refuse to accept that plea.

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6. If the court determines that a plea is not in the child's best interest it may refuse to accept that plea regardless of the agreement of the parties.

[C79, 81, §232.43]

2023 Acts, ch 19, §597

232.44 Detention or shelter care hearing — release from detention upon change of circumstance.

1. *a.* A hearing shall be held within two working days of the time of the child's admission to a shelter care facility and within one working day of the time of a child's admission to a detention facility. If the hearing is not held within the time specified in this paragraph, except for good cause shown, the child shall be released from shelter care or detention.

b. Prior to the hearing a petition shall be filed, except where the child is already under the supervision of a juvenile court under a prior judgment.

c. If the child is placed in a detention facility in a county other than the county in which the child resides or in which the delinquent act allegedly occurred but which is within the same judicial district, the hearing may take place in the county in which the detention facility is located.

d. The child shall appear in person at the hearing required by this subsection.

2. The county attorney or a juvenile court officer may apply for a hearing at any time after the petition is filed to determine whether the child who is the subject of the petition should be placed in detention or shelter care. The court may upon the application or upon its own motion order such hearing. The court shall order a detention hearing for a child waived under section 232.45, subsection 7, at the time of waiver.

3. A notice shall be served upon the child, the child's attorney, the child's guardian ad litem if any, and the child's known parent, guardian, or custodian not less than twelve hours before the time the hearing is scheduled to begin and in a manner calculated fairly to apprise the parties of the time, place, and purpose of the hearing. In the case of a hearing for a child waived for prosecution as a youthful offender, this notice may accompany the waiver order. If the court finds that there has been reasonably diligent effort to give notice to a parent, guardian, or custodian and that the effort has been unavailing, the hearing may proceed without the notice having been served.

4. At the hearing to determine whether detention or shelter care is authorized under section 232.21 or 232.22 the court shall admit only testimony and other evidence relevant to the determination of whether there is probable cause to believe the child has committed the act as alleged in the petition and to the determination of whether the placement of the child in detention or shelter care is authorized under section 232.21 or 232.22. At the hearing to determine whether a child who has been waived for prosecution as a youthful offender should be released from detention the court shall also admit evidence of the kind admissible to determine bond or bail under chapter 811, notwithstanding section 811.1. Any written reports or records made available to the court at the hearing shall be made available to the parties. A copy of the petition or waiver order shall be given to each of the parties at or before the hearing.

5. The court shall find release to be proper under the following circumstances:

a. If the court finds that there is not probable cause to believe that the child is a child within the jurisdiction of the court under this chapter, it shall release the child and dismiss the petition.

b. If the court finds that detention or shelter care is not authorized under section 232.21 or 232.22, or is authorized but not warranted in a particular case, the court shall order the child's release, and in so doing, may impose one or more of the following conditions:

(1) Place the child in the custody of a parent, guardian, or custodian under that person's supervision, or under the supervision of an organization which agrees to supervise the child.

(2) Place restrictions on the child's travel, association, or place of residence during the period of release.

(3) Impose any other condition deemed reasonably necessary and consistent with the grounds for detaining children specified in section 232.21 or 232.22, including a condition requiring that the child return to custody as required.

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(4) In the case of a child waived for prosecution as a youthful offender, require bail, an appearance bond, or set other conditions consistent with this section or section 811.2.

c. An order releasing a child on conditions specified in this section may be amended at any time to impose equally or less restrictive conditions. The order may be amended to impose additional or more restrictive conditions, or to revoke the release, if the child has failed to conform to the conditions originally imposed.

6. If the court finds that there is probable cause to believe that the child is within the jurisdiction of the court under this chapter and that full-time detention or shelter care is authorized under section 232.21 or 232.22 or that detention is authorized under section 232.23, it may issue an order authorizing either shelter care or detention until the adjudicatory hearing or trial is held or for a period not exceeding seven days, whichever is shorter. However, in the case of a child placed in detention under section 232.23, this period may be extended by agreement of the parties and the court.

7. If a child held in shelter care or detention by court order has not been released after a detention hearing or has not appeared at an adjudicatory hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court day following the expiration of the order. The child, the child's counsel, the child's guardian ad litem, and the child's parent, guardian, or custodian shall be notified of this hearing not less than twenty-four hours before the hearing is scheduled to take place. The hearing required by this subsection may be held by telephone conference call.

8. A child held in a detention or shelter care facility pursuant to section 232.21 or 232.22 under order of court after a hearing may be released upon a showing that a change of circumstances makes continued detention unnecessary.

9. A written request for the release of the child, setting forth the changed circumstances, may be filed by the child, by a responsible adult on the child's behalf, by the child's custodian, or by the juvenile court officer.

10. Based upon the facts stated in the request for release, the court may grant or deny the request without a hearing or may order that a hearing be held at a date, time, and place determined by the court. Notice of the hearing shall be given to the child and the child's custodian or counsel. Upon receiving evidence at the hearing, the court may release the child to the child's custodian or other suitable person, or may deny the request and remand the child to the detention or shelter care facility.

11. This section does not apply to a child placed in accordance with section 232.78, 232.79, or 232.95.

[C79, 81, §232.44; 82 Acts, ch 1209, §9, 10]

87 Acts, ch 149, §5; 94 Acts, ch 1172, §16, 17; 95 Acts, ch 67, §15; 97 Acts, ch 126, §19; 2009 Acts, ch 41, §94; 2018 Acts, ch 1153, §4; 2023 Acts, ch 19, §598, 599; 2025 Acts, ch 30, §49

Referred to in §232.9, 232.11, 232.22, 232.23, 232.45

232.45 Waiver hearing and waiver of jurisdiction.

1. After the filing of a petition which alleges that a child has committed a delinquent act on the basis of an alleged commission of a public offense and before an adjudicatory hearing on the merits of the petition is held, the county attorney or the child may file a motion requesting the court to waive its jurisdiction over the child for the alleged commission of the public offense or for the purpose of prosecution of the child as an adult or a youthful offender. If the county attorney and the child agree, a motion for waiver for the purpose of being prosecuted as a youthful offender may be heard by the district court as part of the proceedings under section 907.3A, or by the juvenile court as provided in this section. If the motion for waiver for the purpose of being prosecuted as a youthful offender is made as a result of a conditional agreement between the county attorney and the child, the conditions of the agreement shall be disclosed to the court in the same manner as provided in rules of criminal procedure 2.8 and 2.10.

2. The court shall hold a waiver hearing on all such motions.

3. Reasonable notice that states the time, place, and purpose of the waiver hearing shall be provided to the persons required to be provided notice for adjudicatory hearings under

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section 232.37. Summons, subpoenas, and other process may be issued and served in the same manner as for adjudicatory hearings as provided in section 232.37.

4. Prior to the waiver hearing, the juvenile probation officer or other person or agency designated by the court shall conduct an investigation for the purpose of collecting information relevant to the court's decision to waive its jurisdiction over the child for the alleged commission of the public offense and shall submit a report concerning the investigation to the court. The report shall include any recommendations made concerning waiver. Prior to the hearing the court shall provide the child's counsel and the county attorney with access to the report and to all written material to be considered by the court.

5. At the waiver hearing all relevant and material evidence shall be admitted.

6. At the conclusion of the waiver hearing the court may waive its jurisdiction over the child for the alleged commission of the public offense for the purpose of prosecution of the child as an adult if all of the following apply:

a. The child is fourteen years of age or older.

b. The court determines, or has previously determined in a detention hearing under section 232.44, that there is probable cause to believe that the child has committed a delinquent act which would constitute the public offense.

c. The court determines that the state has established that there are not reasonable prospects for rehabilitating the child if the juvenile court retains jurisdiction over the child and the child is adjudicated to have committed the delinquent act, and that waiver of the court's jurisdiction over the child for the alleged commission of the public offense would be in the best interests of the child and the community.

7. *a.* At the conclusion of the waiver hearing and after considering the best interests of the child and the best interests of the community the court may, in order that the child may be prosecuted as a youthful offender, waive its jurisdiction over the child if all of the following apply:

(1) The child is twelve through fifteen years of age or the child is ten or eleven years of age and has been charged with a public offense that would be classified as a class "A" felony if committed by an adult.

(2) The court determines, or has previously determined in a detention hearing under section 232.44, that there is probable cause to believe that the child has committed a delinquent act which would constitute a public offense under section 232.8, subsection 1, paragraph "*c*", notwithstanding the application of that paragraph to children aged sixteen or older.

(3) The court determines that the state has established that there are not reasonable prospects for rehabilitating the child, prior to the child's eighteenth birthday, if the juvenile court retains jurisdiction over the child and the child enters into a plea agreement, is a party to a consent decree, or is adjudicated to have committed the delinquent act.

b. The court shall retain jurisdiction over the child for the purpose of determining whether the child should be released from detention under section 232.23. If the court has been apprised of conditions of an agreement between the county attorney and the child which resulted in a motion for waiver for purposes of the child being prosecuted as a youthful offender, and the court finds that the conditions are in the best interests of the child, the conditions of the agreement shall constitute conditions of the waiver order.

8. In making the determination required by subsection 6, paragraph "*c*", the factors which the court shall consider include but are not limited to the following:

a. The nature of the alleged delinquent act and the circumstances under which it was committed.

b. The nature and extent of the child's prior contacts with juvenile authorities, including past efforts of such authorities to treat and rehabilitate the child and the response to such efforts.

c. The programs, facilities and personnel available to the juvenile court for rehabilitation and treatment of the child, and the programs, facilities and personnel which would be available to the court that would have jurisdiction in the event the juvenile court waives its jurisdiction so that the child can be prosecuted as an adult.

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9. In making the determination required by subsection 7, paragraph *"a"*, subparagraph (3), the factors which the court shall consider include but are not limited to the following:

a. The nature of the alleged delinquent act and the circumstances under which it was committed.

b. The nature and extent of the child's prior contacts with juvenile authorities, including past efforts of such authorities to treat and rehabilitate the child and the response to such efforts.

c. The age of the child, the programs, facilities, and personnel available to the juvenile court for rehabilitation and treatment of the child, and the programs, facilities, and personnel which would be available to the district court after the child reaches the age of eighteen in the event the child is given youthful offender status.

10. If at the conclusion of the hearing the court waives its jurisdiction over the child for the alleged commission of the public offense, the court shall make and file written findings as to its reasons for waiving its jurisdiction.

11. *a.* If the court waives jurisdiction, statements made by the child after being taken into custody and prior to intake are admissible as evidence in chief against the child in subsequent criminal proceedings provided that the statements were made with the advice of the child's counsel or after waiver of the child's right to counsel and provided that the court finds the child had voluntarily waived the right to remain silent. Other statements made by a child are admissible as evidence in chief provided that the court finds the statements were voluntary. In making its determination, the court may consider any factors it finds relevant and shall consider the following factors:

(1) Opportunity for the child to consult with a parent, guardian, custodian, lawyer, or other adult.

(2) The age of the child.

(3) The child's level of education.

(4) The child's level of intelligence.

(5) Whether the child was advised of the child's constitutional rights.

(6) Length of time the child was held in shelter care or detention before making the statement in question.

(7) The nature of the questioning which elicited the statement.

(8) Whether physical punishment such as deprivation of food or sleep was used upon the child during the shelter care, detention, or questioning.

b. Statements made by the child during intake or at a waiver hearing held pursuant to this section are not admissible as evidence in chief against the child in subsequent criminal proceedings over the child's objection in any event.

12. If the court waives its jurisdiction over the child for the alleged commission of the public offense so that the child may be prosecuted as an adult or a youthful offender, the judge who made the waiver decision shall not preside at any subsequent proceedings in connection with that prosecution if the child objects.

13. The waiver does not apply to other delinquent acts which are not alleged in the delinquency petition presented at the waiver hearing.

14. *a.* If a child who is alleged to have delivered, manufactured, or possessed with intent to deliver or manufacture, a controlled substance except marijuana, as defined in chapter 124, is waived to district court for prosecution, the mandatory minimum sentence provided in section 124.413 shall not be imposed if a conviction is had; however, each child convicted of such an offense shall be confined for not less than thirty days in a secure facility.

b. Upon application of a person charged or convicted under the authority of this subsection, the district court shall order the records in the case sealed if:

(1) Five years have elapsed since the final discharge of that person; and

(2) The person has not been convicted of a felony or an aggravated or serious

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misdemeanor, or adjudicated a delinquent for an act which if committed by an adult would be a felony, or an aggravated or serious misdemeanor since the final discharge of that person.

[C79, 81, §232.45]

85 Acts, ch 130, §1, 2; 97 Acts, ch 126, §20 – 23; 2001 Acts, ch 135, §26; 2009 Acts, ch 41, §263; 2013 Acts, ch 42, §4, 5

Referred to in §232.8, 232.9, 232.11, 232.22, 232.44, 232.45A, 232.51, 232.89, 232.149B, 803.5, 803.6, 903.1, 904.503, 907.3A, 915.37

Age of majority deemed attained for certain purposes during incarceration following conviction; see §599.1

232.45A Waiver to and conviction by district court — processing.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, for the alleged commission of a felony, and once a conviction is entered by the district court, for all other offenses, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 10, and the judgment of conviction, as applicable, to the department of public safety. The department shall maintain a file on each child who has previously been waived to or waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived by the juvenile court to the district court, all subsequent criminal proceedings against the child for any delinquent act committed after the date of the waiver by the juvenile court shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 10, shall be made a part of the record in the district court proceedings. However, upon acquittal or dismissal in district court of all waived offenses and all lesser included offenses of the waived offenses, the proceedings for any delinquent act committed by the child subsequent to such acquittal or dismissal shall begin in juvenile court. Any proceedings initiated in district court for a public offense committed by the child subsequent to the waiver by the juvenile court, but prior to any acquittal or dismissal of all waived offenses and lesser included offenses in district court, shall remain in district court.

3. If proceedings against a child sixteen years of age or older who has previously been waived to district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver, notwithstanding sections 232.8 and 232.45.

4. This section shall not apply to a child who was waived to the district court for the purpose of being prosecuted as a youthful offender.

91 Acts, ch 232, §4; 92 Acts, ch 1231, §17; 94 Acts, ch 1172, §18; 95 Acts, ch 191, §12; 97 Acts, ch 126, §24; 2013 Acts, ch 42, §6

Referred to in §232.9, 232.22

232.46 Consent decree.

1. *a.* At any time after the filing of a petition and prior to entry of an order of adjudication pursuant to section 232.47, the court may suspend the proceedings on motion of the county attorney or the child's counsel, enter a consent decree, and continue the case under terms and conditions established by the court. These terms and conditions may include any of the following:

(1) Prohibiting the child from driving a motor vehicle for a specified period of time or under specific circumstances. The court shall notify the department of transportation of an order prohibiting the child from driving.

(2) Supervision of the child by a juvenile court officer or other agency or person designated by the court.

(3) The performance of a work assignment of value to the state or to the public.

(4) Making restitution consisting of a monetary payment to the victim or a work assignment directly of value to the victim.

(5) Placement of the child in a group or family foster care setting, if the court makes a determination that such a placement is the least restrictive option.

(6) Placement of the child in a supervised apartment living arrangement if the child has previously and continuously lived in a qualified residential treatment program, a shelter, or a combination of both, for a period of not less than six months immediately preceding the

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determination for placement in a supervised apartment living arrangement, and the child is lacking family support needed to successfully transition to independent living.

b. A child's need for shelter placement or for inpatient mental health or substance use disorder treatment does not preclude entry or continued execution of a consent decree.

2. A consent decree entered regarding a child placed in detention under section 232.22, subsection 1, paragraph "*g*", shall require the child to attend a batterers' treatment program under section 708.2B. The second time the child fails to attend the batterers' treatment as required by the consent decree shall result in the decree being vacated and proceedings commenced under section 232.47.

3. A consent decree shall not be entered unless the child and the child's parent, guardian, or custodian are informed of the consequences of the decree by the court and the court determines that the child has voluntarily and intelligently agreed to the terms and conditions of the decree. If the county attorney objects to the entry of a consent decree, the court shall proceed to determine the appropriateness of entering a consent decree after consideration of any objections or reasons for entering such a decree.

4. A consent decree shall remain in force for up to one year unless the child is sooner discharged by the court or by the juvenile court officer or other agency or person supervising the child. Upon application of a juvenile court officer or other agency or person supervising the child made prior to the expiration of the decree and after notice and hearing, or upon agreement by the parties, a consent decree may be extended for up to an additional year by order of the court.

5. When a child has complied with the express terms and conditions of the consent decree for the required amount of time or until earlier dismissed as provided in subsection 4, the original petition may not be reinstated. However, failure to so comply may result in the child's being thereafter held accountable as if the consent decree had never been entered.

6. A child who is discharged or who completes a period of continuance without the reinstatement of the original petition shall not be proceeded against in any court for a delinquent act alleged in the petition.

[C79, 81, §232.46; 82 Acts, ch 1209, §11]

83 Acts, ch 186, §10055, 10201; 94 Acts, ch 1172, §19; 95 Acts, ch 180, §5; 2008 Acts, ch 1187, §132; 2014 Acts, ch 1141, §74; 2015 Acts, ch 30, §76, 77; 2023 Acts, ch 19, §600, 601; 2023 Acts, ch 64, §32; 2025 Acts, ch 13, §1

Referred to in §232.9, 234.35

Juvenile victim restitution and rights, see chapter 232A and §915.24 – 915.29

232.47 Adjudicatory hearing — findings — adjudication.

1. If a child denies the allegations of the petition, that child may be found to be delinquent only after an adjudicatory hearing conducted in accordance with the provisions of this section.

2. The court shall hear and adjudicate all cases involving a petition alleging a child to have committed a delinquent act.

3. The child shall have the right to adjudication by an impartial finder of fact. A judge of the juvenile court may not serve as the finder of fact over objection of the child based upon a showing of prejudice on the part of the judge. In the event that a judge is disqualified from serving as a finder of fact under this provision, a substitute judge shall serve as the finder of fact.

4. At an adjudicatory hearing the state shall have the burden of proving the allegations of the petition.

5. Only evidence which is admissible under the rules of evidence applicable to the trial of criminal cases shall be admitted at the hearing except as otherwise provided by this section.

6. Statements or other evidence derived directly or indirectly from statements which a child makes to a law enforcement officer while in custody without presence of counsel may be admitted into evidence at an adjudicatory hearing over the child's objection only after the court determines whether the child has voluntarily waived the right to remain silent. In making its determination the court may consider any factors it finds relevant and shall consider the following factors:

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a. Opportunity for the child to consult with a parent, guardian, custodian, lawyer or other adult.

b. The age of the child.

c. The child's level of education.

d. The child's level of intelligence.

e. Whether the child was advised of the child's constitutional rights.

f. Length of time the child was held in shelter care or detention before making the statement in question.

g. The nature of the questioning which elicited the statement.

h. Whether physical punishment such as deprivation of food or sleep was used upon the child during the shelter care, detention, or questioning.

7. The following statements or other evidence shall not be admitted as evidence in chief at an adjudicatory hearing:

a. Statements or other evidence derived directly or indirectly from statements which a child makes to a juvenile intake officer without the presence of counsel subsequent to the filing of a complaint and prior to adjudication unless the child and the child's attorney consent to the admission of such statements or evidence.

b. Statements which the child makes to a juvenile probation officer or other person conducting a predisposition investigation during such an investigation.

8. At the conclusion of an adjudicatory hearing, the court shall make a finding as to whether the child has committed a delinquent act. The court shall make and file written findings as to the truth of the specific allegations of the petition and as to whether the child has engaged in delinquent conduct.

9. If the court finds that the child did not engage in delinquent conduct, the court shall enter an order dismissing the petition.

10. If the court finds that the child did engage in delinquent conduct, the court may enter an order adjudicating the child to have committed a delinquent act. The child shall be presumed to be innocent of the charges and no finding that a child has engaged in delinquent conduct may be made unless the state has proved beyond a reasonable doubt that the child engaged in such behavior.

11. If the court enters an order adjudicating the child to have committed a delinquent act, the court may issue an order authorizing either shelter care or detention until the dispositional hearing is held.

12. A juvenile court officer shall notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school which the child attends of the child's adjudication for a delinquent act which would be an indictable offense if committed by an adult.

[C66, 71, 73, 75, 77, §232.31; C79, 81, §232.47]

94 Acts, ch 1172, §20

Referred to in §232.8, 232.9, 232.11, 232.46, 232.48, 232.49, 232.50, 232.133, 232.147

232.48 Predisposition investigation and report.

1. The court shall not make a disposition of the matter following the entry of an order of adjudication pursuant to section 232.47 until a predisposition report has been submitted to and considered by the court.

2. After a petition is filed, the court shall direct a juvenile court officer or any other agency or individual to conduct a predisposition investigation and to prepare a predisposition report. The investigation and report shall cover all of the following:

a. The social history, environment and present condition of the child and the child's family.

b. The performance of the child in school.

c. The presence of child abuse and neglect histories, learning disabilities, physical impairments and past acts of violence.

d. Other matters relevant to the child's status as a delinquent, treatment of the child or proper disposition of the case.

3. No predisposition report shall be submitted to or considered by the court prior to

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the completion of the adjudicatory hearing without the consent of the child and the child's counsel.

4. A predisposition report shall not be disclosed except as provided in this section and in subchapter VIII. The court shall permit the child's attorney to inspect the predisposition report prior to consideration by the court. The court may order counsel not to disclose parts of the report to the child, or to the child's parent, guardian, guardian ad litem, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the child. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

[C79, 81, §232.48]

83 Acts, ch 186, §10055, 10201; 85 Acts, ch 88, §1; 2005 Acts, ch 124, §2; 2020 Acts, ch 1062, §32

Referred to in §232.147

232.49 Physical assessments and behavioral health evaluations — juvenile delinquency.

1. *a.* Any time after the entry of an order of adjudication under section 232.47, the court may, after a hearing, order a physical assessment or behavioral health evaluation of a child if the court finds that a physical assessment or a behavioral health evaluation is necessary to determine the child's physical condition or to determine if the child has a behavioral health condition.

b. The court may consider chemical dependency as either a physical condition or behavioral health condition and may consider a chemical dependency evaluation as either a physical assessment or behavioral health evaluation.

c. A hearing to order a physical assessment or behavioral health evaluation may be held at the same time as the adjudicatory hearing.

2. Unless otherwise ordered by the court, if a physical assessment or behavioral health evaluation indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, the child's parent, guardian, foster parent, or other person with custody of the child shall be provided with that information.

3. *a.* When possible, a physical assessment or behavioral health evaluation shall be conducted on an outpatient basis. However, if deemed necessary by the court, the court may order the child to a suitable hospital, facility, or institution for the purpose of an inpatient physical assessment or an inpatient behavioral health evaluation.

b. An inpatient physical assessment or an inpatient behavioral health evaluation shall not exceed thirty days.

4. *a.* Any time after the filing of a delinquency petition, the court may order a physical assessment or behavioral health evaluation of the child if all of the following circumstances apply:

(1) The court finds a physical assessment or a behavioral health evaluation to be in the best interest of the child.

(2) The parent, guardian, or custodian and the child's counsel agree to the physical assessment or behavioral health evaluation.

b. (1) A physical assessment or behavioral health evaluation shall be conducted on an outpatient basis unless the court, the child's counsel, and the child's parent, guardian, or custodian agree that the child should be ordered to a suitable hospital, facility, or institution for the purpose of an inpatient physical assessment or an inpatient behavioral health evaluation.

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(2) An inpatient physical assessment or inpatient behavioral health evaluation shall not exceed thirty days.

[C66, 71, 73, 75, 77, §232.13; C79, 81, §232.49]

86 Acts, ch 1186, §4; 2005 Acts, ch 124, §3; 2009 Acts, ch 41, §235; 2025 Acts, ch 30, §50; 2025 Acts, ch 86, §17

Referred to in §232.147

232.50 Dispositional hearing.

1. As soon as practicable following the entry of an order of adjudication pursuant to section 232.47 or notification that the child has been placed on youthful offender status pursuant to section 907.3A, the court shall hold a dispositional hearing in order to determine what disposition should be made of the matter.

2. The court shall hold a periodic dispositional review hearing for each child in placement pursuant to section 232.52, subsection 2, paragraph *"d"* or *"e"*, to determine the future disposition status of the child. The hearings shall not be waived or continued beyond twelve months after the last dispositional hearing or dispositional review hearing.

3. At dispositional hearings under this section all relevant and material evidence shall be admitted.

4. When a dispositional hearing under this section is concluded the court shall enter an order to make any one or more of the dispositions authorized under section 232.52.

[C66, 71, 73, 75, 77, §232.31; C79, 81, §232.50]

87 Acts, ch 159, §1; 97 Acts, ch 99, §1; 97 Acts, ch 126, §25; 2013 Acts, ch 42, §7

Referred to in §232.9, 232.11, 232.52, 232.103

232.51 Disposition of child with mental illness.

1. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court and such proceedings in the juvenile court shall adhere to the requirements of chapter 229.

2. *a.* If prior to the adjudicatory or dispositional hearing on the pending delinquency petition, the child is committed as a child with a mental illness and is ordered into a residential facility, institution, or hospital for inpatient treatment, the delinquency proceeding shall be suspended until such time as the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital for purposes of receiving outpatient treatment.

b. During any time that the delinquency proceeding is suspended pursuant to this subsection, any time limits for speedy adjudicatory hearings and continuances shall be tolled.

c. This subsection shall not apply to waiver hearings held pursuant to section 232.45.

[C79, 81, §232.51]

83 Acts, ch 186, §10055, 10201; 86 Acts, ch 1186, §5; 96 Acts, ch 1129, §62; 2011 Acts, ch 10, §1; 2012 Acts, ch 1019, §85, 86; 2013 Acts, ch 130, §31, 35

Referred to in §229.26

232.52 Disposition of child found to have committed a delinquent act.

1. Pursuant to a hearing as provided in section 232.50, the court shall enter the least restrictive dispositional order appropriate in view of the seriousness of the delinquent act, the child's culpability as indicated by the circumstances of the particular case, the age of the child, the child's prior record, or the fact that the child has been placed on youthful offender status under section 907.3A. The order shall specify the duration and the nature of the disposition, including the type of residence or confinement ordered and the individual, agency, department, or facility in which custody is vested. In the case of a child who has been placed on youthful offender status, the initial duration of the dispositional order shall be until the child reaches the age of eighteen.

2. The dispositional orders which the court may enter subject to its continuing jurisdiction are as follows:

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a. An order prescribing one or more of the following:

(1) A work assignment of value to the state or to the public.

(2) Restitution consisting of monetary payment or a work assignment of value to the victim.

(3) If the child is fourteen years of age or older, restitution consisting of monetary payment or a work assignment of value to the county or to the public for fees of attorneys appointed to represent the child at public expense pursuant to section 232.11.

(4) (a) The suspension or revocation of the driver's license or operating privilege of the child, for a period of one year, for the commission of delinquent acts which are a violation of any of the following:

(i) Section 123.46.

(ii) Section 123.47 regarding the purchase, attempt to purchase, or consumption of alcoholic beverages.

(iii) Chapter 124.

(iv) Section 126.3.

(v) Chapter 453B.

(vi) Two or more violations of section 123.47 regarding the consumption or possession of alcoholic beverages.

(vii) Section 708.1, if the assault is committed upon an employee of the school at which the child is enrolled, and the child intended to inflict serious injury upon the school employee or caused bodily injury or mental illness.

(viii) Section 724.4, if the child used the dangerous weapon in the commission of a crime.

(ix) Section 724.4B.

(b) The child may be issued a temporary restricted license or special minor's restricted license if the child is otherwise eligible.

(5) The suspension of the driver's license or operating privilege of the child for a period not to exceed one year. The order shall state whether a work permit may or shall not be issued to the child.

b. An order placing the child on probation and releasing the child to the child's parent, guardian, or custodian.

c. An order providing special care and treatment required for the physical, emotional, or mental health of the child, and that does all of the following:

(1) Places the child on probation or other supervision.

(2) If the court deems appropriate, orders the parent, guardian, or custodian to reimburse the county for any costs incurred as provided in section 232.141, subsection 1, or to otherwise pay or provide for such care and treatment.

d. An order transferring the legal custody of the child, subject to the continuing jurisdiction of the court for purposes of section 232.54, to one of the following:

(1) An adult relative or other suitable adult and placing the child on probation.

(2) A child-placing agency or other suitable private agency or facility which is licensed or otherwise authorized by law to receive and provide care for children and placing the child on probation or other supervision.

(3) The department for purposes of foster care and prescribing the type of placement which will serve the best interests of the child and the means by which the placement shall be monitored by the court. The court shall consider ordering placement in family foster care as an alternative to group foster care.

(4) The chief juvenile court officer or the officer's designee for placement in a program under section 232.192, subsection 1, paragraph *"d"*. The chief juvenile court officer or the officer's designee may place a child in group foster care for failure to comply with the terms and conditions of the supervised community treatment program for up to seventy-two hours without notice to the court or for more than seventy-two hours if the court is notified of the placement within seventy-two hours of placement, subject to a hearing before the court on the placement within ten days.

e. An order transferring the custody of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director for purposes of placement in the state training school or other facility, provided that the child is at least

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twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or a felony violation of section 124.401 or chapter 707, or the court finds any three of the following conditions exist:

(1) The child is at least fifteen years of age and the court finds the placement to be in the best interests of the child or necessary to the protection of the public.

(2) The child has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.

(3) The child has previously been found to have committed a delinquent act.

(4) The child has previously been placed in a treatment facility outside the child's home or in a supervised community treatment program established pursuant to section 232.192, subsection 1, paragraph *"d"*, as a result of a prior delinquency adjudication.

f. An order committing the child to a mental health institute or other appropriate facility for the purpose of treatment of a mental or emotional condition after making findings pursuant to the standards set out for involuntary commitment in chapter 229.

g. An order placing a child, other than a child who has committed a violation of section 123.47, in secure custody for not more than two days in a facility under section 232.22, subsection 3, paragraph *"a"* or *"b"*.

h. In the case of a child adjudicated delinquent for an act which would be a violation of chapter 236 or section 708.2A if committed by an adult, an order requiring the child to attend a batterers' treatment program under section 708.2B.

3. *a.* An order under subsection 2, paragraph *"a"*, may be the sole disposition or may be included as an element in other dispositional orders.

b. A parent or guardian may be required by the juvenile court to participate in educational or treatment programs as part of a probation plan. A parent or guardian who does not participate in the probation plan when required to do so by the court may be held in contempt.

c. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state unless the group foster care placement meets requirements as established by the department by rule.

4. When the court enters an order placing a child on probation pursuant to this section, the court may in cases of change of residency transfer jurisdiction of the child to the juvenile court of the county where the child's residence is established. The court to which the jurisdiction of the child is transferred shall have the same powers with respect to the child as if the petition had originally been filed in that court.

5. When the court enters an order transferring the legal and physical custody of a child to an agency, facility, department, or institution, the court shall transmit its order, its finding, and a summary of its information concerning the child to such agency, facility, department, or institution.

6. If the court orders the transfer of custody of the child to the department or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

7. *a.* When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph *"d"*, *"e"*, or *"f"*, the order shall state that reasonable efforts as defined in section 232.57 have been made. If deemed appropriate by the court, the order may include a determination that continuation of the child in the child's home is contrary to the child's welfare. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used to assist the department in obtaining federal funding for the child's placement. If such a determination is included in the order, unless the court makes a determination that further reasonable efforts are not required, reasonable efforts shall be made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. The reasonable efforts may include but are not limited to early intervention and follow-up programs implemented pursuant to section 232.192.

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b. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph *"d"*, and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the transfer order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

8. If the court orders the transfer of the custody of the child to the department or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

9. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department has been assigned to work on the child's case, the court may order the department to assign the same social worker or caseworker to work on any matters related to the child arising under this subchapter.

10. *a.* Upon receipt of an application from the director, the court shall enter an order to temporarily transfer a child who has been placed in the state training school pursuant to subsection 2, paragraph *"e"*, to a facility which has been designated to be an alternative placement site for the state training school, provided the court finds that all of the following conditions exist:

(1) There is insufficient time to file a motion and hold a hearing for a substitute dispositional order under section 232.54.

(2) Immediate removal of the child from the state training school is necessary to safeguard the child's physical or emotional health.

(3) That reasonable attempts to notify the parents, guardian ad litem, and attorney for the child have been made.

b. If the court finds the conditions in paragraph *"a"* exist and there is insufficient time to provide notice as required under rule of juvenile procedure 8.12, the court may enter an ex parte order temporarily transferring the child to the alternative placement site.

c. Within three days of the child's transfer, the director shall file a motion for a substitute dispositional order under section 232.54 and the court shall hold a hearing concerning the motion within fourteen days of the child's transfer.

11. The court shall order a juvenile adjudicated a delinquent for an offense that requires DNA profiling under section 81.2 to submit a DNA sample for DNA profiling pursuant to section 81.4.

[C73, §1653 – 1659; C97, §2708, 2709; S13, §254-a23, 2708; C24, 27, 31, 35, 39, §**3637, 3646, 3647, 3652;** C46, 50, 54, 58, 62, §232.27, 232.28, 232.34; C66, 71, 73, 75, 77, §232.34, 232.38, 232.39; C79, 81, §232.52; 82 Acts, ch 1260, §22]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §5; 85 Acts, ch 124, §1; 88 Acts, ch 1249, §12, 13; 90 Acts, ch 1168, §35; 90 Acts, ch 1239, §7, 8; 90 Acts, ch 1271, §1505; 91 Acts, ch 232, §5, 6; 91 Acts, ch 258, §37; 92 Acts, ch 1229, §3; 92 Acts, ch 1231, §20, 21; 94 Acts, ch 1172, §21, 22; 95 Acts, ch 180, §6; 95 Acts, ch 191, §13, 14; 96 Acts, ch 1134, §2; 96 Acts, ch 1218, §57; 97 Acts, ch 51, §1; 97 Acts, ch 99, §2; 97 Acts, ch 126, §26, 27; 97 Acts, ch 208, §40; 98 Acts, ch 1073, §9; 99 Acts, ch 208, §35; 2001 Acts, ch 24, §39; 2001 Acts, ch 135, §7; 2002 Acts, ch 1081, §2; 2003 Acts, ch 117, §4; 2004 Acts, ch 1116, §4, 5; 2005 Acts, ch 158, §12, 19; 2007 Acts, ch 218, §113; 2009 Acts, ch 41, §236; 2009 Acts, ch 133, §220, 221; 2013 Acts, ch 42, §8;

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2014 Acts, ch 1096, §5, 6; 2017 Acts, ch 69, §3; 2018 Acts, ch 1041, §61; 2018 Acts, ch 1101, §1; 2020 Acts, ch 1062, §94; 2021 Acts, ch 35, §7; 2022 Acts, ch 1021, §48; 2022 Acts, ch 1098, §74; 2023 Acts, ch 19, §602 – 605; 2024 Acts, ch 1043, §67 – 69; 2024 Acts, ch 1166, §1

Referred to in §92.17, 232.22, 232.50, 232.53, 232.54, 232.58, 232.133, 234.35, 321.213, 321.213A, 321.215, 321A.17, 692A.103, 907.3A, 915.28

Juvenile victim restitution and rights, see chapter 232A and §915.24 – 915.29

232.52A Disposition of certain juvenile offenders.

1. In addition to any other order of the juvenile court, a child who may be in need of treatment, as determined under section 232.8, may be ordered to participate in a physical assessment or behavioral health evaluation approved by the juvenile court. The court may order the child to participate in a treatment program approved by the court if the treatment program is recommended after the child's physical assessment or behavioral health evaluation. The juvenile court may also require the custodial parent or parents, or guardian, to participate in an educational program with the child if the court determines that such participation is in the best interests of the child.

2. If the duration of a dispositional order is extended pursuant to section 232.53, subsection 3, the court may continue or extend supervision by an electronic tracking and monitoring system in addition to any other conditions of supervision.

90 Acts, ch 1251, §26; 2009 Acts, ch 119, §35; 2025 Acts, ch 86, §18

Referred to in §232.8

232.53 Duration of dispositional orders.

1. Any dispositional order entered by the court pursuant to section 232.52 shall remain in force for an indeterminate period or until the child becomes eighteen years of age unless otherwise specified by the court or unless sooner terminated pursuant to the provisions of section 232.54. No dispositional order made under section 232.52, subsection 2, paragraph "*e*", shall remain in force longer than the maximum possible duration of the sentence which may be imposed on an adult for the commission of the act which the child has been found by the court to have committed.

2. All dispositional orders entered prior to the child attaining the age of seventeen years shall automatically terminate when the child becomes eighteen years of age, except as provided in subsection 3. Dispositional orders entered subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday shall automatically terminate one year and six months after the date of disposition. In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year and six months after the last date upon which jurisdiction could attach.

3. A dispositional order entered prior to the child attaining the age of seventeen, for a child required to register as a sex offender pursuant to the provisions of chapter 692A, may be extended one year and six months beyond the date the child becomes eighteen years of age.

4. Notwithstanding section 233A.13, a child committed to the training school subsequent to the child attaining the age of seventeen years and prior to the child's eighteenth birthday may be held at the school beyond the child's eighteenth birthday pursuant to subsection 2 or 3, provided that the training school makes application to and receives permission from the committing court. This extension shall be for the purpose of completion by the child of a course of instruction established for the child pursuant to section 233A.4 and cannot extend for more than one year and six months beyond the date of disposition unless the duration of the dispositional order was extended pursuant to subsection 3.

5. *a.* Any person supervising but not having custody of the child pursuant to such an order shall file a written report with the court at least every six months concerning the status and progress of the child.

b. Any agency, facility, institution, or person to whom custody of the child has been transferred pursuant to such order shall file a written report with the court at least every six months concerning the status and progress of the child.

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c. Any report prepared pursuant to this subsection shall be included in the record considered by the court in a permanency hearing conducted pursuant to section 232.58.

[C73, §1653 – 1658; C97, §2708; S13, §254-a23, 2708; C24, 27, 31, 35, 39, §**3639, 3649;** C46, 50, 54, 58, 62, §232.23, 232.30; C66, 71, 73, 75, §232.36, 232.37; C79, 81, §232.53; 82 Acts, ch 1209, §12]

84 Acts, ch 1166, §1; 2000 Acts, ch 1056, §2; 2001 Acts, ch 135, §8; 2009 Acts, ch 119, §34, 36

Referred to in §232.52A

232.54 Termination, modification, or vacation and substitution of dispositional order.

1. At any time prior to its expiration, a dispositional order may be terminated, modified, or vacated and another dispositional order substituted therefor only in accordance with the following provisions:

a. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph *"a"*, *"b"*, or *"c"*, and upon the motion of a child, a child's parent or guardian, a child's guardian ad litem, a person supervising the child under a dispositional order, a county attorney, or upon its own motion, the court may terminate the order and discharge the child, modify the order, or vacate the order and substitute another order pursuant to the provisions of section 232.52. Notice shall be afforded all parties, and a hearing shall be held at the request of any party.

b. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs *"d"* and *"e"*, the court shall grant a motion of the person to whom custody has been transferred for termination of the order and discharge of the child, for modification of the order by imposition of less restrictive conditions, or for vacation of the order and substitution of a less restrictive order unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

c. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph *"d"*, or *"e"*, or *"f"*, the court shall grant a motion of a person or agency to whom custody has been transferred for modification of the order by transfer to an equally restrictive placement, unless there is clear and convincing evidence that there has not been a change of circumstance sufficient to grant the motion. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

d. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph *"d"*, *"e"*, or *"f"*, the court may, after notice and hearing, either grant or deny a motion of the child, the child's parent or guardian, or the child's guardian ad litem, to terminate the order and discharge the child, to modify the order either by imposing less restrictive conditions or by transfer to an equally or less restrictive placement, or to vacate the order and substitute a less restrictive order. A motion may be made pursuant to this paragraph no more than once every six months.

e. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraphs *"d"* and *"e"*, the court may, after notice and a hearing at which there is presented clear and convincing evidence to support such an action, either grant or deny a motion by a county attorney or by a person or agency to whom custody has been transferred, to modify an order by imposing more restrictive conditions or to vacate the order and substitute a more restrictive order.

f. With respect to a temporary transfer order made pursuant to section 232.52, subsection 10, if the court finds that removal of a child from the state training school is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a substitute dispositional order to place the child in a facility which has been designated to be an alternative placement site for the state training school.

g. With respect to a juvenile court dispositional order entered regarding a child who has been placed on youthful offender status under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following

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a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has been placed on youthful offender status may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

h. With respect to a dispositional order entered regarding a child who has been placed on youthful offender status under section 907.3A, the juvenile court may, in the case of a child who violates the terms of the order, modify or terminate the order in accordance with the following:

(1) After notice and hearing at which the facts of the child's violation of the terms of the order are found, the juvenile court may refuse to modify the order, modify the order and impose a more restrictive order, or, after an assessment of the child by a juvenile court officer in consultation with the judicial district department of correctional services and if the child is age fourteen or over, terminate the order and return the child to the supervision of the district court under chapter 907.

(2) The juvenile court shall only terminate an order under this paragraph *"h"* if after considering the best interests of the child and the best interests of the community the court finds that the child should be returned to the supervision of the district court.

(3) A youthful offender over whom the juvenile court has terminated the dispositional order under this paragraph *"h"* shall be treated in the manner of an adult who has been arrested for a violation of probation under section 908.11 for sentencing purposes only.

i. With respect to a dispositional order requiring a child to register as a sex offender pursuant to chapter 692A, the juvenile court shall determine whether the child shall remain on the sex offender registry prior to termination of the dispositional order.

2. Notice requirements of this section shall be satisfied by providing reasonable notice to the persons required to be provided notice for adjudicatory hearings under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. At a hearing under this section all relevant and material evidence shall be admitted.

[C79, 81, §232.54]

90 Acts, ch 1239, §9; 95 Acts, ch 92, §2; 97 Acts, ch 126, §28; 98 Acts, ch 1100, §25; 2001 Acts, ch 135, §27; 2009 Acts, ch 41, §237; 2009 Acts, ch 119, §37; 2013 Acts, ch 42, §9, 10

Referred to in §232.9, 232.11, 232.22, 232.52, 232.53, 692A.106, 907.3A

232.55 Effect of adjudication and disposition.

1. An adjudication or disposition in a proceeding under this subchapter shall not be deemed a conviction of a crime and shall not impose any civil disabilities or operate to disqualify the child in any civil service application or appointment.

2. *a.* Adjudication and disposition proceedings under this subchapter are not admissible as evidence against a person in a subsequent proceeding in any other court before or after the person reaches majority except in a proceeding pursuant to chapter 229A or in a sentencing proceeding after conviction of the person for an offense other than a simple or serious misdemeanor.

b. Adjudication and disposition proceedings may properly be included in a presentence investigation report prepared pursuant to chapter 901 and section 906.5.

c. However, the use of adjudication and disposition proceedings pursuant to this subsection shall be subject to the restrictions contained in section 232.150.

3. This section does not apply to dispositional orders entered regarding a child who has

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been placed on youthful offender status under section 907.3A who is not discharged from probation before or upon the child's eighteenth birthday.

[C79, 81, §232.55]

85 Acts, ch 179, §1; 97 Acts, ch 126, §29; 2009 Acts, ch 41, §238; 2013 Acts, ch 42, §11; 2014 Acts, ch 1059, §3; 2020 Acts, ch 1062, §94

Referred to in §321.213

232.56 Youthful offenders — transfer to district court supervision.

The juvenile court shall deliver a report, which includes an assessment of the child by a juvenile court officer after consulting with the judicial district department of correctional services, to the district court prior to the eighteenth birthday of a child who has been placed on youthful offender status under section 907.3A. A hearing shall be held in the district court in accordance with section 907.3A to determine whether the child should be discharged from youthful offender status or whether the child shall continue under the supervision of the district court after the child's eighteenth birthday.

97 Acts, ch 126, §30; 2013 Acts, ch 42, §12

Referred to in §907.3A

232.57 Reasonable efforts defined — effect of aggravated circumstances.

1. For the purposes of this subchapter, unless the context otherwise requires, *"reasonable efforts"* means the efforts made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. Reasonable efforts shall include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If a court order includes a determination that continuation of the child in the child's home is not appropriate or not possible, reasonable efforts may include the efforts made in a timely manner to finalize a permanency plan for the child.

2. If the court determines by clear and convincing evidence that aggravated circumstances exist, with written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in section 232.116, subsection 1, paragraph *"i"*, are applicable to the child.

c. The parent's parental rights have been terminated under section 232.116 with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

d. The parent has been convicted of the murder of another child.

e. The parent has been convicted of the voluntary manslaughter of another child.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child.

3. Any order entered under this subchapter may include findings regarding reasonable efforts.

2001 Acts, ch 135, §9; 2007 Acts, ch 172, §4; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §18

Referred to in §232.21, 232.22, 232.52, 232B.5

232.58 Permanency hearings.

1. If an order entered pursuant to this subchapter for an out-of-home placement of a child includes a determination that continuation of the child in the child's home is contrary to the child's welfare, the court shall review the child's continued placement by holding a permanency hearing or hearings in accordance with this section. The initial permanency hearing shall be the earlier of the following:

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a. For an order for which the court has not waived reasonable efforts requirements, the permanency hearing shall be held within twelve months of the date the child was removed from the home.

b. For an order in a case in which aggravated circumstances exist for which the court has waived reasonable efforts requirements, the permanency hearing shall be held within thirty days of the date the requirements were waived.

2. Reasonable notice shall be provided of a permanency hearing for an out-of-home placement in which the court order has included a determination that continuation of the child in the child's home is contrary to the child's welfare. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any case permanency plan or evidence submitted to the court and the reasonable efforts made concerning the child. Upon completion of the hearing, the court shall enter written findings identifying a primary permanency goal for the child. If a case permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and in complying with the other provisions of that case permanency plan.

3. After a permanency hearing, the court shall do one of the following:

a. Enter an order pursuant to section 232.52 to return the child to the child's home.

b. Enter an order pursuant to section 232.52 to continue the out-of-home placement of the child for an additional six months at which time the court shall hold a hearing to consider modification of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the child's home will no longer exist at the end of the additional six-month period.

c. Direct the county attorney or the attorney for the child to institute proceedings to terminate the parent-child relationship.

d. Enter an order, pursuant to findings based upon the existence of the evidence required by subsection 5, to do one of the following:

(1) Transfer guardianship and custody of the child to a suitable person.

(2) Transfer sole custody of the child from one parent to another parent.

(3) Transfer custody of the child to a suitable person for the purpose of long-term care.

(4) If the child is sixteen years of age or older and the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph *"d"* would not be in the child's best interest, order another planned permanent living arrangement for the child.

4. If the court enters an order for another planned permanent living arrangement pursuant to subsection 3, paragraph *"d"*, the court shall do all of the following:

a. Ask the child about the child's desired permanency outcome and make a judicial determination that another planned permanent living arrangement is the best permanency plan for the child.

b. Require the department to do all of the following:

(1) Document the efforts to place a child permanently with a parent, relative, or in a guardianship or adoptive placement.

(2) Document that the planned permanent living arrangement is the best permanency plan for the child and compelling reasons why it is not in the child's best interest to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(3) Document all of the following at the permanency hearing and the six-month periodic review:

(a) The steps the department is taking to ensure that the planned permanent living arrangement follows the reasonable and prudent parent standard.

(b) Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

5. Prior to entering a permanency order pursuant to subsection 3, paragraph *"d"*, clear and convincing evidence must exist showing that all of the following apply:

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a. A termination of the parent-child relationship would not be in the best interest of the child.

b. Services were offered to the child's family to correct the situation which led to the child's removal from the home.

c. The child cannot be returned to the child's home.

6. Any permanency order may provide restrictions upon the contact between the child and the child's parent or parents, consistent with the best interest of the child.

7. With respect to a dispositional order made pursuant to section 232.52, subsection 2, paragraph "*d*", "*e*", or "*f*", for which the court has suspended or terminated sibling visitation or interaction, when a review is made under this section the court shall consider whether the visitation or interaction can be safely resumed and may modify the suspension or termination as appropriate.

8. Subsequent to the entry of a permanency order pursuant to this section, the child shall not be returned to the care, custody, or control of the child's parent or parents, over a formal objection filed by the child's attorney or guardian ad litem, unless the court finds by a preponderance of the evidence that returning the child to such custody would be in the best interest of the child.

9. Following an initial permanency hearing and the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interest of the child is being served. When the order places the child in the custody of the department for the purpose of a planned permanent living arrangement, the review shall be in a hearing that shall not be waived or continued beyond twelve months after the initial permanency hearing or the last permanency review hearing. Any modification shall be accomplished through a hearing procedure following reasonable notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

2001 Acts, ch 135, §10; 2007 Acts, ch 67, §3; 2007 Acts, ch 172, §5; 2016 Acts, ch 1063, §5, 6; 2020 Acts, ch 1062, §94

Referred to in §232.53

232.59 and 232.60 Reserved.

SUBCHAPTER III

CHILD IN NEED OF ASSISTANCE PROCEEDINGS

Referred to in §232.2, 232.3A, 232.109, 232.147, 600A.5

PART 1

GENERAL PROVISIONS

232.61 Jurisdiction.

1. The juvenile court shall have exclusive jurisdiction over proceedings under this chapter alleging that a child is a child in need of assistance.

2. In determining such jurisdiction the age and marital status of the child at the time the proceedings are initiated is controlling.

[C71, 73, 75, 77, §232.63; C79, 81, §232.61]

232.62 Venue.

1. Venue for child in need of assistance proceedings shall be in the judicial district where the child is found or in the judicial district of the child's residence.

2. The court may transfer any child in need of assistance proceedings brought under this chapter to the juvenile court of any county having venue at any stage in the proceedings as follows:

a. When it appears that the best interests of the child or the convenience of the

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proceedings shall be served by a transfer, the court may transfer the case to the court of the county of the child's residence.

b. With the consent of the receiving court, the court may transfer the case to the court of the county where the child is found.

3. The court shall transfer the case by ordering the transfer and a continuance and by forwarding to the clerk of the receiving court a certified copy of all papers filed together with an order of transfer. The judge of the receiving court may accept the filings of the transferring court or may direct the filing of a new petition and hear the case anew.

[C71, 73, 75, 77, §232.68 – 232.70; C79, 81, §232.62]
Referred to in §232.110, 232.123

232.63 through 232.66 Reserved.

PART 2

CHILD ABUSE REPORTING, ASSESSMENT, AND REHABILITATION

Referred to in §135L.3, 232E.2, 235A.13

232.67 Legislative findings — purpose and policy.

Children in this state are in urgent need of protection from abuse. It is the purpose and policy of subchapter III to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of abuse, ensuring the thorough and prompt assessment of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child. The state recognizes removing a child from the child's family will cause the child harm and that the harm caused by a child's removal must be weighed against the potential harm in allowing a child to remain with the child's family.

[C66, 71, 73, 75, 77, §235A.1; C79, 81, §232.67]
97 Acts, ch 35, §3, 25; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §19
Referred to in §232.68

232.68 Definitions.

The definitions in section 235A.13 are applicable to this part 2 of subchapter III. As used in sections 232.67 through 232.77 and chapter 235A, subchapter II, unless the context otherwise requires:

1. *"Child"* means any person under the age of eighteen years.

2. *a. "Child abuse"* or *"abuse"* means:

(1) Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.

(2) Any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional as defined in section 622.10.

(3) The commission of a sexual offense with or to a child pursuant to chapter 709, section 726.2, or section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child or of a person who is fourteen years of age or older and resides in a home with the child. Notwithstanding section 702.5, the commission of a sexual offense under this subparagraph includes any sexual offense referred to in this subparagraph with or to a person under the age of eighteen years.

(4) (a) The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when

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offered financial or other reasonable means to do so and the failure occurred within five years of a report.

(b) For the purposes of subparagraph division (a), failure to provide for the adequate supervision of a child means the person failed to provide proper supervision of a child that a reasonable and prudent person would exercise under similar facts and circumstances and the failure resulted in direct harm or created a risk of harm to the child.

(c) A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child, however this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.

(d) If a child has a diagnosed behavioral health condition and, despite reasonable attempts, the child's parent or legal guardian is unable to provide necessary care for the child's health and welfare solely because the parent or legal guardian is unable to access appropriate behavioral or mental health treatment for the child, the department shall not consider the lack of provision of appropriate behavioral or mental health treatment as child abuse. This subparagraph division shall not be construed to prohibit the department from assessing a child's situation and facilitating appropriate intervention the department deems is in the best interests of the child.

(5) The acts or omissions of a person responsible for the care of a child which allow, permit, or encourage the child to engage in acts prohibited pursuant to section 725.1. Notwithstanding section 702.5, acts or omissions under this subparagraph include an act or omission referred to in this subparagraph with or to a person under the age of eighteen years.

(6) An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.

(7) The person responsible for the care of a child, in the presence of a child, as defined in section 232.96A, subsection 16, paragraph *"e"*, unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance, as defined in section 232.96A, subsection 16, paragraph *"f"*, or knowingly allows such use, possession, manufacture, cultivation, or distribution by another person in the presence of a child; possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of a child; or unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance specified in section 232.96A, subsection 16, paragraph *"f"*, subparagraph (1), (2), or (3), in a child's home, on the premises, or in a motor vehicle located on the premises and the incident occurred within five years of a report to the department.

(8) The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.

(9) (a) A person who is responsible for the care of a child knowingly allowing another person custody of, control over, or unsupervised access to a child under the age of fourteen or a child with a physical or mental disability, after knowing the other person is required to register or is on the sex offender registry under chapter 692A.

(b) This subparagraph does not apply in any of the following circumstances:

(i) A child living with a parent or guardian who is a sex offender required to register or on the sex offender registry under chapter 692A.

(ii) A child living with a parent or guardian who is married to and living with a sex offender required to register or on the sex offender registry under chapter 692A.

(iii) A child who is a sex offender required to register or on the sex offender registry under chapter 692A who is living with the child's parent, guardian, or foster parent and is also living with the child to whom access was allowed.

(c) For purposes of this subparagraph, *"control over"* means any of the following:

(i) A person who has accepted, undertaken, or assumed supervision of a child from the parent or guardian of the child.

(ii) A person who has undertaken or assumed temporary supervision of a child without explicit consent from the parent or guardian of the child.

(10) The person responsible for the care of the child has knowingly allowed the child

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access to obscene material as defined in section 728.1 or has knowingly disseminated or exhibited such material to the child.

(11) The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of commercial sexual activity as defined in section 710A.1.

b. *"Child abuse"* or *"abuse"* shall not be construed to hold a victim responsible for failing to prevent a crime against the victim.

2A. *"Child protection worker"* means an individual designated by the department to perform an assessment in response to a report of child abuse.

3. *"Confidential access to a child"* means access to a child, who is alleged to be the victim of child abuse, during a child abuse assessment. The access may be accomplished by interview, observation, or physical assessment of the child. As used in this subsection and this part:

a. (1) *"Interview"* means either of the following:

(a) A verbal exchange between the child protection worker and the child for the purpose of developing information necessary to protect the child.

(b) A verbal exchange between a forensic interviewer at a child protection center or a child advocacy center and the child for the purpose of developing information necessary to protect the child.

(2) A child protection worker or a forensic interviewer at a child protection center or a child advocacy center is not precluded from recording visible evidence of abuse.

b. *"Observation"* means direct physical viewing of a child under the age of four by the child protection worker where the viewing is limited to the child's body other than the genitalia and pubes. *"Observation"* also means direct physical viewing of a child aged four or older by the child protection worker without touching the child or removing an article of the child's clothing, and doing so without the consent of the child's parent, custodian, or guardian. A child protection worker is not precluded from recording evidence of abuse obtained as a result of a child's voluntary removal of an article of clothing without inducement by the child protection worker. However, if prior consent of the child's parent or guardian, or an ex parte court order, is obtained, *"observation"* may include viewing the child's unclothed body other than the genitalia and pubes.

4. *"Department"* means the department of health and human services and includes the local and county offices of the department.

5. *"Differential response"* means an assessment system in which there are two discrete pathways to respond to accepted reports of child abuse, a child abuse assessment and a family assessment. The child abuse assessment pathway shall require a determination of abuse and a determination of whether criteria for placement on the central abuse registry are met. As used in this subsection and this part:

a. *"Assessment"* means the process by which the department responds to all accepted reports of alleged child abuse. An *"assessment"* addresses child safety, family functioning, culturally competent practice, and identifies the family strengths and needs, and engages the family in services if needed. The department's assessment process occurs either through a child abuse assessment or a family assessment.

b. *"Child abuse assessment"* means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraphs (1) through (3) and subparagraphs (5) through (10), or which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraph (4), that also allege imminent danger, death, or injury to a child. A *"child abuse assessment"* results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

c. *"Family assessment"* means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in subsection 2, paragraph *"a"*, subparagraph (4), but do not allege imminent danger, death, or injury to a child. A *"family assessment"* does not include a determination of whether a case meets the definition of child abuse and does not include a determination of whether criteria for placement on the registry are met.

6. *"Health practitioner"* includes a licensed physician and surgeon, osteopathic physician

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and surgeon, dentist, optometrist, podiatric physician, or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist, a registered nurse or licensed practical nurse; a physician associate; and an emergency medical care provider certified under section 147A.6.

7. *"Mental health professional"* means a person who meets the following requirements:

a. Holds at least a master's degree in a mental health field, including but not limited to psychology, counseling, nursing, or social work; or is licensed to practice medicine pursuant to chapter 148.

b. Holds a license to practice in the appropriate profession.

c. Has at least two years of postdegree experience, supervised by a mental health professional, in assessing mental health problems and needs of individuals used in providing appropriate mental health services for those individuals.

8. *"Person responsible for the care of a child"* means:

a. A parent, guardian, or foster parent.

b. A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence.

c. An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility.

d. Any person providing care for a child, but with whom the child does not reside, without reference to the duration of the care.

9. *"Registry"* means the central registry for child abuse information established in section 235A.14.

10. *"Sex trafficking"* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of commercial sexual activity as defined in section 710A.1.

11. *"Sex trafficking victim"* means a victim of sex trafficking.

[C66, 71, 73, 75, 77, §235A.2; C79, 81, §232.68]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1207, §1, 2; 85 Acts, ch 173, §2; 86 Acts, ch 1177, §1; 87 Acts, ch 153, §1, 2; 89 Acts, ch 24, §1; 89 Acts, ch 89, §16; 89 Acts, ch 230, §3, 4; 93 Acts, ch 76, §1; 93 Acts, ch 93, §2; 94 Acts, ch 1130, §1, 2; 95 Acts, ch 41, §24; 95 Acts, ch 108, §17; 95 Acts, ch 182, §7; 96 Acts, ch 1092, §2; 97 Acts, ch 35, §4, 5, 25; 97 Acts, ch 176, §1; 2001 Acts, ch 46, §2; 2001 Acts, ch 131, §1; 2003 Acts, ch 44, §49; 2004 Acts, ch 1116, §6; 2005 Acts, ch 158, §20; 2008 Acts, ch 1088, §113 – 115; 2009 Acts, ch 119, §64; 2010 Acts, ch 1151, §2; 2011 Acts, ch 28, §1, 2; 2013 Acts, ch 115, §1, 19; 2016 Acts, ch 1063, §7 – 9; 2017 Acts, ch 86, §2; 2018 Acts, ch 1041, §120; 2018 Acts, ch 1165, §104, 105; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §20, 21; 2023 Acts, ch 19, §606; 2025 Acts, ch 86, §19, 20; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1014, §1; 2026 Acts, ch 1083, §1

Referred to in §20.31, 135.119, 135L.3, 152C.10, 232.69, 232.70, 232.71B, 232.71D, 232.76, 232.96A, 235A.13, 235A.18, 235B.3, 249A.4, 659A.4, 915.35, 915.84

Code editor directive applied

Subsection 2, paragraph a, subparagraph (4), NEW subparagraph division (d)

Subsection 3, paragraph a amended

232.69 Mandatory and permissive reporters — training required.

1. The classes of persons enumerated in this subsection shall make a report within twenty-four hours and as provided in section 232.70, of cases of child abuse. In addition, the classes of persons enumerated in this subsection shall make a report of abuse of a child which would be defined as child abuse under section 232.68, subsection 2, paragraph *"a"*, subparagraph (3) or (5), except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.

a. Every health practitioner who in the scope of professional practice, examines, attends, or treats a child and who reasonably believes the child has been abused. Notwithstanding section 139A.30, this provision applies to a health practitioner who receives information confirming that a child is infected with a sexually transmitted disease.

b. Any of the following persons who, in the scope of professional practice or in their

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employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:

(1) A social worker.

(2) An employee or operator of a public or private health care facility as defined in section 135C.1.

(3) A certified psychologist.

(4) A licensed school employee, certified para-educator, holder of a coaching authorization issued under section 256.165, school employee who is eighteen years of age or older, or an instructor employed by a community college.

(5) An employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program under section 216A.107, or healthy opportunities for parents to experience success – healthy families Iowa program under section 234A.5.

(6) An employee or operator of a substance use disorder program or facility licensed under chapter 125.

(7) An employee of a department institution listed in section 218.1.

(8) An employee or operator of a juvenile detention or juvenile shelter care facility approved under section 232.142.

(9) An employee or operator of a child foster care facility under chapter 237.

(10) An employee or operator of a mental health center.

(11) A peace officer.

(12) A counselor or mental health professional.

(13) An employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver.

(14) An employee, operator, owner, or other person who performs duties for a children's residential facility certified under chapter 237C.

(15) A massage therapist licensed pursuant to chapter 152C.

2. Any other person who believes that a child has been abused may make a report as provided in section 232.70.

3. *a.* For the purposes of this subsection, *"licensing board"* means a board designated in section 147.13, the board of educational examiners created in section 256.146, or a licensing board as defined in section 272C.1.

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete the core training curriculum relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving physical assessments or behavioral health evaluations, or attending, counseling, or treating children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete the core training curriculum relating to the identification and reporting of child abuse every three years.

c. The core training curriculum relating to the identification and reporting of child abuse, as provided in paragraph *"b"*, shall be developed and provided by the department.

d. An employer of a person required to make a report under subsection 1 may provide supplemental training, specific to identification and reporting of child abuse as it relates to the person's professional practice, in addition to the core training provided by the department.

e. A licensing board with authority over the license of a person required to make a report under subsection 1 shall require as a condition of licensure that the person is in compliance with the requirements for the core training curriculum relating to the identification and reporting of child abuse under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is

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practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering child abuse in this state.

f. For persons required to make a report under subsection 1 who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of renewal of the facility's or program's licensure, registration, or approval, that such persons employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to make a report under subsection 1 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

[C66, 71, 73, 75, 77, §235A.3; C79, 81, §232.69]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §4, 6; 85 Acts, ch 173, §3 – 5; 87 Acts, ch 153, §3; 88 Acts, ch 1238, §1; 89 Acts, ch 89, §17; 89 Acts, ch 230, §5; 89 Acts, ch 265, §40; 94 Acts, ch 1130, §3; 97 Acts, ch 85, §1; 99 Acts, ch 192, §27, 33; 2000 Acts, ch 1066, §42; 2001 Acts, ch 122, §2, 3; 2002 Acts, ch 1047, §2, 20; 2002 Acts, ch 1142, §1, 31; 2005 Acts, ch 121, §2; 2007 Acts, ch 10, §164, 165; 2008 Acts, ch 1072, §3; 2013 Acts, ch 129, §54; 2018 Acts, ch 1113, §1; 2019 Acts, ch 91, §2, 3; 2022 Acts, ch 1078, §2; 2023 Acts, ch 19, §607; 2023 Acts, ch 95, §1, 2; 2024 Acts, ch 1075, §5; 2025 Acts, ch 86, §21; 2025 Acts, ch 135, §4; 2026 Acts, ch 1164, §26

Referred to in §135H.13, 152C.3, 232.68, 232.70, 232.75, 232.77, 237.9, 237A.5, 256.165, 907.3, 915.35

Subsection 1, paragraph b, subparagraph (5) amended

232.70 Reporting procedure.

1. Each report made by a mandatory reporter, as defined in section 232.69, subsection 1, or a permissive reporter, as defined in section 232.69, subsection 2, shall be oral.

2. The employer or supervisor of a person who is a mandatory or permissive reporter shall not apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.

3. The oral report shall be made by telephone or otherwise to the department. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

4. Upon receipt of a report, the department shall do all of the following:

a. Immediately make a determination as to whether the report constitutes an allegation of child abuse as defined in section 232.68.

b. Notify the appropriate county attorney of the receipt of the report.

5. The oral and written reports shall contain the following information, or as much of the following information as the person making the report is able to furnish:

a. The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care.

b. The child's present whereabouts if not the same as the parent's or other person's home address.

c. The child's age.

d. The nature and extent of the child's injuries, including any evidence of previous injuries.

e. The name, age and condition of other children in the same home.

f. If the person making the report is a licensed school employee who reasonably believes the person responsible for the injury is also a licensed school employee, the identity of the licensed school employee the person making the report believes is responsible for the injury.

g. Any other information which the person making the report believes might be helpful in establishing the cause of the injury to the child, the identity of the person or persons responsible for the injury, or in providing assistance to the child.

h. The name and address of the person making the report.

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6. A report made by a permissive reporter, as defined in section 232.69, subsection 2, shall be regarded as a report pursuant to this chapter whether or not the report contains all of the information required by this section and may be made to the department, county attorney, or law enforcement agency. If the report is made to any agency other than the department, such agency shall promptly refer the report to the department.

7. Within twenty-four hours of receiving a report from a mandatory or permissive reporter, the department shall inform the reporter, orally or by other appropriate means, whether or not the department has commenced an assessment of the allegation in the report.

8. If a report would be determined to constitute an allegation of child abuse as defined under section 232.68, subsection 2, paragraph *"a"*, subparagraph (3) or (5), except that the suspected abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child, the department shall refer the report to the appropriate law enforcement agency having jurisdiction to investigate the allegation. The department shall refer the report orally as soon as practicable and in writing within seventy-two hours of receiving the report.

9. If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

a. Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.

b. Refer the child for appropriate services.

c. Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.

[C66, 71, 73, 75, 77, §235A.4; C79, 81, §232.70]

83 Acts, ch 96, §157, 159; 87 Acts, ch 153, §4; 97 Acts, ch 176, §2, 17; 2000 Acts, ch 1137, §4, 14; 2001 Acts, ch 122, §4; 2013 Acts, ch 115, §2, 19; 2016 Acts, ch 1063, §10, 11; 2022 Acts, ch 1098, §22, 75; 2023 Acts, ch 19, §608; 2023 Acts, ch 95, §3

Referred to in §232.68, 232.69, 232.75

232.71 and 232.71A Repealed by 97 Acts, ch 35, §24, 25.

232.71B Duties of the department upon receipt of report.

1. *Commencement of assessment — differential response — purpose.*

a. If the department determines a report constitutes a child abuse allegation, the department shall promptly commence either a child abuse assessment within twenty-four hours of receiving the report or a family assessment within seventy-two hours of receiving the report. During a child abuse assessment, if the department identifies known risk factors for commercial sexual exploitation, a screening shall be conducted by a trained child protection worker, considering the child's age, cognitive and emotional functioning, and the specific circumstances of the case.

(1) Upon acceptance of a report of child abuse, the department shall commence a child abuse assessment when the report alleges child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, subparagraphs (1) through (3) and subparagraphs (5) through (11), or which alleges child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, subparagraph (4), that also alleges imminent danger, death, or injury to a child.

(2) Upon acceptance of a report of child abuse, the department shall commence a family assessment when the report alleges child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, subparagraph (4), but does not allege imminent danger, death, or injury to a child.

b. The primary purpose of either the child abuse assessment or the family assessment shall be the protection of the child named in the report. The secondary purpose of either type of assessment shall be to engage the child's family in services to enhance family strengths and to address needs.

2. *Notification of parents.* The department, within five working days of commencing the assessment, shall provide written notification of the assessment to the child's parents. If a parent is alleged to have committed the child abuse, the notice shall inform the parents

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regarding the complaint or allegation made regarding the parent. The parents shall be informed in a manner that protects the confidentiality rights of an individual who reported the child abuse or provided information as part of the assessment process. However, if the department shows the court to the court's satisfaction that notification is likely to endanger the child or other persons, the court shall orally direct the department to withhold notification. Within one working day of issuing an oral directive, the court shall issue a written order restraining the notification. The department shall not reveal in the written notification to the parents or otherwise the identity of the reporter of child abuse to a subject of a child abuse report listed in section 235A.15, subsection 2, paragraph *"a"*.

3. *Involvement of law enforcement.*

a. The department shall apply protocols, developed with the local child protection assistance team established pursuant to section 915.35, to prioritize the actions taken in response to a child abuse assessment and shall work jointly with child protection assistance teams and law enforcement agencies in performing assessment and investigative processes for child abuse assessments in which a criminal act harming a child is alleged. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

b. If a report is determined not to constitute a child abuse allegation or if the child abuse report is accepted but assessed under the family assessment, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency. If a child abuse allegation is referred to law enforcement and the child's parent, legal guardian, or legal custodian does not give permission to enter the child's home, to interview the child, or to observe the child, the court or district court upon a showing of probable cause may authorize entry into the child's home, an interview with the child, or observation of the child.

c. If the department has reasonable cause to believe that a child under the placement, care, or supervision of the department is, or is at risk of becoming, a sex trafficking victim, the department shall do all of the following:

(1) Identify the child as a sex trafficking victim or at risk of becoming a sex trafficking victim and include documentation in the child's department records.

(2) Refer the child for appropriate services.

(3) Refer the child identified as a sex trafficking victim, within twenty-four hours, to the appropriate law enforcement agency having jurisdiction to investigate the allegation.

d. The department shall report a child under the placement, care, or supervision of the department who is reported as missing or abducted to law enforcement and to the national center for missing and exploited children within twenty-four hours of receipt of the report.

4. *Assessment process.*

a. A child abuse assessment or family assessment shall include all of the following:

(1) A safety assessment and risk assessment. If at any time during a family assessment, a child is determined unsafe or in imminent danger, it appears that the immediate safety or well-being of a child is endangered, it appears that the family may flee or the child may disappear, or the facts otherwise warrant, the department shall immediately commence a child abuse assessment.

(2) An evaluation of the home environment. If concerns regarding protection of children are identified by the child protection worker, the child protection worker shall evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

b. In addition to the requirements of paragraph *"a"*, a child abuse assessment shall include the following:

(1) Identification of the nature, extent, and cause of the injuries, if any, to the child named in the report.

(2) Identification of the person or persons responsible for the alleged child abuse.

(3) A description of the name, age, and condition of other children in the same home as the child named in the report.

(4) An interview of the person alleged to have committed the child abuse, if the person's identity and location are known. The offer of an interview shall be made to the person prior to

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any consideration or determination being made that the person committed the alleged abuse. The person shall be informed of the complaint or allegation made regarding the person. The person shall be informed in a manner that protects the confidentiality rights of the individual who reported the child abuse or provided information as part of the assessment process. The purpose of the interview shall be to provide the person with the opportunity to explain or rebut the allegations of the child abuse report or other allegations made during the assessment. The court may waive the requirement to offer the interview only for good cause. The person offered an interview, or the person's attorney on the person's behalf, may decline the offer of an interview of the person.

5. *Child abuse determination.* Unless otherwise prohibited under section 234.40 or 280.21, the use of corporal punishment by the person responsible for the care of a child which does not result in a physical injury to the child shall not be considered child abuse.

6. *Home visit.* The assessment may, with the consent of the parent or guardian, include a visit to the home of the child named in the report and an interview or observation of the child may be conducted. If permission to enter the home to interview or observe the child is refused, the juvenile court or district court upon a showing of probable cause may authorize the person making the assessment to enter the home and interview or observe the child.

7. *Facility or school visit.* The assessment may include a visit to a facility providing care to the child named in the report or to any public or private school subject to the authority of the department of education where the child named in the report is located. The administrator of a facility, or a public or private school shall cooperate with the child protection worker by providing confidential access to the child named in the report for the purpose of interviewing the child, and shall allow the child protection worker confidential access to other children for the purpose of conducting interviews in order to obtain relevant information. The child protection worker may observe a child named in a report in accordance with the provisions of section 232.68, subsection 3, paragraph "*b*". A witness shall be present during an observation of a child. Any child aged ten years of age or older can terminate contact with the child protection worker by stating or indicating the child's wish to discontinue the contact. The immunity granted by section 232.73 applies to acts or omissions in good faith of administrators and their facilities or school districts for cooperating in an assessment and allowing confidential access to a child.

8. *Information requests.*

a. The department may request information from any person believed to have knowledge of a child abuse case. The county attorney, any law enforcement or social services agency in the state, and any mandatory reporter, whether or not the reporter made the specific child abuse report, shall cooperate and assist in the assessment upon the request of the department.

b. In performing an assessment, the department may request criminal history data from the department of public safety on any person believed to be responsible for an injury to a child which, if confirmed, would constitute child abuse. The department shall establish procedures for determining when a criminal history records check is necessary.

9. *Protective disclosure.* If the department determines that disclosure is necessary for the protection of a child, the department may disclose to a subject of a child abuse report referred to in section 235A.15, subsection 2, paragraph "*a*", that an individual is listed in the child or dependent adult abuse registry or is required to register with the sex offender registry in accordance with chapter 692A.

10. *Physical assessment.* If the department refers a child to a physician or physician associate for a physical assessment, the department shall contact the physician or physician associate regarding the physical assessment within twenty-four hours of making the referral. If the physician or physician associate who performs the physical assessment reasonably believes the child has been abused, the physician or physician associate shall report to the department within twenty-four hours of performing the physical assessment.

11. *Multidisciplinary team.* In each county or multicounty area in which more than fifty child abuse reports are made per year, the department shall establish a multidisciplinary team, as defined in section 235A.13, subsection 9. Upon the department's request, a multidisciplinary team shall assist the department in the assessment, diagnosis, and disposition of a child abuse assessment and the subsequent provision of services.

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12. *Facility protocol.*

a. The department shall apply a protocol, developed in consultation with facilities providing care to children, for conducting an assessment of reports of abuse of children allegedly caused by employees of facilities providing care to children. As part of such an assessment, the department shall notify the licensing authority for the facility, the governing body of the facility, and the administrator in charge of the facility of any of the following:

(1) A violation of facility policy noted in the assessment.

(2) An instance in which facility policy or lack of facility policy may have contributed to the reported incident of alleged child abuse.

(3) An instance in which general practice in the facility appears to differ from the facility's written policy.

b. The licensing authority, the governing body, and the administrator in charge of the facility shall take any lawful action which may be necessary or advisable to protect children receiving care.

13. *Written assessment report.*

a. The department, upon completion of the child abuse assessment or the family assessment, shall make a written report of the assessment, in accordance with all of the following:

(1) The written assessment report shall incorporate the information required by subsection 4, paragraph "*a*".

(2) A written child abuse assessment report shall be completed within twenty business days of the receipt of the child abuse report. A written family assessment report shall be completed within ten business days of the receipt of the child abuse report.

(3) The written assessment report shall identify the strengths and needs of the child, and of the child's parent, home, and family.

(4) The written assessment report shall identify services available from the department and informal and formal services and other support available in the community to address the strengths and needs identified in the assessment.

(5) Upon completion of the assessment, the department shall consult with the child's family in offering services to the child and the child's family to address strengths and needs identified in the assessment.

b. In addition to the requirements of paragraph "*a*", a written child abuse assessment report shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child.

c. Following a child abuse assessment, the department shall notify each subject of the child abuse report, as identified in section 235A.15, subsection 2, paragraph "*a*", of the results of the child abuse assessment, of the subject's right, pursuant to section 235A.19, to correct the report data or disposition data which refers to the subject, and of the procedures to correct the data.

d. Following a family assessment, the department shall notify the parent or guardian of each child listed in the report of suspected child abuse of the completion of the family assessment and any service recommendations. For cases assessed pursuant to a family assessment, there shall be no right to a contested case hearing pursuant to chapter 17A.

e. If after completing the assessment the child protection worker determines, with the concurrence of the worker's supervisor and the department's area administrator, that a report of suspected child abuse is a spurious report or that protective concerns are not present, the portions of the written assessment report described under paragraph "*a*", subparagraphs (3) and (4) shall not be required.

14. *Court-ordered and voluntary services.* The department shall provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court. The department may provide or arrange for and monitor services for children and their families on a voluntary basis for cases in which a family assessment is completed.

15. *Safety issue.* If the department determines that a safety issue continues to require a child to reside outside of the child's home at the conclusion of a family assessment, the

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department shall transfer the assessment to the child abuse assessment pathway for a disposition.

16. *Conclusion of family assessment.* At the conclusion of a family assessment, the department shall transfer the case, if appropriate, to a contracted provider to review the service plan for the child and family. The contracted provider shall make a referral to the department abuse hotline if a family's noncompliance with a service plan places a child at risk. If any of the criteria for child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, are met, the department shall commence a child abuse assessment. If any of the criteria for a child in need of assistance pursuant to section 232.96A are met, the department shall determine whether to request a child in need of assistance petition.

17. *County attorney — juvenile court.* The department shall provide the juvenile court and the county attorney with a copy of the written child abuse assessment report, the written family assessment report for cases in which the department requests a child in need of assistance petition, or other reports for cases in which the department requests a child in need of assistance petition. The juvenile court and the county attorney shall notify the department of any action taken concerning an assessment provided by the department.

18. *False reports.* If a fourth report is received from the same person who made three earlier reports which identified the same child as a victim of child abuse and the same person responsible for the care of the child as the alleged abuser and which were determined by the department to be entirely false or without merit, the department may determine that the report is again false or without merit due to the report's spurious or frivolous nature and may in its discretion terminate its assessment of the report. If the department receives more than three reports which identify the same child as a victim of child abuse or the same person as the alleged abuser of a child, or which were made by the same person, and the department determined the reports to be entirely false or without merit, the department shall provide information concerning the reports to the county attorney for consideration of criminal charges under section 232.75, subsection 3.

19. *Rules.* The department shall adopt rules regarding the intake process, assessment process, assessment reports, contact with juvenile court or the county attorney, involvement with law enforcement, case record retention, and dissemination of records for both child abuse assessments and family assessments.

20. *Quality assurance.* The department shall engage external stakeholders, including but not limited to representatives of the county attorneys' offices, service providers, and parent partners to develop a quality assurance component to the differential response system.

97 Acts, ch 35, §6, 25; 97 Acts, ch 176, §24, 43; 2001 Acts, ch 122, §5; 2002 Acts, ch 1074, §1; 2003 Acts, ch 44, §50; 2003 Acts, ch 47, §1; 2003 Acts, ch 107, §1; 2003 Acts, ch 123, §1; 2003 Acts, ch 179, §68; 2004 Acts, ch 1152, §1, 2; 2009 Acts, ch 41, §239; 2013 Acts, ch 115, §3, 4, 19; 2016 Acts, ch 1063, §12, 13; 2022 Acts, ch 1066, §30; 2022 Acts, ch 1098, §23, 76; 2025 Acts, ch 86, §22; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1014, §2; 2026 Acts, ch 1104, §4; 2026 Acts, ch 1200, §78, 80, 82

Referred to in §135.43, 232.68, 232.71C, 232.71D, 232.72, 232.73, 232.73A, 232.77, 232.141, 235A.15, 235A.19, 279.76, 331.653, 601.1, 915.35

Code editor directive applied

Subsection 1, paragraph a, unnumbered paragraph 1 amended

Subsection 3, paragraph b amended

232.71C Court action following assessment — guardian ad litem.

1. If, upon completion of an assessment performed under section 232.71B, the department determines that the best interests of the child require juvenile court action, the department shall act appropriately to initiate the action. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department shall act appropriately to initiate the action. The county attorney shall assist the department.

2. The department shall assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with the purposes of this chapter.

3. In every case involving child abuse which results in a child protective judicial

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proceeding, whether or not the proceeding arises under this chapter, a guardian ad litem shall be appointed by the court to represent the child in the proceedings. Before a guardian ad litem is appointed pursuant to this section, the court shall require the person responsible for the care of the child to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court determines that the person responsible for the care of the child is able to bear the cost of the guardian ad litem, the court shall so order. In cases where the person responsible for the care of the child is unable to bear the cost of the guardian ad litem, the expense shall be paid out of the county treasury.

97 Acts, ch 35, §7, 25; 2013 Acts, ch 113, §1; 2013 Acts, ch 115, §5, 19
Referred to in §232.68, 331.424

232.71D Founded child abuse — central registry.

1. The requirements of this section shall apply to child abuse information relating to a report of child abuse and to a child abuse assessment performed in accordance with section 232.71B.

2. Except as otherwise provided in subsections 3 and 4, and section 235A.19, subsection 3, if the department issues a finding that the alleged child abuse meets the definition of child abuse under section 232.68, subsection 2, the names of the child and the alleged perpetrator of the alleged child abuse and any other child abuse information shall be placed in the central registry as a case of founded child abuse.

3. *a.* Unless any of the circumstances listed in paragraph *"b"* are applicable, cases to which any of the following circumstances apply shall not be placed in the central registry:

(1) A finding of physical abuse in which the department has determined the injury resulting from the abuse was minor, isolated, and unlikely to reoccur.

(2) A finding of abuse by failure to provide adequate supervision or by failure to provide adequate clothing, in which the department has determined the risk from the abuse to the child's health and welfare was minor, isolated, and unlikely to reoccur.

b. If any of the following circumstances apply in addition to those listed in paragraph *"a"*, the names of the child and the alleged perpetrator of the alleged child abuse and any other child abuse information shall be placed in the central registry as a case of founded child abuse:

(1) The case was referred for juvenile or criminal court action as a result of the acts or omissions of the alleged perpetrator or a criminal or juvenile court action was initiated by the county attorney or juvenile court within twelve months of the date of the department's report concerning the case, in which the alleged perpetrator was convicted of a crime involving the child or there was a delinquency or child in need of assistance adjudication.

(2) The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse and the department has previously determined within the five-year period preceding the issuance of the department's report that the acts or omissions of the alleged perpetrator in a prior case met the definition of child abuse.

(3) The department determines the alleged perpetrator of the child abuse will continue to pose a danger to the child who is the subject of the report of child abuse or to another child with whom the alleged perpetrator may come into contact.

4. Cases of alleged child abuse to which any of the following circumstances apply shall be placed in the central registry as follows:

a. A finding of sexual abuse in which the alleged perpetrator of the abuse is age thirteen or younger. However, the name of the alleged perpetrator shall be withheld from the registry.

b. A finding of sexual abuse in which the alleged perpetrator of the abuse is age fourteen through seventeen and the court has found there is good cause for the name of the alleged perpetrator to be removed from the central registry. Only the name of the alleged perpetrator shall be removed from the registry.

5. If report data and disposition data are placed in the central registry in accordance with this section, the department shall make periodic follow-up reports in a manner prescribed by the registry so that the registry is kept up-to-date and fully informed concerning the case.

6. *a.* The confidentiality of all of the following shall be maintained in accordance with section 217.30:

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(1) Assessment data.

(2) Information pertaining to an allegation of child abuse for which there was no assessment performed.

(3) Information pertaining to a report of suspected child abuse for which there was an assessment performed but no determination was made as to whether the definition of child abuse was met.

(4) Information pertaining to an allegation of child abuse which was determined to not meet the definition of child abuse. Individuals identified in section 235A.15, subsection 4, are authorized to have access to such information under section 217.30.

(5) Report data and disposition data pertaining to an allegation of child abuse determined to meet the definition of child abuse which is not subject to placement in the central registry. Individuals identified in section 235A.15, subsection 3, are authorized to have access to such data under section 217.30.

b. The confidentiality of report data and disposition data pertaining to an allegation of child abuse determined to meet the definition of child abuse which is subject to placement in the central registry, shall be maintained as provided in chapter 235A.

97 Acts, ch 176, §5, 25, 26, 43; 99 Acts, ch 192, §33; 2004 Acts, ch 1086, §43; 2005 Acts, ch 121, §3; 2011 Acts, ch 28, §3, 4; 2011 Acts, ch 131, §57, 158; 2012 Acts, ch 1082, §1; 2013 Acts, ch 115, §6 – 8, 19, 20

Referred to in §232.68, 235A.14, 235A.15, 235A.17, 235A.18, 235A.19, 237A.5

232.72 Jurisdiction — transfer.

1. For the purposes of this subchapter, the terms *"department of health and human services"*, *"department"*, or *"county attorney"* ordinarily refer to the local office of the department or of the county attorney's office serving the county in which the child's home is located.

2. If the person making a report of child abuse pursuant to this chapter does not know where the child's home is located, the report may be made to the department or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or treats the child. These agencies shall promptly proceed as provided in section 232.71B, unless the matter is transferred as provided in this section.

3. If the child's home is located in a county not served by the office receiving the report, the department shall promptly transfer the matter by transmitting a copy of the report of injury and any other pertinent information to the office and the county attorney serving the other county. The office and the county attorney shall promptly proceed as provided in section 232.71B.

[C66, 71, 73, 75, 77, §235A.6; C79, 81, §232.72]

83 Acts, ch 96, §157, 159; 97 Acts, ch 35, §8, 25; 2004 Acts, ch 1116, §7; 2018 Acts, ch 1041, §62; 2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §127; 2023 Acts, ch 19, §609

Referred to in §232.68

232.73 Medically relevant tests — immunity from liability.

1. A person participating in good faith in the making of a report, photographs, or X rays, or in the performance of a medically relevant test pursuant to this chapter, or aiding and assisting in an assessment of a child abuse report pursuant to section 232.71B, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

2. As used in this section and in sections 232.73A, 232.77, and 232.78, *"medically relevant test"* means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives of the illegal drugs, including a drug urine screen test.

[C66, 71, 73, 75, 77, §235A.7; C79, 81, §232.73]

83 Acts, ch 88, §1; 90 Acts, ch 1264, §28; 95 Acts, ch 182, §8; 96 Acts, ch 1092, §3; 97 Acts, ch 35, §9, 25; 2001 Acts, ch 135, §11; 2012 Acts, ch 1040, §1

Referred to in §232.68, 232.71B, 232.77, 232.96A, 232.106

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232.73A Retaliation prohibited — remedy.

1. *a.* An employer shall not take retaliatory action against an employee as a reprisal for the employee's participation in good faith in making a report, photograph, or X ray, or in the performance of a medically relevant test pursuant to this chapter, or aiding and assisting in an assessment of a child abuse report pursuant to section 232.71B. This section does not apply to a disclosure of information that is prohibited by statute.

b. For purposes of this section, "*retaliatory action*" includes but is not limited to an employer's action to discharge an employee or to take or fail to take action regarding an employee's appointment or proposed appointment to a position in employment, to take or fail to take action regarding an employee's promotion or proposed promotion to a position in employment, or to fail to provide an advantage in a position in employment.

2. Subsection 1 may be enforced through a civil action.

a. A person who violates subsection 1 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, or any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee or the county attorney.

2012 Acts, ch 1040, §2; 2013 Acts, ch 90, §59
Referred to in §232.68, 232.73

232.74 Evidence not privileged or excluded.

Sections 622.9 and 622.10 and any other statute or rule of evidence which excludes or makes privileged the testimony of a husband or wife against the other or the testimony of a health practitioner or mental health professional as to confidential communications, do not apply to evidence regarding a child's injuries or the cause of the injuries in any judicial proceeding, civil or criminal, resulting from a report pursuant to this chapter or relating to the subject matter of such a report.

[C66, 71, 73, 75, 77, §235A.8; C79, 81, §232.74]
83 Acts, ch 37, §1; 87 Acts, ch 153, §6
Referred to in §228.6, 232.68

232.75 Sanctions.

1. Any person, official, agency, or institution required by this chapter to report a suspected case of child abuse who knowingly and willfully fails to do so is guilty of a simple misdemeanor.

2. Any person, official, agency, or institution required by section 232.69 to report a suspected case of child abuse who knowingly fails to do so or who knowingly interferes with the making of such a report in violation of section 232.70 is civilly liable for the damages proximately caused by such failure or interference.

3. A person who reports or causes to be reported to the department false information regarding an alleged act of child abuse, knowing that the information is false or that the act did not occur, commits a simple misdemeanor.

[C75, 77, §235A.9; C79, 81, §232.75]
86 Acts, ch 1238, §11; 87 Acts, ch 13, §2; 2001 Acts, ch 122, §6; 2023 Acts, ch 19, §610
Referred to in §232.68, 232.71B

232.76 Publicity, educational, and training programs.

1. The department, within the limits of available funds, shall conduct a continuing publicity and educational program for the personnel of the department, persons required to report, and any other appropriate persons to encourage the fullest possible degree of reporting of suspected cases of child abuse. Educational programs shall include but not be limited to the diagnosis and cause of child abuse, the responsibilities, obligations, duties, and powers of persons and agencies under this chapter and the procedures of the department and the juvenile court with respect to suspected cases of child abuse and disposition of actual cases.

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2. *a.* For the purposes of this subsection, in addition to the definition in section 232.68, a *"child protection worker"* also includes any employee of the department who provides services to or otherwise works directly with children and families for whom child abuse has been alleged.

b. The training of a child protection worker shall include but is not limited to the worker's legal duties to protect the constitutional and statutory rights of a child and the child's family members throughout the child or family members' period of involvement with the department beginning with the child abuse report and ending with the department's closure of the case. The curriculum used for the training shall specifically include instruction on the fourth amendment to the Constitution of the United States and parents' legal rights.

[C75, 77, §235A.10; C79, 81, §232.76]
2004 Acts, ch 1152, §3
Referred to in §232.68

232.77 Photographs, X rays, and medically relevant tests.

1. *a.* A person who is required to report suspected child abuse may take or perform, or may cause to be taken or performed, at public expense, photographs, X rays, physical assessments, or other tests of a child which would provide medical indication of allegations arising from an assessment.

b. A health practitioner may, if medically indicated, cause to be performed a radiological examination, physical assessment, or other test of the child.

c. A person who takes any photographs or X rays or performs any physical assessments or other tests pursuant to this section shall notify the department that the photographs or X rays have been taken or the physical assessments or other tests have been performed, and shall retain the photographs, X rays, or physical assessment or other test findings for a reasonable time following the notification.

d. Whenever the person is required to report under section 232.69 in that person's capacity as a member of the staff of a medical or other private or public institution, agency, or facility, that person shall immediately notify the person in charge of the institution, agency, or facility or that person's designated delegate of the need for photographs, X rays, physical assessments, or other tests.

2. *a.* If a health practitioner discovers in a child physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department. The department shall begin an assessment pursuant to section 232.71B upon receipt of such a report. A positive test result obtained prior to the birth of a child shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.

b. If a health practitioner involved in the delivery or care of a newborn or infant discovers in the newborn or infant physical or behavioral symptoms that are consistent with the effects of prenatal drug exposure or a fetal alcohol spectrum disorder, the health practitioner shall report such information to the department in a manner prescribed by rule of the department.

[C75, 77, §235A.11; C79, 81, §232.77]
83 Acts, ch 96, §157, 159; 90 Acts, ch 1264, §29; 93 Acts, ch 93, §3; 94 Acts, ch 1130, §6; 96 Acts, ch 1092, §4; 97 Acts, ch 35, §10, 25; 2013 Acts, ch 115, §9, 19; 2017 Acts, ch 86, §3; 2025 Acts, ch 86, §23; 2026 Acts, ch 1040, §41
Referred to in §232.68, 232.73
Subsection 1, paragraph d amended

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PART 3

TEMPORARY CUSTODY OF A CHILD

232.78 Temporary custody of a child pursuant to ex parte court order.

1. The juvenile court may enter an ex parte order directing a peace officer or a juvenile court officer to take custody of a child before or after the filing of a petition under this chapter provided all of the following apply:

a. Any of the following circumstances exist:

(1) The person responsible for the care of the child consents to the removal.

(2) The person responsible for the care of the child is absent.

(3) The person responsible for the care of the child, though present, was asked and refused to consent to the removal of the child and was informed of an intent to apply for an order under this section.

(4) There is reasonable cause to believe that a request for consent would further endanger the child.

(5) There is reasonable cause to believe that a request for consent will cause the person responsible for the care of the child to take flight with the child.

b. The court has found that substantial evidence exists to demonstrate that the need for removal outweighs the potential harm removal of the child would cause the child, including but not limited to any physical, emotional, social, and mental trauma the removal may cause the child.

c. The court finds that the child's immediate removal is necessary to avoid imminent danger to the child's life or health. The circumstances or conditions indicating the presence of such imminent danger shall include but are not limited to any of the following:

(1) The refusal or failure of the person responsible for the care of the child to comply with the request of a peace officer, juvenile court officer, or child protection worker for the person to obtain and provide to the requester the results of a physical assessment or behavioral health evaluation of the child. The request for a physical assessment of the child may specify the performance of a medically relevant test.

(2) The refusal or failure of the person responsible for the care of the child or a person present in the person's home to comply with a request of a peace officer, juvenile court officer, or child protection worker for such a person to submit to and provide to the requester the results of a medically relevant test of the person.

d. There is not enough time to file a petition and hold a hearing under section 232.95.

e. The application for the order includes a statement of the facts to support the findings specified in paragraphs *"a"*, *"b"*, *"c"*, and *"d"*.

2. The person making the application for an order shall assert facts showing there is reasonable cause to believe that the child cannot either be returned to the place where the child was residing or placed with the parent who does not have physical care of the child.

3. Except for good cause shown or unless the child is sooner returned to the place where the child was residing or permitted to return to the child care facility, a petition shall be filed under this chapter within three days of the issuance of the order.

4. The juvenile court may enter an order authorizing a physician or physician associate or hospital to provide emergency medical or surgical procedures before the filing of a petition under this chapter provided all of the following conditions are met:

a. Such procedures are necessary to safeguard the life and health of the child.

b. There is not enough time to file a petition under this chapter and hold a hearing as provided in section 232.95.

5. The juvenile court, before or after the filing of a petition under this chapter, may enter an ex parte order authorizing an inpatient or outpatient physical assessment or an inpatient or outpatient behavioral health evaluation of a child, provided all of the following apply:

a. Any of the following circumstances exist:

(1) The child's parent, guardian, or custodian consents to the physical assessment or the behavioral health evaluation.

(2) The child's parent, guardian, or custodian is absent.

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(3) The child's parent, guardian, or custodian, though present, was asked and refused to provide written consent to the physical assessment or the behavioral health evaluation.

b. The juvenile court has entered an ex parte order directing the removal of the child from the child's home or a child care facility under this section.

c. There is not enough time to file a petition and to hold a hearing as provided in section 232.98.

6. Any person who may file a petition under this chapter may apply for, or the court on its own motion may issue, an order for temporary removal under this section. An appropriate person designated by the court shall confer with a person seeking the removal order, shall make every reasonable effort to inform the parent or other person legally responsible for the child's care of the application, and shall make such inquiries as will aid the court in disposing of such application. The person designated by the court shall file with the court a complete written report providing all details of the designee's conference with the person seeking the removal order, the designee's efforts to inform the parents or other person legally responsible for the child's care of the application, any inquiries made by the designee to aid the court in disposing of the application, and all information the designee communicated to the court. The report shall be filed within five days of the date of the removal order. If the court does not designate an appropriate person who performs the required duties, notwithstanding section 234.39 or any other provision of law, the child's parent shall not be responsible for paying the cost of care and services for the duration of the removal order.

7. Any order entered under this section authorizing temporary removal of a child must include all of the following:

a. A determination made by the court that continuation of the child in the child's home would be contrary to the welfare of the child. Such a determination must be made on a case-by-case basis. The grounds for the court's determination must be explicitly documented and stated in the order. However, preserving the safety of the child must be the court's paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determination shall not be a prerequisite to the removal of the child.

b. A determination made by the court that the necessity of the removal of the child from the child's home, due to an imminent risk to the child's life or health, is greater than the potential harm including but not limited to physical, emotional, social, and mental trauma the removal may cause the child.

c. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

8. *a.* If the juvenile court determines that the child should be temporarily removed from the child's home under this section, the court shall consider placing the child in the custody of another parent of the child. If the juvenile court determines placing custody of the child with any of the child's parents is not in the child's best interests, the child's custody shall be transferred to the department for placement of the child in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensee or an approved kinship caregiver under chapter 237. If the child is placed with an individual licensee or an approved kinship caregiver, the department shall assign decision-making authority to the individual licensee or the approved kinship caregiver for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

b. (1) If the court places custody of the child with the department pursuant to paragraph "*a*", the court may identify a category listed in paragraph "*a*" for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child.

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A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

c. A juvenile court shall not order placement of a child in a category listed in paragraph *"a"*, subparagraph (2), (3), (4), or (5), without a specific finding that placement with a relative is not in the child's best interests and shall provide reasons for the court's finding.

9. *a.* Notwithstanding any provision to the contrary including priority in placement of a child under subsection 8, if an ex parte order is requested from the juvenile court under this section pursuant to section 233.2 for transfer of custody of a newborn infant, one of the following shall be applicable:

(1) If physical custody of the newborn infant was not initially relinquished under section 233.2 to an adoption service provider, the department shall request that custody be transferred to the department.

(2) If physical custody of the newborn infant was initially relinquished under section 233.2 to an adoption service provider, the adoption service provider shall request that custody be transferred to the adoption service provider.

b. Upon receiving the order, the department or the adoption service provider shall take custody of the newborn infant and proceed in accordance with chapter 233.

c. For the purposes of this subsection, *"adoption service provider"* means the same as defined in section 233.1.

[C79, 81, §232.78]

84 Acts, ch 1279, §9; 85 Acts, ch 173, §10, 11; 89 Acts, ch 230, §14; 94 Acts, ch 1172, §23; 97 Acts, ch 35, §11, 25; 98 Acts, ch 1190, §4 – 6; 99 Acts, ch 192, §33; 2000 Acts, ch 1067, §6, 7; 2001 Acts, ch 135, §12, 13; 2022 Acts, ch 1066, §31, 32; 2022 Acts, ch 1098, §24 – 26; 2023 Acts, ch 19, §611; 2023 Acts, ch 46, §2; 2023 Acts, ch 66, §44; 2025 Acts, ch 86, §24 – 26; 2025 Acts, ch 135, §5; 2026 Acts, ch 1008, §3

Referred to in §232.44, 232.73, 232.79, 232.95, 232.98, 232.104, 233.2, 725.1
Code editor directive applied

232.79 Custody without court order.

1. A peace officer or juvenile court officer may take a child into custody, a physician or physician associate treating a child may keep the child in custody, or a juvenile court officer may authorize a peace officer, physician or physician associate, or medical security personnel to take a child into custody, without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

a. The child is in a circumstance or condition that presents an imminent danger to the child's life or health.

b. There is not enough time to apply for an order under section 232.78.

2. If a person authorized by this section removes or retains custody of a child, the person shall:

a. Bring the child immediately to a place designated by the rules of the court for this purpose, unless the person is a physician or physician associate treating the child and the child is or will presently be admitted to a hospital.

b. Make every reasonable effort to inform the parent, guardian, or custodian of the whereabouts of the child.

c. Make every reasonable effort to place the child with an adult relative or a fictive kin of the child.

d. In accordance with court-established procedures, immediately orally inform the court of the emergency removal and the circumstances surrounding the removal.

e. Within twenty-four hours of orally informing the court of the emergency removal in accordance with paragraph *"d"*, inform the court in writing of the emergency removal and the circumstances surrounding the removal.

3. Any person, agency, or institution acting in good faith in the removal or keeping of a child pursuant to this section, and any employer of or person under the direction of such a person, agency, or institution, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as the result of such removal or keeping.

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4. *a.* When the court is informed that there has been an emergency removal or keeping of a child without a court order, the court shall direct the department or the juvenile probation department to make every reasonable effort to communicate immediately with the child's parent or parents or other person legally responsible for the child's care. Upon locating the child's parent or parents or other person legally responsible for the child's care, the department or the juvenile probation department shall, in accordance with court-established procedures, immediately orally inform the court. After orally informing the court, the department or the juvenile probation department shall provide to the court written documentation of the oral information.

b. The court shall authorize the department or the juvenile probation department to cause a child thus removed or kept to be returned if it concludes there is not an imminent risk to the child's life and health in so doing. If the department or the juvenile probation department receives information which could affect the court's decision regarding the child's return, the department or the juvenile probation department, in accordance with court established procedures, shall immediately orally provide the information to the court. After orally providing the information to the court, the department or the juvenile probation department shall provide to the court written documentation of the oral information. If the child is not returned, the department or the juvenile probation department shall cause a petition to be filed within three days after the removal.

c. If deemed appropriate by the court, upon being informed that there has been an emergency removal or keeping of a child without a court order, the court may enter an order in accordance with section 232.78.

5. When there has been an emergency removal or keeping of a child without a court order, a physical assessment of the child by a licensed medical practitioner shall be performed within twenty-four hours of the emergency removal or keeping of a child, unless the child is returned to the child's home within twenty-four hours of the emergency removal or keeping of a child.

[C79, 81, §232.79]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §10; 89 Acts, ch 230, §15; 90 Acts, ch 1215, §1; 94 Acts, ch 1172, §24; 2001 Acts, ch 135, §14; 2022 Acts, ch 1066, §33, 34; 2022 Acts, ch 1098, §27; 2023 Acts, ch 19, §612; 2025 Acts, ch 86, §27; 2026 Acts, ch 1008, §3

Referred to in §232.44, 232.79A, 232.95, 232.104, 232B.6, 725.1
Code editor directive applied

232.79A Children without adult supervision.

If a peace officer determines that a child does not have adult supervision because the child's parent, guardian, or other person responsible for the care of the child has been arrested and detained or has been unexpectedly incapacitated, and that no adult who is legally responsible for the care of the child can be located within a reasonable period of time, the peace officer shall attempt to place the child with an adult relative of the child or a fictive kin. The person with whom the child is placed is authorized to give consent for emergency medical treatment of the child and shall not be held liable for any action arising from giving the consent. Upon the request of the peace officer, the department shall assist in making the placement. The placement shall not exceed a period of twenty-four hours and shall be terminated when a person who is legally responsible for the care of the child is located and takes custody of the child. If a person who is legally responsible for the care of the child cannot be located within the twenty-four hour period or a placement in accordance with this section is unavailable, the provisions of section 232.79 shall apply. If the person with whom the child is placed charges a fee for the care of the child, the fee shall be paid from funds provided in the appropriation to the department for protective child care.

90 Acts, ch 1215, §2; 2022 Acts, ch 1098, §28

232.79B Safety plans.

1. For the purposes of this section, *"safety plan"* means a short-term, time-limited agreement entered into between the department and a child's parent or guardian designed to address signs of imminent or impending danger to a child identified by the department.

2. Upon the department's determination that potential harm to a child may be mitigated

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by the development of a safety plan, the department may enter into a safety plan with the child's parent or guardian.

3. A safety plan shall not be construed as a removal from parental or guardian custody absent a court order placing the child with a person or facility other than the parent or guardian who entered into the safety plan.

4. The department shall adopt rules to implement this section.

2022 Acts, ch 1098, §29, 93; 2023 Acts, ch 140, §2

Section applies beginning on the effective date specified in rules adopted by the department of health and human services pursuant to chapter 17A to implement the section; 2022 Acts, ch 1098, §93

232.80 Homemaker services. Repealed by 2018 Acts, ch 1137, §19.

232.81 Complaint.

1. Any person having knowledge of the circumstances may file a complaint with the person or agency designated by the court to perform intake duties alleging that a child is a child in need of assistance.

2. Upon receipt of a complaint, the court may request the department, juvenile probation office, or other authorized agency or individual to conduct a preliminary investigation of the complaint to determine if further action should be taken.

3. A petition alleging the child to be a child in need of assistance may be filed pursuant to section 232.87 provided the allegations of the complaint, if proven, are sufficient to establish the court's jurisdiction and the filing is in the best interests of the child.

[SS15, §254-a15; C24, 27, 31, 35, 39, §**3621;** C46, 50, 54, 58, 62, §232.5; C71, 73, 75, 77, §232.3; C79, 81, §232.81]

83 Acts, ch 96, §157, 159; 2011 Acts, ch 98, §6; 2023 Acts, ch 19, §613

Referred to in §232.21, 232.83

232.82 Removal of sexual offenders, physical abusers, and domestic abusers from the residence pursuant to court order.

1. Notwithstanding section 561.15, if it is alleged by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion, that a parent, guardian, custodian, or an adult member of the household in which a child resides has committed a sexual offense with or against the child, pursuant to chapter 709 or section 726.2, or physical abuse as defined in section 232.2, subsection 52, or domestic abuse assault as defined in section 708.2A, against the child or another household member at a location or in a manner a reasonably prudent person would know the child could see, hear, or otherwise experience, the juvenile court may enter an ex parte order requiring the alleged sexual offender, physical abuser, or domestic abuser to vacate the child's residence upon a showing that probable cause exists to believe that the sexual offense, physical abuse, or domestic abuse has occurred and that substantial evidence exists to believe that the presence of the alleged sexual offender, physical abuser, or domestic abuser in the child's residence presents a danger to the child's life or physical, emotional, or mental health.

2. If an order is entered under subsection 1 and a petition has not yet been filed under this chapter, the petition shall be filed under section 232.87 by the county attorney, the department, or a juvenile court officer within three days of the entering of the order.

3. The juvenile court may order on its own motion, or shall order upon the request of the alleged sexual offender, physical abuser, or domestic abuser a hearing to determine whether the order to vacate the residence should be upheld, modified, or vacated. The hearing shall be held within thirty days of removal of the alleged sexual offender, physical abuser, or domestic abuser from the residence. The juvenile court may in any later child in need of assistance proceeding uphold, modify, or vacate the order to vacate the residence.

[82 Acts, ch 1209, §14]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10055, 10201; 86 Acts, ch 1186, §6; 90 Acts, ch 1251, §27; 2022 Acts, ch 1098, §30; 2023 Acts, ch 19, §614

Section not amended; internal reference change applied

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232.83 Child sexual abuse involving a person not responsible for the care of the child.

1. A complaint related to circumstances involving a child who is alleged to be a victim of an offense defined in chapter 709, 726, or 728 and an alleged offender who is not a person responsible for the care of the child shall be handled pursuant to section 232.81.

2. Anyone authorized to conduct a preliminary investigation in response to a complaint may apply for, or the court on its own motion may enter, an ex parte order authorizing an inpatient or outpatient physical assessment or an inpatient or outpatient behavioral health evaluation provided all of the following apply:

a. Any of the following circumstances exist:

(1) The parent, guardian, or custodian consents to the physical assessment or the behavioral health evaluation.

(2) The parent, guardian, or custodian is absent.

(3) The parent, guardian, or custodian, though present, was asked and refused to authorize the physical assessment or the behavioral health evaluation.

b. There is not enough time to file a petition and hold a hearing under this chapter.

c. The parent, guardian, or custodian has not provided care and treatment related to the child's alleged victimization.

88 Acts, ch 1252, §2; 2022 Acts, ch 1066, §35; 2022 Acts, ch 1098, §77; 2025 Acts, ch 86, §28
Referred to in §709.13

232.84 Transfer of custody — notice to adult relatives.

1. For the purposes of this section, unless the context otherwise requires, *"agency"* means the department, juvenile court services, or a private agency.

2. Unless the custody of a child is transferred from one of the child's parents to another parent of the child, within thirty days after the entry of an order under this chapter removing a child from the custody of a parent or parents of the child, the department shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, parents of the child's siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence.

3. The notice content shall include but is not limited to all of the following:

a. A statement that the child has been or is being removed from the custody of the child's parent or parents.

b. An explanation of the options the relative has under federal, state, and other law to participate in the care and placement of the child on a temporary or permanent basis. The options addressed shall include but are not limited to assistance and support options, options for participating in legal proceedings, and any options that may be lost by failure to respond to the notice.

c. A description of the requirements for the relative to serve as a foster family home provider or other type of care provider for the child and the additional services, training, and other support available for children receiving such care.

d. Information concerning the option to apply for kinship guardianship assistance payments.

4. The agency may share information as necessary to explore a child's potential placement with any adult relative who may receive notice pursuant to subsection 2.

5. If an adult relative entitled to notice pursuant to subsection 2 is later discovered by or identified to the department, the department shall provide notice to that relative within thirty days of that relative becoming known to the department.

2009 Acts, ch 120, §3; 2013 Acts, ch 50, §2; 2022 Acts, ch 1098, §31, 32

232.85 and 232.86 Reserved.

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PART 4

JUDICIAL PROCEEDINGS

232.87 Filing of a child in need of assistance petition — contents of petition.

1. A formal judicial proceeding to determine whether a child is a child in need of assistance under this chapter shall be initiated by the filing of a petition alleging a child to be a child in need of assistance.

2. A petition may be filed by the department, juvenile court officer, or county attorney.

3. The department, juvenile court officer, county attorney or judge may authorize the filing of a petition with the clerk of the court by any competent person having knowledge of the circumstances without the payment of a filing fee.

4. The petition shall be submitted in the form specified in section 232.36.

5. The petition shall contain the information specified in section 232.36 and a clear and concise summary of the facts which bring the child within the jurisdiction of the court under this subchapter.

[C79, 81, §232.87]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10055, 10201; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §615

Referred to in §232.81, 232.82, 232.95, 232.98, 232D.204, 233.2

232.88 Summons, notice, subpoenas, and service.

After a petition has been filed, the court shall issue and serve summons, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. Reasonable notice shall be provided to the persons required to be provided notice under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. In addition, reasonable notice for any hearing under this subchapter shall be provided to the agency, facility, institution, or person, including a foster parent, relative, or other individual providing preadoptive care, with whom a child has been placed.

[SS15, §254-a16; C24, 27, 31, 35, 39, §**3623;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §232.4; C79, 81, §232.88]

89 Acts, ch 229, §5; 95 Acts, ch 182, §3; 96 Acts, ch 1034, §10; 97 Acts, ch 164, §2; 2001 Acts, ch 135, §28; 2020 Acts, ch 1062, §94

Referred to in §232.91, 331.653

232.89 Right to and appointment of counsel.

1. Upon the filing of a petition the parent, guardian, putative father, or custodian identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If that person desires but is financially unable to employ counsel, the court shall appoint counsel. A putative father is not a necessary party to a proceeding until the putative father's paternity is established.

2. Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. If a guardian ad litem has previously been appointed for the child in a proceeding under subchapter II or a proceeding in which the court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem upon the filing of the petition under this part. Counsel shall be appointed as follows:

a. If the child is represented by counsel and the court determines there is a conflict of interest between the child and the child's parent, guardian, putative father, or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child, who shall be compensated pursuant to the provisions of subsection 3.

b. If the child is not represented by counsel, the court shall either order the parent, guardian, or custodian to retain counsel for the child or shall appoint counsel for the child, who shall be compensated pursuant to the provisions of subsection 3.

3. The court shall determine, after giving the parent, guardian, or custodian an

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opportunity to be heard, whether the person has the ability to pay in whole or in part for counsel appointed for the child. If the court determines that the person possesses sufficient financial ability, the court shall then consult with the department, the juvenile probation office, or other authorized agency or individual regarding the likelihood of impairment of the relationship between the child and the child's parent, guardian, or custodian as a result of ordering the parent, guardian, or custodian to pay for the child's counsel. If impairment is deemed unlikely, the court shall order that person to pay an amount the court finds appropriate in the manner and to whom the court directs. If the person fails to comply with the order without good reason, the court shall enter judgment against the person. If impairment is deemed likely or if the court determines that the parent, guardian, or custodian cannot pay any part of the expenses of counsel appointed to represent the child, counsel shall be reimbursed pursuant to section 232.141, subsection 2, paragraph *"b"*.

4. The same person may serve both as the child's counsel and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interests of the child as guardian ad litem in accordance with section 232.2, subsection 28, paragraph *"e"*, or a separate guardian ad litem is required to fulfill the requirements of subsection 2. If a child's guardian ad litem is also acting as an attorney for the child, each report submitted to a court by the guardian ad litem shall contain a statement indicating whether a separate guardian ad litem is required based on the guardian ad litem's interviews and investigations conducted until the time a report is submitted to the court.

[C24, 27, 31, 35, 39, §**3631;** C46, 50, 54, 58, 62, §232.15; C66, 71, 73, 75, 77, §232.28; C79, 81, §232.89]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1186, §7; 87 Acts, ch 121, §4; 89 Acts, ch 283, §24; 90 Acts, ch 1271, §1506, 1507; 96 Acts, ch 1193, §5; 97 Acts, ch 23, §22; 97 Acts, ch 99, §3, 11; 2002 Acts, ch 1162, §17; 2020 Acts, ch 1062, §33; 2022 Acts, ch 1098, §34 – 36, 78; 2023 Acts, ch 19, §616

Referred to in §232.108
Section not amended; internal reference change applied

232.90 Duties of county attorney.

1. As used in this section, *"state"* means the general interest held by the people in the health, safety, welfare, and protection of all children living in this state.

2. The county attorney shall represent the state in proceedings arising from a petition filed under this subchapter and shall present evidence in support of the petition. The county attorney shall be present at proceedings initiated by petition under this subchapter filed by an intake officer or the county attorney, or if a party to the proceedings contests the proceedings, or if the court determines there is a conflict of interest between the child and the child's parent, guardian, or custodian or if there are contested issues before the court.

3. If there is disagreement between the department and the county attorney regarding the appropriate action to be taken, the department may request that the state be represented by the attorney general in place of the county attorney. If the state is represented by the attorney general, the county attorney may continue to appear in the proceeding and may present the position of the county attorney regarding the appropriate action to be taken in the case.

4. The county attorney and the attorney general shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this subchapter.

[C66, 71, 73, 75, 77, §232.29; C79, 81, §232.90]

87 Acts, ch 151, §1; 89 Acts, ch 230, §16; 2013 Acts, ch 113, §2; 2014 Acts, ch 1092, §51; 2020 Acts, ch 1062, §94

232.91 Presence of child, parents, guardian ad litem, and others at hearings — additional parties — department recordkeeping.

1. Any hearings or proceedings under this subchapter subsequent to the filing of a petition shall not take place without the presence of the child's parent, guardian, custodian,

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or guardian ad litem in accordance with and subject to section 232.38. A parent without custody shall be made a party to proceedings under this subchapter.

2. An agency, facility, institution, adult relative with a substantial relationship to the child, fictive kin, or individual providing custodial care to the child may petition the court to be made a party to proceedings under this subchapter.

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, adult relative, or other individual with whom a child has been placed for preadoptive care shall have the right to be heard in any proceeding involving the child. If a child is of an age appropriate to attend the hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child ten years of age or older to attend all hearings.

4. If a child is of an age appropriate to attend a hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing. A presumption exists that it is in the best interests of a child ten years of age or older to attend all hearings and all staff or family meetings involving placement options or services provided to the child. The department shall allow the child to attend all such hearings and meetings unless the attorney for the child finds the child's attendance is not in the best interests of the child. If the child is excluded from attending a hearing or meeting, the department shall maintain a written record detailing the reasons for excluding the child. Notwithstanding sections 232.147 through 232.151, a copy of the written record shall be made available to the child upon the request of the child after reaching the age of majority.

5. For purposes of this section, "*attend*" includes the appearance of the child at a hearing by video or telephonic means.

[SS15, §254-a16; C24, 27, 31, 35, 39, §**3631;** C46, 50, 54, 58, 62, §232.15; C66, 71, 73, 75, 77, §232.11; C79, 81, §232.91]

84 Acts, ch 1279, §11; 95 Acts, ch 182, §4; 97 Acts, ch 164, §3; 98 Acts, ch 1190, §7; 2007 Acts, ch 172, §13; 2008 Acts, ch 1114, §1; 2008 Acts, ch 1187, §133; 2010 Acts, ch 1065, §1, 2; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §37

Referred to in §600A.7

232.92 Exclusion of public from hearings.

Hearings held under this subchapter are open to the public unless the court, on the motion of any of the parties or upon the court's own motion, excludes the public. The court shall exclude the public from a hearing if the court determines that the possibility of damage or harm to the child outweighs the public's interest in having an open hearing. Upon closing the hearing to the public, the court may admit those persons who have direct interest in the case or in the work of the court.

[C79, 81, §232.92]

89 Acts, ch 230, §17; 2020 Acts, ch 1062, §94

Referred to in §232.147, 600A.7

232.93 Other issues adjudicated.

When it appears during the course of any hearing or proceeding that some action or remedy other than those indicated by the application or pleading appears appropriate, the court may, provided all necessary parties consent, proceed to hear and determine the other issues as though originally properly sought and pleaded.

[C66, 71, 73, 75, 77, §232.12; C79, 81, §232.93]

Referred to in §600A.7

232.94 Reporter required.

Stenographic notes or electronic or mechanical recordings shall be taken of all court hearings held pursuant to this subchapter unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child

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by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be reported in the same manner as required in section 624.9.

[C66, 71, 73, 75, 77, §232.32; C79, 81, §232.94]

2020 Acts, ch 1062, §94

Referred to in §232.94A, 600A.7

232.94A Records — subsequent hearings.

Juvenile court records, social records, and the material required to be recorded pursuant to section 232.94 shall be maintained and shall be a part of each hearing relating to the child so long as and whenever the child is a child in need of assistance.

84 Acts, ch 1279, §12

Referred to in §600A.7

232.94B Continuances.

A court may grant a continuance in a child in need of assistance proceeding or a termination of a parent-child relationship proceeding only for good cause shown.

2022 Acts, ch 1098, §38

Referred to in §600A.7

232.95 Hearing concerning temporary removal.

1. At any time after the petition is filed, any person who may file a petition under section 232.87 may apply for, or the court on its own motion may order, a hearing to determine whether the child should be temporarily removed from home. If the child is in the custody of a person other than the child's parent, guardian, or custodian as the result of action taken pursuant to section 232.78 or 232.79, the court shall hold a hearing within ten days of the date of temporary removal to determine whether the temporary removal should be continued.

2. Upon such hearing, the court may do any of the following:

a. Return the child to a person with legal custody of the child pending a final order of disposition.

b. Remove the child from home and place the child with a parent of the child pending a final order of disposition.

c. Remove the child from home and place custody of the child with the department for placement of the child, pending a final order of disposition, in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensee or an approved kinship caregiver under chapter 237. If the child is placed with an individual licensee or an approved kinship caregiver, the department shall assign decision-making authority to the individual licensee or approved kinship caregiver for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

d. Authorize a physician, physician associate, or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child's life or health.

3. Notwithstanding any provision to the contrary including placement of custody of a child pursuant to subsection 2, if the hearing under this section is the result of a request for an ex parte order from the court pursuant to section 232.78 for a newborn infant for whom physical custody was relinquished pursuant to section 233.2, the court shall place custody of the child as provided in section 232.78, subsection 9, and proceed in accordance with chapter 233.

4. The court shall make and file written findings as to the grounds for granting or denying an application under this section.

5. If the court orders the child removed from the home pursuant to subsection 2, paragraph "*b*" or "*c*", the court shall hold a hearing to review the removal order within six months unless a dispositional hearing pursuant to section 232.99 has been held.

6. *a.* If the court orders a removal pursuant to subsection 2, paragraph "*b*" or "*c*", the court

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shall, in addition, make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home. The court shall also make a finding that substantial evidence exists to demonstrate that the need for removal due to an imminent risk to the child's life or health is greater than the potential harm including but not limited to any physical, emotional, social, or mental trauma the removal may cause the child.

b. The court's determination regarding continuation of the child in the child's home and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be specifically documented and stated in the court order. However, preserving the safety of the child must be the court's paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for temporary removal of the child.

7. *a.* (1) If the court places custody of the child with the department pursuant to subsection 2, paragraph "*c*", the court may identify a category listed in subsection 2, paragraph "*c*", for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

b. The court shall not order placement of a child in a category identified in subsection 2, paragraph "*c*", subparagraph (2), (3), (4), or (5), without a specific finding that placement with an adult relative is not in the child's best interests and providing reasons for the finding.

c. If the court orders the removal of a child pursuant to subsection 2, paragraph "*b*" or "*c*", the order shall also include a statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

[C79, 81, §232.95]

84 Acts, ch 1279, §13; 86 Acts, ch 1186, §8; 87 Acts, ch 159, §2; 98 Acts, ch 1190, §8; 2000 Acts, ch 1067, §8; 2001 Acts, ch 135, §15

[Subsection 2, paragraphs b and c, were inadvertently omitted in the 2001 Code Supplement and 2003 Code]

2004 Acts, ch 1101, §28; 2022 Acts, ch 1066, §36; 2022 Acts, ch 1098, §39, 40; 2023 Acts, ch 46, §3; 2023 Acts, ch 140, §3; 2025 Acts, ch 135, §6; 2026 Acts, ch 1008, §3

Referred to in §232.44, 232.78, 232.96, 232.104, 232B.6, 600A.7
Code editor directive applied

232.96 Adjudicatory hearing.

1. The court shall hear and adjudicate cases involving a petition alleging a child to be a child in need of assistance.

2. The state shall have the burden of proving the allegations by clear and convincing evidence.

3. Only evidence which is admissible under the rules of evidence applicable to the trial of civil cases shall be admitted, except as otherwise provided by this section.

4. A report made to the department pursuant to chapter 235A shall be admissible in evidence, but such a report shall not alone be sufficient to support a finding that the child is a child in need of assistance unless the attorneys for the child and the parents consent to such a finding.

5. Neither the privilege attaching to confidential communications between a health practitioner or mental health professional and patient nor the prohibition upon admissibility of communications between husband and wife shall be ground for excluding evidence at an adjudicatory hearing.

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6. A report, study, record, or other writing or an audiotape or videotape recording made by the department, a juvenile court officer, a peace officer, a child protection center, or a hospital relating to a child in a proceeding under this subchapter is admissible notwithstanding any objection to hearsay statements contained in it provided it is relevant and material and provided its probative value substantially outweighs the danger of unfair prejudice to the child's parent, guardian, or custodian. The circumstances of the making of the report, study, record or other writing or an audiotape or videotape recording, including the maker's lack of personal knowledge, may be proved to affect its weight.

7. After the hearing is concluded, the court shall make and file written findings as to the truth of allegations of the petition and as to whether the child is a child in need of assistance.

8. If the court concludes facts sufficient to sustain a petition have not been established by clear and convincing evidence or if the court concludes that its aid is not required in the circumstances, the court shall dismiss the petition.

9. If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence and that its aid is required, the court may enter an order adjudicating the child to be a child in need of assistance.

10. If the court enters an order adjudicating the child to be a child in need of assistance, the court, if it has not previously done so, may issue an order authorizing temporary removal of the child from the child's home as set forth in section 232.95, subsection 2, paragraph "*b*" or "*c*", pending a final order of disposition. The order shall include all of the following:

a. A determination that continuation of the child in the child's home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and the court has found that substantial evidence exists to demonstrate that the need for removal due to an imminent risk to the child's life or health is greater than the potential harm including but not limited to any physical, emotional, social, or mental trauma the removal may cause the child. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for temporary removal of the child.

b. A statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

c. If the court orders a removal of a child pursuant to this subsection and placement of a child pursuant to section 232.95, subsection 2, paragraph "*c*", subparagraph (2), (3), (4), or (5), a specific finding that placement with an adult relative is not in the child's best interests and the reasons for the finding.

11. *a.* If the court places custody of the child with the department pursuant to subsection 10, the court may identify a category listed in section 232.95, subsection 2, paragraph "*c*", for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

b. The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

[C66, 71, 73, 75, 77, §232.31; C79, 81, §232.96]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10055, 10201; 84 Acts, ch 1207, §4; 87 Acts, ch 153, §7; 98 Acts, ch 1190, §9; 2000 Acts, ch 1067, §9; 2001 Acts, ch 135, §16; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §41 – 43; 2023 Acts, ch 19, §617

Referred to in §232.99, 232.104, 232.116, 600A.7

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232.96A Child in need of assistance adjudication.

The court may adjudicate a child in need of assistance if such child is unmarried and meets any of the following requirements:

1. The child's parent, guardian, or other custodian has abandoned or deserted the child.

2. The child's parent, guardian, other custodian, or other member of the household in which the child resides has physically abused or neglected the child, or is imminently likely to physically abuse or neglect the child.

3. The child has suffered or is imminently likely to suffer harmful effects as a result of any of the following:

a. Mental injury caused by the acts of the child's parent, guardian, or custodian.

b. The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.

c. The child's parent, guardian, custodian, or person responsible for the care of a child as defined in section 232.68, has knowingly disseminated or exhibited obscene material, as defined in section 728.1, to the child.

4. The child has been, or is imminently likely to be, sexually abused by the child's parent, guardian, custodian, or other member of the household in which the child resides.

5. The child is in need of medical treatment to cure, alleviate, or prevent serious physical injury or illness and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.

6. The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward the child's self or others and the child's parent, guardian, or custodian is unwilling to provide such treatment.

7. The child's parent, guardian, or custodian fails to exercise a minimal degree of care in supplying the child with adequate food, clothing, or shelter and refuses other means made available to provide such essentials.

8. The child has committed a delinquent act as a result of pressure, guidance, or approval from a parent, guardian, custodian, or other member of the household in which the child resides.

9. The child has been the subject of or a party to sexual activities for hire or who poses for live display or for photographic or other means of pictorial reproduction or display which is designed to appeal to the prurient interest, is patently offensive, and taken as a whole, lacks serious literary, scientific, political, or artistic value.

10. The child is without a parent, guardian, or other custodian.

11. The child's parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody.

12. The child for good cause desires to have the child's parents relieved of the child's care and custody.

13. The child is in need of treatment to cure or alleviate chemical dependency and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.

14. The child's parent, guardian, or custodian suffers from a mental incapacity, a mental condition, imprisonment, or drug or alcohol abuse that results in the child not receiving adequate care or being imminently likely not to receive adequate care.

15. The child's body has an illegal drug present as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian. The presence of the drug shall be determined in accordance with a medically relevant test as defined in section 232.73.

16. The child's parent, guardian, custodian, or other adult member of the household in which a child resides does any of the following:

a. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance in the presence of the child.

b. Knowingly allows the use, possession, manufacture, cultivation, or distribution of a dangerous substance by another person in the presence of the child.

c. Possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance in the presence of the child.

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d. Unlawfully uses, possesses, manufactures, cultivates, or distributes a dangerous substance listed in paragraph *"f"*, subparagraph (1), (2), or (3), in the child's home, on the premises, or in a motor vehicle located on the premises.

e. For the purposes of this subsection, *"in the presence of a child"* means in the physical presence of a child or occurring under other circumstances in which a reasonably prudent person would know that the use, possession, manufacture, cultivation, or distribution of a dangerous substance may be seen, smelled, ingested, or heard by a child.

f. For the purposes of this subsection, *"dangerous substance"* means any of the following:

(1) Amphetamine, its salts, isomers, or salts of its isomers.

(2) Methamphetamine, its salts, isomers, or salts of its isomers.

(3) A chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or is intended to be used in any of the following:

(a) The process of manufacturing an illegal or controlled substance.

(b) As a precursor in the manufacturing of an illegal or controlled substance.

(c) As an intermediary in the manufacturing of an illegal or controlled substance.

(4) Cocaine, its salts, isomers, salts of its isomers, or derivatives.

(5) Heroin, its salts, isomers, salts of its isomers, or derivatives.

(6) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

17. The child is a newborn infant whose parent has voluntarily released custody of the child in accordance with chapter 233.

2022 Acts, ch 1098, §33

Referred to in §232.2, 232.68, 232.71B, 232.98, 232.102, 232.117, 709A.5

232.97 Social investigation and report.

1. The court shall not make a disposition of the petition until five working days after a social report has been submitted to the court and counsel for the child and has been considered by the court. The court may waive the five-day requirement upon agreement by all the parties. The court may direct either the juvenile court officer or the department or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

2. The social investigation may be conducted and the social history may be submitted to the court prior to the adjudication of the child as a child in need of assistance with the consent of the parties.

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. At least five days prior to the hearing at which the disposition is determined, the department shall file a copy of the social report with the court and the court shall restrict access of the social report to counsel for the child, counsel for the child's parent, guardian, or custodian, the department, the court appointed special advocate, a local board as defined in section 237.15, the county attorney, the state's counsel, and the guardian ad litem. The court may in its discretion order counsel not to disclose parts of the report to the child, or to the parent, guardian, or custodian. If the report indicates the child or parent has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has committed sexual abuse, or the child has been a victim of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of or providing substantial care to the child shall be provided with that information.

[C66, 71, 73, 75, 77, §232.14; C79, 81, §232.97]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10055, 10201; 84 Acts, ch 1279, §14; 86 Acts, ch 1186, §9; 2005 Acts, ch 124, §4; 2015 Acts, ch 62, §2; 2022 Acts, ch 1098, §44; 2023 Acts, ch 19, §618

Referred to in §232.147

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232.98 Physical assessments and behavioral health evaluations — child in need of assistance.

1. *a.* Except as provided in section 232.78, subsection 5, a physical assessment or behavioral health evaluation of a child may be ordered only after the filing of a petition pursuant to section 232.87, and after a hearing to determine whether a physical assessment or behavioral health evaluation is necessary to determine the child's physical condition or if the child has a behavioral health condition.

b. The court may consider chemical dependency as either a physical or behavioral health condition and may consider a chemical dependency evaluation as either a physical assessment or behavioral health evaluation.

c. The hearing required by this section may be held simultaneously with the adjudicatory hearing.

d. A physical assessment or a behavioral health evaluation ordered prior to the adjudication shall be conducted on an outpatient basis when possible. However, if deemed necessary by the court, the court may order the child to a suitable nonsecure hospital, facility, or institution for the purpose of an inpatient physical assessment or an inpatient behavioral health evaluation for a period not to exceed thirty days if all of the following circumstances exist:

(1) Probable cause exists to believe that the child is a child in need of assistance pursuant to section 232.96A, subsection 5 or 6.

(2) An inpatient physical assessment or inpatient behavioral health evaluation is necessary to determine whether there is clear and convincing evidence that the child is a child in need of assistance.

(3) The child's attorney agrees to an inpatient physical assessment or inpatient behavioral health evaluation.

e. A physical assessment or a behavioral health evaluation ordered after the adjudication shall be conducted on an outpatient basis when possible. However, if deemed necessary by the court, the court may order the child to a suitable nonsecure hospital, facility, or institution for the purpose of an inpatient physical assessment or an inpatient behavioral health evaluation for a period not to exceed thirty days.

f. The child's parent, guardian, or custodian shall be included in counseling sessions offered during the child's stay in a hospital, facility, or institution when feasible, and when in the best interests of the child and the child's parent, guardian, or custodian. If separate counseling sessions are conducted for the child and the child's parent, guardian, or custodian, a joint counseling session shall be offered prior to the release of the child from the hospital, facility, or institution. The court shall require that notice be provided to the child's guardian ad litem of the counseling sessions, the counseling session participants, and the outcomes of the counseling sessions.

2. Following an adjudication that a child is a child in need of assistance, the court may, after a hearing, order a physical assessment or behavioral health evaluation of the child's parent, guardian, or custodian if that person's ability to care for the child is at issue.

[C66, 71, 73, 75, 77, §232.13; C79, 81, §232.98; 82 Acts, ch 1209, §15]

84 Acts, ch 1279, §15; 85 Acts, ch 173, §12; 86 Acts, ch 1186, §10; 2009 Acts, ch 41, §263; 2022 Acts, ch 1098, §79; 2023 Acts, ch 19, §619; 2025 Acts, ch 86, §29

Referred to in §232.78

232.99 Dispositional hearing — findings.

1. Following the entry of an order pursuant to section 232.96, the court shall, as soon as practicable, hold a dispositional hearing in order to determine what disposition should be made of the petition.

2. All relevant and material evidence shall be admitted.

3. In the initial dispositional hearing, any hearing held under section 232.103, and any dispositional review or permanency hearing, the court shall inquire of the parties as to the sufficiency of the services being provided and whether additional services are needed to facilitate the safe return of the child to the child's home. If the court determines such services are needed, the court shall order the services to be provided. The court shall advise

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the parties that failure to identify a deficiency in services or to request additional services may preclude the party from challenging the sufficiency of the services in a termination of parent-child relationship proceeding.

4. When the dispositional hearing is concluded the court shall make the least restrictive disposition appropriate considering all the circumstances of the case. The dispositions which may be entered under this subchapter are listed in sections 232.100 through 232.102 in order from least to most restrictive.

5. The court shall make and file written findings as to its reason for the disposition.

[C66, 71, 73, 75, 77, §232.31; C79, 81, §232.99]

98 Acts, ch 1190, §10; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1063, §89

Referred to in §232.58, 232.95, 232.104

232.100 Suspended judgment.

After the dispositional hearing the court may enter an order suspending judgment and continuing the proceedings subject to terms and conditions imposed to assure the proper care and protection of the child. Such terms and conditions may include the supervision of the child and of the parent, guardian, or custodian by the department, juvenile court office, or other appropriate agency designated by the court. The maximum duration of any term or condition of a suspended judgment shall be twelve months unless the court finds at a hearing held during the last month of that period that exceptional circumstances require an extension of the term or condition for an additional six months.

[C79, 81, §232.100]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §620

Referred to in §232.99, 232.103, 232.117, 232.127

232.101 Retention of custody by parent.

1. After the dispositional hearing, the court may enter an order permitting the child's parent, guardian, or custodian at the time of the filing of the petition to retain custody of the child subject to terms and conditions which the court prescribes to assure the proper care and protection of the child. Such terms and conditions may include supervision of the child and the parent, guardian, or custodian by the department, juvenile court office, or other appropriate agency which the court designates. Such terms and conditions may also include the provision or acceptance by the parent, guardian, or custodian of special treatment or care which the child needs for the child's physical or mental health. If the parent, guardian, or custodian fails to provide the treatment or care, the court may order the department or some other appropriate state agency to provide such care or treatment.

2. The duration of any period of supervision or other terms or conditions shall be for an initial period of no more than twelve months and the court, at the expiration of that period, upon a hearing and for good cause shown, may make not more than two successive extensions of such supervision or other terms or conditions of up to twelve months each.

[S13, §254-a20, 2708; C24, 27, 31, 35, 39, §**3637;** C46, 50, 54, 58, 62, §232.21; C66, 71, 73, 75, 77, §232.33; C79, 81, §232.101]

83 Acts, ch 96, §157, 159; 97 Acts, ch 99, §4; 2023 Acts, ch 19, §621

Referred to in §232.99, 232.103, 232.117, 232.127, 598.21H

232.101A Appointment of guardian.

1. After a dispositional hearing the court may close the child in need of assistance case and appoint a guardian pursuant to sections 232D.308 and 232D.401 if all of the following conditions are met:

a. The person receiving guardianship meets the definition of custodian in section 232.2.

b. The person receiving guardianship has assumed responsibility for the child prior to filing of the petition under this subchapter and has maintained placement of the child since the filing of the petition under this subchapter.

c. The parent of the child does not appear at the dispositional hearing, or the parent appears at the dispositional hearing, does not object to the transfer of guardianship, and agrees to waive the requirement for making reasonable efforts as defined in section 232.102A.

2. If the court appoints a guardian pursuant to subsection 1, the court may close the child

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in need of assistance case. The court shall inform the proposed guardian of the guardian's reporting duties under section 232D.501 and other duties under chapter 232D. The court shall direct the clerk of court, once the proposed guardian has filed an oath of office and identification, to issue letters of appointment for guardianship.

2014 Acts, ch 1048, §1; 2019 Acts, ch 56, §30, 44, 45; 2020 Acts, ch 1062, §94; 2025 Acts, ch 86, §60

Referred to in §232.99, 232.103, 232.127, 232D.201

232.102 Transfer of legal custody of child and placement.

1. *a.* After a dispositional hearing, the court may enter an order transferring the legal custody of the child to a parent of the child. If the court finds that custody with either of the child's parents is not in the child's best interests, the child's custody shall be transferred to the department for placement of the child in any of the following categories in the following order of priority:

(1) An adult relative of the child including but not limited to adult siblings and parents of siblings.

(2) A fictive kin.

(3) Any other suitable placement identified by the child's relatives.

(4) An individual licensee or an approved kinship caregiver under chapter 237. If the child is placed with an individual licensee or an approved kinship caregiver, the department shall assign decision-making authority to the individual licensee or approved kinship caregiver for the purpose of applying the reasonable and prudent parent standard during the child's placement.

(5) A group care facility, shelter care facility, or other residential treatment facility.

b. (1) If the court places custody of the child with the department pursuant to paragraph "*a*", the court may identify a category listed in paragraph "*a*" for placement of the child, but the department shall have the authority to select the specific person or facility within that category for placement, subject to court review at the request of an interested party.

(2) The court shall give deference to the department's decision for placement of a child. A party opposed to the department's placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.

c. (1) A court shall not order placement of a child in a category identified in paragraph "*a*", subparagraph (2), (3), (4), or (5), without a specific finding that placement with an adult relative is not in the child's best interests and providing reasons for the court's finding.

(2) Notwithstanding any provision under this subsection to the contrary, if the court finds, during the dispositional hearing, that the child has been placed with an individual licensed under chapter 237 to provide foster care for at least nine months immediately preceding the dispositional hearing, the court shall not order placement of a child in a category identified in paragraph "*a*", subparagraph (1), (2), or (3), without a specific finding that such placement is in the child's best interests and providing reasons for the court's findings.

d. If the child is fourteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

2. The court shall not order group foster care placement of the child which is a charge

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upon the state unless the group foster care meets the requirements established by the department by rule.

3. After a dispositional hearing and upon the request of the department, the court may enter an order appointing the department as the guardian of an unaccompanied refugee child or of a child without parent or guardian.

4. *a.* Whenever possible the court should permit the child to remain at home with the child's parent, guardian, or custodian. Custody of the child should not be transferred unless the court finds there is clear and convincing evidence of any of the following:

(1) The child cannot be protected from physical abuse without transfer of custody.

(2) The child cannot be protected from some harm which would justify the adjudication of the child as a child in need of assistance and an adequate placement is available.

b. In order to transfer custody of the child under this subsection, the court must make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and shall identify the reasonable efforts that have been made. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for removal of the child. If the court transfers custody of the child, unless the court waives the requirement for making reasonable efforts or otherwise makes a determination that reasonable efforts are not required, reasonable efforts shall be made to make it possible for the child to safely return to the family's home.

5. The child shall not be placed in the state training school.

6. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

7. Any order transferring custody to the department or an agency shall include a statement informing the child's parent that the consequences of a permanent removal may include the termination of the parent's rights with respect to the child.

8. An agency, facility, institution, or person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every six months concerning the status and progress of the child. The court shall hold a periodic dispositional review hearing for each child in placement pursuant to this section in order to determine whether the child should be returned home, an extension of the placement should be made, a permanency hearing should be held, or a termination of the parent-child relationship proceeding should be instituted. The placement shall be terminated and the

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child returned to the child's home if the court finds by a preponderance of the evidence that the child will not suffer harm in the manner specified in section 232.96A. If the placement is extended, the court shall determine whether additional services are necessary to facilitate the return of the child to the child's home, and if the court determines such services are needed, the court shall order the provision of such services. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency responsible for the placement of the child shall consider placing the child in the same licensed foster care facility.

a. The initial dispositional review hearing shall not be waived or continued beyond six months after the date of the dispositional hearing.

b. Subsequent dispositional review hearings shall not be waived or continued beyond twelve months after the date of the most recent dispositional review hearing.

c. For purposes of this subsection, a hearing held pursuant to section 232.103 satisfies the requirements for initial dispositional review or subsequent permanency hearing.

9. Unless prohibited by court order or the department or juvenile court services finds that allowing the visitation would not be in the child's best interests, the department or juvenile court services may authorize reasonable visitation between the child and the child's adult relative or a fictive kin.

10. Notwithstanding any provision to the contrary, transfer of legal custody and placement of a newborn infant for whom physical custody was relinquished pursuant to section 233.2 shall be determined in accordance with chapter 233.

11. If, at the dispositional hearing, the court transfers the custody or physical care of a child to a person who is ordered to pay support for the child, the juvenile court shall, upon request of the person ordered to pay support, or the person owed support, file a notice of change of custody so that the payor may request a suspension of support under section 598.21H, in the district court case where support was ordered.

a. The notice shall include all of the following:

(1) The child's initials and year of birth. The notice shall not include the child's full name.

(2) A notice that, pursuant to a dispositional order, the court has transferred custody of the child, including an identification of from whom custody of the child was transferred and to whom custody of the child was transferred.

(3) A notice that the parties may request a suspension of the current child support obligation pursuant to section 598.21H.

b. If custody or physical care of the child is returned to the person who was previously entitled to receive support for the child, the court shall file a notice of change of custody so that the person who was previously entitled to receive support for the child, or child support services, may request an end to a suspension of support under section 598.21H.

[S13, §254-a20, -a23, 2708, 2709; C24, 27, 31, 35, 39, §**3637, 3646, 3647;** C46, 50, 54, 58, 62, §232.21, 232.27, 232.28; C66, 71, 73, 75, 77, §232.33; C79, 81, §232.102; 81 Acts, ch 11, §17; 82 Acts, ch 1260, §23]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §16 – 18; 85 Acts, ch 173, §13; 87 Acts, ch 159, §3; 88 Acts, ch 1134, §52; 88 Acts, ch 1249, §14; 90 Acts, ch 1239, §10, 11; 91 Acts, ch 232, §7, 8; 92 Acts, ch 1229, §5; 92 Acts, 1st Ex, ch 1004, §2; 95 Acts, ch 67, §16; 97 Acts, ch 99, §5; 98 Acts, ch 1190, §11 – 17; 2000 Acts, ch 1067, §10; 2001 Acts, ch 24, §40; 2001 Acts, ch 135, §17 – 19; 2002 Acts, ch 1081, §3; 2003 Acts, ch 117, §5; 2004 Acts, ch 1116, §8 – 10; 2007 Acts, ch 172, §6, 9; 2007 Acts, ch 218, §114; 2008 Acts, ch 1098, §1; 2009 Acts, ch 41, §263; 2014 Acts, ch 1092, §52; 2016 Acts, ch 1063, §14, 15; 2017 Acts, ch 54, §31; 2019 Acts, ch 100, §4; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §45 – 48, 80; 2023 Acts, ch 19, §622; 2023 Acts, ch 46, §4; 2023 Acts, ch 140, §4; 2025 Acts, ch 135, §7; 2026 Acts, ch 1089, §2; 2026 Acts, ch 1103, §1

Referred to in §232.99, 232.103, 232.104, 232.116, 232.117, 232.127, 234.35, 598.21H
Copy of dispositional order under subsection 8 to be submitted to foster care review boards; 84 Acts, ch 1279, §42
Subsection 1, paragraph c amended
NEW subsection 11

232.102A Reasonable efforts.

1. For the purposes of this subchapter:

a. *"Reasonable efforts"* means the efforts made to preserve and unify a family prior to

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the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. Reasonable efforts include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include but are not limited to family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider all of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family. If family-centered services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child's family, judged to be unable to protect the child and the child's family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

(2) The relative risk to the child of remaining in the child's home versus removal of the child.

b. "Family-centered services" means services and other support intended to safely maintain a child with the child's family or with an adult relative, to safely and in a timely manner return a child to the home of the child's parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services include services adapted to the individual needs of a family in regard to the specific services and other support provided to the child's family and the intensity and duration of service delivery and services intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family to provide for the needs of the children in the family.

2. Family interactions shall continue regardless of a parent's failure to comply with the requirements of a court order or the department unless a court finds that substantial evidence exists that the family interactions, whether supervised or unsupervised, would pose a serious risk of physical or emotional harm to the child.

3. The performance of reasonable efforts to place a child for adoption or with a guardian may be made concurrently with making reasonable efforts.

4. If the court determines by clear and convincing evidence that aggravated circumstances exist supported by written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in section 232.116, subsection 1, paragraph "*i*", are applicable to the child.

c. The parent's parental rights have been terminated under section 232.116 or involuntarily terminated by an order of a court of competent jurisdiction in another state with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

d. The parent has been convicted of the murder of another child.

e. The parent has been convicted of the voluntary manslaughter of another child.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury to the child or another child.

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5. Prior services the state provided to the family shall not be considered in making a determination as to whether a waiver of reasonable efforts is appropriate.

2022 Acts, ch 1098, §49; 2025 Acts, ch 23, §1; 2025 Acts, ch 86, §61
Referred to in §232.2, 232.101A, 232.104, 232.111, 232B.5, 233.2, 234.6

232.103 Termination, modification, vacation, and substitution of dispositional order.

1. At any time prior to expiration of a dispositional order and upon the motion of an authorized party or upon its own motion as provided in this section, the court may terminate the order and discharge the child, modify the order, or vacate the order and make a new order.

2. The following persons shall be authorized to file a motion to terminate, modify, or vacate and substitute a dispositional order:

a. The child.

b. The child's parent, guardian, or custodian, except that such motion may be filed by that person not more often than once every sixty days except with leave of court for good cause shown.

c. The child's guardian ad litem.

d. A person supervising the child pursuant to a dispositional order.

e. An agency, facility, institution, or person to whom legal custody has been transferred pursuant to a dispositional order.

f. The county attorney.

3. A change in the level of care for a child who is subject to a dispositional order for out-of-home placement requires modification of the dispositional order. A hearing shall be held on a motion to terminate or modify a dispositional order except that a hearing on a motion to terminate or modify an order may be waived upon agreement by all parties. Reasonable notice of the hearing shall be given to the parties. The hearing shall be conducted in accordance with the procedure established for dispositional hearings under section 232.50, subsection 3.

4. The court may modify a dispositional order, vacate and substitute a dispositional order, or terminate a dispositional order and release the child if the court finds that any of the following circumstances exist:

a. The purposes of the order have been accomplished and the child is no longer in need of supervision, care, or treatment.

b. The purposes of the order cannot reasonably be accomplished.

c. The efforts made to effect the purposes of the order have been unsuccessful and other options to effect the purposes of the order are not available.

d. The purposes of the order have been sufficiently accomplished and the continuation of supervision, care, or treatment is unjustified or unwarranted.

5. The court may modify or vacate an order for good cause shown provided that where the request to modify or vacate is based on the child's alleged failure to comply with the conditions or terms of the order, the court may modify or vacate the order only if it finds that there is clear and convincing evidence that the child violated a material and reasonable condition or term of the order.

6. If the court vacates the order it may make any other order in accordance with and subject to the provisions of sections 232.100 through 232.102.

[C79, 81, §232.103]

90 Acts, ch 1239, §12; 2001 Acts, ch 135, §20; 2003 Acts, ch 117, §6; 2004 Acts, ch 1154, §1, 2; 2012 Acts, ch 1021, §51; 2017 Acts, ch 54, §72; 2019 Acts, ch 100, §5; 2020 Acts, ch 1062, §34; 2020 Acts, ch 1063, §90; 2022 Acts, ch 1098, §50
Referred to in §232.99, 232.102, 232.104

232.103A Transfer of jurisdiction related to child in need of assistance case — bridge order.

1. The juvenile court may close a child in need of assistance case by transferring jurisdiction over the child's custody, physical care, and visitation to the district court through a bridge order, if all of the following criteria are met:

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a. The child has been adjudicated a child in need of assistance in an active juvenile court case, and a dispositional order in that case is in place.

b. Paternity of the child has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child.

c. The child is safely placed by the juvenile court with a parent.

d. There is not a current district court order for custody in place.

e. The juvenile court has determined that the child in need of assistance case can safely close once orders for custody, physical care, and visitation are entered by the district court.

f. A parent qualified for a court-appointed attorney in the juvenile court case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge order under subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days nor more than ninety days from the date of filing the motion. The juvenile court, on its own motion, may set a hearing on the issue of a bridge order if such hearing is set no less than thirty days from the date of notice to the parties.

3. The juvenile court shall designate the petitioner and respondent for the purposes of the bridge order. A bridge order shall only address matters of custody, physical care, and visitation. All other matters, including child support, shall be filed by separate petition or by action of child support services, and shall be subject to existing applicable statutory provisions.

4. Upon transferring jurisdiction from the juvenile court to the district court, the clerk of court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to child support services without a court order.

6. Following the issuance of a bridge order, a party may file a petition in district court for modification of the bridge order for custody, physical care, or visitation. If the petition for modification is filed within one year of the filing date of the bridge order, the party requesting modification shall not be required to demonstrate a substantial change of circumstances but instead shall demonstrate that such modification is in the best interest of the child. If a petition for modification is filed within one year of the filing date of the bridge order, filing fees and other court costs shall not be assessed against the parties.

7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

8. A court-appointed attorney shall be paid by the state public defender's office for work done relating to a bridge order.

2015 Acts, ch 43, §1; 2022 Acts, ch 1098, §51; 2023 Acts, ch 19, §623; 2023 Acts, ch 123, §3
Referred to in §232D.201

232.103B Child in need of assistance cases — transfer of jurisdiction pursuant to bridge modification order.

1. A juvenile court may close a child in need of assistance case by returning jurisdiction of the child's custody to the district court through an order modifying issues of legal custody, physical care, and parenting time if all of the following criteria have been met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case, and a permanency order is in place in that case.

b. Legal paternity has been established for the child.

c. The child is safely unified with a parent.

d. The district court has issued an order concerning custody, physical care, and parenting time regarding the child and the order is in place at the time of the filing of the child in need of assistance petition.

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e. The juvenile court has determined that the child in need of assistance case can safely close when the modified district court order for custody, physical care, and parenting time is in place.

f. Either parent has qualified for a court-appointed attorney in the juvenile case.

2. When the criteria specified in subsection 1 are met, any party to a child in need of assistance proceeding in juvenile court may file a motion with the juvenile court for a bridge modification order as described in subsection 1. Such motion shall be set for hearing by the juvenile court no less than thirty days but not more than ninety days from the date of filing of the motion. The juvenile court, on its own motion, may set a hearing on the issue of the bridge modification order if such hearing is set no less than thirty days from the date of notice to the parties.

3. Bridge modification orders shall only address legal custody, physical care, and parenting time. All other matters, including child support, shall be filed by separate petition in district court, and shall be subject to existing statutory requirements.

4. Upon transferring jurisdiction, the clerk of court shall docket the bridge modification order in the current district court custodial order court file. The clerk of court shall not assess any filing fees or other court costs. The juvenile court shall follow the previously designated listing of the parties as petitioner and as respondent for the purposes of the bridge modification order.

5. The district court shall take judicial notice of the current child in need of assistance case related to the bridge modification order, as well as any prior child in need of assistance cases relating to any prior bridge orders in any hearing related to the case. Records that are copied or transferred from the juvenile court file shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency. Such documents shall be disclosed, upon request, to child support services without a court order, subject to any statutory confidentiality provisions.

6. Nothing in this section shall be construed to require the appointment of counsel for the parties in the district court action.

2023 Acts, ch 19, §1358; 2023 Acts, ch 132, §1; 2024 Acts, ch 1043, §109

232.104 Permanency hearing — permanency order — subsequent proceedings.

1. *a.* The time for the initial permanency hearing for a child subject to out-of-home placement shall be the earlier of the following:

(1) For a temporary removal order entered under section 232.78, 232.95, or 232.96, for a child who was removed without a court order under section 232.79, or for an order entered under section 232.102, for which the court has not waived reasonable efforts requirements, the permanency hearing shall be held within twelve months of the date the child was removed from the home.

(2) For an order entered under section 232.102, for which the court has waived reasonable efforts requirements under section 232.102A, subsection 4, the permanency hearing shall be held within thirty days of the date the requirements were waived.

b. The permanency hearing may be held concurrently with a hearing under section 232.103 to review, modify, substitute, vacate, or terminate a dispositional order.

c. Reasonable notice of a permanency hearing shall be provided to the parties. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court and the reasonable efforts made concerning the child. Upon completion of the hearing, the court shall enter written findings and make a determination identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and complying with the other provisions of that permanency plan.

2. After a permanency hearing the court shall do one of the following:

a. Enter an order pursuant to section 232.102 to return the child to the child's home.

b. Enter an order pursuant to section 232.102 to continue placement of the child for an additional six months at which time the court shall hold a hearing to consider modification

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of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the child's home will no longer exist at the end of the additional six-month period.

c. Direct the county attorney or the attorney for the child to institute proceedings to terminate the parent-child relationship.

d. Enter an order, pursuant to findings required by subsection 4, to do one of the following:

(1) Transfer sole custody of the child from one parent to another parent.

(2) Transfer guardianship and custody of the child to an adult relative, a fictive kin, or another suitable person.

(3) Transfer custody of the child to a suitable person for the purpose of long-term care.

(4) If the child is sixteen years of age or older and the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph *"d"* would not be in the child's best interest, order another planned permanent living arrangement for the child.

3. If the court enters an order for another planned permanent living arrangement pursuant to subsection 2, paragraph *"d"*, the court shall do all of the following:

a. Ask the child about the child's desired permanency outcome and make a judicial determination that another planned permanent living arrangement is the best permanency plan for the child.

b. Require the department to do all of the following:

(1) Document the efforts to place a child permanently with a parent, relative, or in a guardianship or adoptive placement.

(2) Document that the planned permanent living arrangement is the best permanency plan for the child and compelling reasons why it is not in the child's best interest to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(3) Document all of the following at the permanency hearing and the six-month periodic review:

(a) The steps the department is taking to ensure that the planned permanent living arrangement follows the reasonable and prudent parent standard.

(b) Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

4. Prior to entering a permanency order pursuant to subsection 2, paragraph *"d"*, convincing evidence must exist showing that all of the following apply:

a. A termination of the parent-child relationship would not be in the best interest of the child.

b. Services were offered to the child's family to correct the situation which led to the child's removal from the home.

c. The child cannot be returned to the child's home.

5. A court shall apply the priority of placement requirements of section 232.102, subsection 1, paragraphs *"a"* and *"c"*, when entering a permanency order pursuant to subsection 2, paragraph *"d"*.

6. Any permanency order may provide restrictions upon the contact between the child and the child's parent or parents, consistent with the best interest of the child.

7. With respect to a dispositional order providing for transfer of custody of a child and siblings to the department or other agency for placement for which the court has suspended or terminated sibling visitation or interaction, when a review is made under this section the court shall consider whether the visitation or interaction can be safely resumed and may modify the suspension or termination as appropriate.

8. Subsequent to the entry of a permanency order pursuant to this section, the child shall not be returned to the care, custody, or control of the child's parent or parents, over a formal objection filed by the child's attorney or guardian ad litem, unless the court finds by a preponderance of the evidence, that returning the child to such custody would be in the best interest of the child.

9. *a.* Following an initial permanency hearing and the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall

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retain jurisdiction and annually review the order to ascertain whether the best interest of the child is being served. When the order places the child in the custody of the department for the purpose of long-term foster care placement in a facility, the review shall be in a hearing that shall not be waived or continued beyond twelve months after the initial permanency hearing or the last permanency review hearing. Any modification shall be accomplished through a hearing procedure following reasonable notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

b. In lieu of the procedures specified in paragraph "*a*", the court may close the child in need of assistance case and may appoint a guardian pursuant to chapter 232D.

10. Notwithstanding any provision to the contrary, legal custody and placement of a newborn infant for whom physical custody was relinquished pursuant to section 233.2 shall be determined in accordance with chapter 233.

11. If, at the permanency hearing, the court transfers the custody or physical care of a child to a person who is ordered to pay support for the child, the juvenile court shall, upon request of the person ordered to pay support or the person owed support, file a notice of change of custody so that the payor may request a suspension of support under section 598.21H, in the district court case where support was ordered.

a. The notice shall include all of the following:

(1) The child's initials and year of birth. The notice shall not include the child's full name.

(2) A notice that, pursuant to a permanency order, the court has transferred custody of the child, including an identification of from whom custody of the child was transferred and to whom custody of the child was transferred.

(3) A notice that the parties may request a suspension of the current child support obligation pursuant to section 598.21H.

b. If custody or physical care of the child is returned to the person who was previously entitled to receive support for the child, the court shall file a notice of change of custody so that the person who was previously entitled to receive support for the child, or child support services, may request an end to a suspension of support under section 598.21H.

87 Acts, ch 159, §4; 89 Acts, ch 229, §6; 95 Acts, ch 182, §5; 98 Acts, ch 1190, §18, 19; 2000 Acts, ch 1067, §11, 12; 2001 Acts, ch 135, §21, 22; 2007 Acts, ch 67, §4; 2007 Acts, ch 172, §7; 2010 Acts, ch 1143, §1; 2016 Acts, ch 1063, §16, 17; 2017 Acts, ch 54, §73; 2019 Acts, ch 56, §31, 44, 45; 2022 Acts, ch 1098, §52, 53; 2023 Acts, ch 46, §5; 2023 Acts, ch 66, §45; 2026 Acts, ch 1089, §3

Referred to in §232.117, 232D.201, 598.21H
NEW subsection 11

232.105 Reserved.

232.106 Terms and conditions on child's parent.

If the court enters an order under this chapter which imposes terms and conditions on the child's parent, guardian, or custodian, the purpose of the terms and conditions shall be to assure the protection of the child. The order is subject to the following provisions:

1. The order shall state the reasons for and purpose of the terms and conditions.

2. If a parent, guardian, or custodian is required to have a chemical test of blood or urine for the purpose of determining the presence of an illegal drug, the test shall be a medically relevant test as defined in section 232.73.

95 Acts, ch 182, §9; 96 Acts, ch 1092, §5

232.107 Parent visitation. Repealed by 2022 Acts, ch 1098, §90.

232.108 Sibling placement and ongoing interaction.

1. If the court orders the transfer of custody of a child and siblings to the department or other agency for placement under this chapter, the department or other agency shall make reasonable efforts to place the child and siblings together whenever possible if such placement is in the best interests of each child. The requirement of this subsection remains applicable to custody transfer orders made at separate times provided the requirement will not jeopardize the stability of placements and is in the best interests of each child. The

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requirement of this subsection also applies in addition to efforts made to place the child with an adult relative.

2. If the requirements of subsection 1 apply but the siblings are not placed in the same placement together, the child's attorney or guardian ad litem shall provide the siblings with the reasons why and the efforts being made to facilitate such placement, or why making efforts for such placement is not appropriate. An explanation is not required if the ages or mental states of the siblings make such an explanation inappropriate. Unless visitation or ongoing interaction with siblings is suspended or terminated by the court, the department shall make reasonable efforts to provide for visitation or other ongoing interaction between the child and the child's siblings from the time of the child's out-of-home placement until the child returns home or is in a permanent placement. The department shall make reasonable efforts for such visitations or interactions to occur at least once every thirty days unless more frequent or less frequent visitation is ordered by the court based on the child's circumstances.

3. A person who wishes to assert a sibling relationship with a child who is subject to an order under this chapter for an out-of-home placement and to request visitation or other ongoing interaction with the child may file a motion or petition with the court with jurisdiction over the child. Unless the court determines it would not be in the child's best interests, upon finding that the person is a sibling of the child, the provisions of this section providing for frequent visitation or other ongoing interaction between the siblings shall apply. Nothing in this section is intended to provide or expand a right to counsel under this chapter beyond the right provided and persons specified in sections 232.89 and 232.113.

4. If the court determines by clear and convincing evidence that visitation or other ongoing interaction between a child and the child's siblings would be detrimental to the well-being of the child or a sibling, the court shall order the visitation or interaction to be suspended or terminated. The reasons for the determination shall be noted in the court order suspending or terminating the visitation or interaction and shall be explained to the child and the child's siblings, and to the parent, guardian, or custodian of the child.

5. The case permanency plan of a child who is subject to this section shall comply with all of the following, as applicable:

a. The plan shall document the efforts being made to provide for the child's frequent visitation or other ongoing interaction with the child's siblings from the time of the child's out-of-home placement until the child returns home or is in a permanent placement. The child's parent, guardian, or custodian may comment on the efforts as documented in the case permanency plan.

b. If at any point the court determines that the child's visitation or interaction with siblings would be detrimental to the child's well-being and visitation or interaction with siblings is suspended or terminated by the court, the determination shall be noted in the case permanency plan. If the court lifts the suspension or termination, the case permanency plan shall be revised to document the efforts to provide for visitation or interaction as required under paragraph *"a"*.

c. If one or more of the child's siblings are also subject to an order under this chapter for an out-of-home placement and the siblings are not placed in the same placement together, the plan shall document the reasons why and the efforts being made to facilitate such placement, or why making efforts for such placement is not appropriate.

6. If an order is entered for termination of parental rights of a child who is subject to this section, unless the court has suspended or terminated sibling visitation or interaction in accordance with this section, the department or child-placing agency shall do all of the following to facilitate frequent visitation or ongoing interaction between the child and siblings when the child is adopted or enters a permanent placement:

a. Include in the training provided to prospective adoptive parents information regarding the importance of sibling relationships to an adopted child and counseling methods for maintaining sibling relationships.

b. Provide prospective adoptive parents with information regarding the child's siblings. The address of a sibling's residence shall not be disclosed in the information unless authorized by court order for good cause shown.

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c. Encourage prospective adoptive parents to plan for facilitating postadoption contact between the child and the child's siblings.

7. Any information regarding court-ordered or authorized sibling visitation, interaction, or contact shall be provided to the foster parent, relative caretaker, guardian, prospective adoptive parent, and child as soon as reasonably possible following the entry of the court order or authorization as necessary to facilitate the visitation or interaction.

2007 Acts, ch 67, §5; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §54
Referred to in §232.2, 232.117, 238.18

SUBCHAPTER IV

TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDING

Referred to in §232.2, 232.3A, 232.147, 600A.5

232.109 Jurisdiction.

The juvenile court shall have exclusive jurisdiction over proceedings under this chapter to terminate a parent-child relationship and all parental rights with respect to a child. No such termination shall be ordered except under the provisions of this chapter if the court has made an order concerning the child pursuant to the provisions of subchapter III and the order is in force at the time a petition for termination is filed.

[C79, 81, §232.109]
2020 Acts, ch 1062, §35

232.110 Venue.

1. Venue for termination proceedings under this chapter shall be in the judicial district where the child is found or the judicial district where the child resides except as otherwise provided in subsection 2.

2. If a court has made an order concerning the child pursuant to the provisions of this chapter and the order is still in force at the time the termination petition is filed, such court shall hear and adjudicate the case unless the court transfers the case.

3. The judge may transfer the case to the juvenile court of any county having venue in accordance with the provisions of section 232.62.

[C79, 81, §232.110]

232.111 Petition.

1. A child's guardian, guardian ad litem, or custodian, the department, a juvenile court officer, or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

2. *a.* Unless any of the circumstances described in paragraph *"b"* exist, the county attorney shall file a petition for termination of the parent-child relationship and parental rights with respect to a child or if a petition has been filed, join in the petition, under any of the following circumstances:

(1) The child has been placed in foster care for fifteen months of the most recent twenty-two-month period. The petition shall be filed by the end of the child's fifteenth month of foster care placement.

(2) A court has determined aggravated circumstances exist and has waived the requirement for making reasonable efforts, as defined in section 232.102A, because the court has found the circumstances described in section 232.116, subsection 1, paragraph *"i"*, are applicable to the child.

(3) The child is less than twelve months of age and has been judicially determined to have been abandoned or the child is a newborn infant whose parent has voluntarily released custody of the child in accordance with chapter 233.

(4) The parent has been convicted of the murder or the voluntary manslaughter of another child.

(5) The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child.

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(6) The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child.

b. If any of the following conditions exist, the county attorney is not required to file a petition or join in an existing petition as provided in paragraph *"a"*:

(1) At the option of the department or by order of the court, the child is being cared for by a relative.

(2) The department or a state agency has documented in the child's case permanency plan provided or available to the court a compelling reason for determining that filing the petition would not be in the best interest of the child. A compelling reason shall include but is not limited to documentation in the child's case permanency plan indicating it is reasonably likely the completion of the services being received in accordance with the permanency plan will eliminate the need for removal of the child or make it possible for the child to safely return to the family's home within six months.

(3) The department has not provided the child's family, consistent with the time frames outlined in the child's case permanency plan, with those services the state deems necessary for the safe return of the child to the child's home, and the limited extension of time necessary to complete the services is clearly documented in the case permanency plan.

3. The department, juvenile court officer, county attorney or judge may authorize any competent person having knowledge of the circumstances to file a termination petition with the clerk of the court without the payment of a filing fee.

4. A petition for termination of parental rights shall include the following:

a. The legal name, age, and domicile, if any, of the child.

b. The names, residences, and domicile of any:

(1) Living parents of the child.

(2) Guardian of the child.

(3) Custodian of the child.

(4) Guardian ad litem of the child.

(5) Petitioner.

(6) Person standing in the place of the parents of the child.

c. A plain statement of those facts and grounds specified in section 232.116 which indicate that the parent-child relationship should be terminated.

d. A plain statement explaining why the petitioner does not know any of the information required under paragraphs *"a"* and *"b"* of this subsection.

e. A complete list of the services which have been offered to preserve the family and a statement specifying the services provided to address the reasons stated in any order for removal or in any dispositional or permanency order which did not return the child to the child's home.

f. The signature and verification of the petitioner.

[C79, 81, §232.111]

83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10055, 10201; 95 Acts, ch 147, §6; 98 Acts, ch 1190, §20, 21; 2001 Acts, ch 67, §8, 13; 2001 Acts, ch 135, §25; 2002 Acts, ch 1050, §23; 2022 Acts, ch 1098, §55; 2023 Acts, ch 19, §624

Referred to in §232.112, 233.2

232.112 Notice — service.

1. Persons listed in section 232.111, subsection 4, shall be necessary parties to a termination of parent-child relationship proceeding and are entitled to receive notice and an opportunity to be heard, except that notice may be dispensed with in the case of any such person whose name or whereabouts the court determines is unknown and cannot be ascertained by reasonably diligent search. In addition to the persons who are necessary parties who may be parties under section 232.111, notice for any hearing under this subchapter shall be provided to the child's foster parent, an individual providing preadoptive care for the child, or a relative providing care for the child.

2. Prior to the service of notice on the necessary parties, the juvenile court shall appoint a guardian ad litem for a child if the child does not have a guardian or guardian ad litem or if

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the interests of the guardian or guardian ad litem conflict with the interests of the child. Such guardian ad litem shall be a necessary party under subsection 1.

3. Notice under this section shall be served personally, sent by restricted certified mail, or sent by electronic mail or other electronic means with the consent of the party to be served, whichever is determined by the court to be the most effective means of notification. If the court determines that personal service is impracticable, the court may order service by publication. Such notice shall be made according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by personal delivery and notice sent by electronic mail or other electronic means with the consent of the party to be served shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by restricted certified mail shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by restricted certified mail which is refused by the necessary party given notice shall be sufficient notice to the party under this section.

[C79, 81, §232.112]

98 Acts, ch 1190, §22; 2019 Acts, ch 127, §2; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §56

232.113 Right to and appointment of counsel.

1. Upon the filing of a petition the parent identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If the parent desires but is financially unable to employ counsel, the court shall appoint counsel.

2. Upon the filing of a petition the court shall appoint counsel for the child identified in the petition as a party to the proceedings. The same person may serve both as the child's counsel and as guardian ad litem.

[C79, 81, §232.113]

Referred to in §232.108

232.114 Duties of county attorney.

1. As used in this section, "*state*" means the general interest held by the people in the health, safety, welfare, and protection of all children living in this state.

2. Upon the filing of a petition the county attorney shall represent the state in all adversary proceedings arising under this subchapter and shall present evidence in support of the petition.

3. If there is disagreement between the department and the county attorney regarding the appropriate action to be taken, the department may request that the state be represented by the attorney general in place of the county attorney. If the state is represented by the attorney general, the county attorney may continue to appear in the proceeding and may present the position of the county attorney regarding the appropriate action to be taken in the case.

4. The county attorney and attorney general shall comply with the requirements of chapter 232B and the federal Indian Child Welfare Act, Pub. L. No. 95-608, when either chapter 232B or the federal Indian Child Welfare Act is determined to be applicable in any proceeding under this subchapter.

[C81, §232.114]

89 Acts, ch 230, §18; 2013 Acts, ch 113, §3; 2017 Acts, ch 29, §53; 2020 Acts, ch 1062, §94

232.115 Reporter required.

Stenographic notes or electronic or mechanical recordings shall be taken of all court hearings held pursuant to this subchapter unless waived by the parties. The child shall not be competent to waive the reporting requirement, but waiver may be made for the child by the child's counsel or guardian ad litem. Matters which must be reported under the provisions of this section shall be reported in the same manner as required in section 624.9.

[C81, §232.115]

2020 Acts, ch 1062, §94

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232.116 Grounds for termination.

1. Except as provided in subsection 3, the court may order the termination of both the parental rights with respect to a child and the relationship between the parent and the child on any of the following grounds:

a. The parents voluntarily and intelligently consent to the termination of parental rights and the parent-child relationship and for good cause desire the termination.

b. The court finds that there is clear and convincing evidence that the child has been abandoned or deserted.

c. The court finds that there is clear and convincing evidence that the child is a newborn infant whose parent has voluntarily released custody of the child in accordance with chapter 233.

d. The court finds that both of the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding. This paragraph shall not be construed to require that a finding of sexual abuse or neglect requires a finding of a nonaccidental physical injury.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

e. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(2) The child has been removed from the physical custody of the child's parents for a period of at least six consecutive months.

(3) There is clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so. For the purposes of this subparagraph, "*significant and meaningful contact*" includes but is not limited to the affirmative assumption by the parents of the duties encompassed by the role of being a parent. This affirmative duty, in addition to financial obligations, requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child's life.

f. The court finds that all of the following have occurred:

(1) The child is four years of age or older.

(2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(3) The child has been removed from the physical custody of the child's parents for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

g. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(2) The court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family or a court of competent jurisdiction in another state has entered an order involuntarily terminating parental rights with respect to another child who is a member of the same family.

(3) There is clear and convincing evidence that the parent continues to lack the ability or willingness to respond to services which would correct the situation.

(4) There is clear and convincing evidence that an additional period of rehabilitation would not correct the situation.

h. The court finds that all of the following have occurred:

(1) The child is three years of age or younger.

(2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

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(3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

i. The court finds that all of the following have occurred:

(1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents. This paragraph shall not be construed to require that a finding of sexual abuse or neglect requires a finding of a nonaccidental physical injury.

(2) There is clear and convincing evidence that the abuse or neglect posed a significant risk to the life of the child or constituted imminent danger to the child.

(3) There is clear and convincing evidence that the offer or receipt of services would not correct the conditions which led to the abuse or neglect of the child within a reasonable period of time.

j. The court finds that both of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has been imprisoned for a crime against the child, the child's sibling, or another child in the household, or the parent has been imprisoned and it is unlikely that the parent will be released from prison for a period of five or more years.

k. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a chronic mental illness and has been repeatedly institutionalized for mental illness, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

l. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe substance use disorder as described by either of the following:

(a) The severe substance use disorder meets the definition for that term as defined in the most current edition of the diagnostic and statistical manual prepared by the American psychiatric association, and the parent presents a danger to self or others as evidenced by prior acts.

(b) The disorder is evidenced by continued and repeated use through the case, the parent's refusal to obtain a substance use disorder evaluation or treatment after given the opportunity to do so, and the parent presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

m. The court finds that both of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 after finding that the child has been physically or sexually abused or neglected as a result of the acts or omissions of a parent.

(2) The parent found to have physically or sexually abused or neglected the child has been convicted of a felony and imprisoned for physically or sexually abusing or neglecting the child, the child's sibling, or any other child in the household.

n. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(2) The parent has been convicted of child endangerment resulting in the death of the

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child's sibling, has been convicted of three or more acts of child endangerment involving the child, the child's sibling, or another child in the household, or has been convicted of child endangerment resulting in a serious injury to the child, the child's sibling, or another child in the household.

(3) There is clear and convincing evidence that the circumstances surrounding the parent's conviction for child endangerment would result in a finding of imminent danger to the child.

o. The parent has been convicted of a felony offense that is a sex offense against a minor as defined in section 692A.101, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

p. The court finds there is clear and convincing evidence that the child was conceived as the result of sexual abuse as defined in section 709.1, and the biological parent against whom the sexual abuse was perpetrated requests termination of the parental rights of the biological parent who perpetrated the sexual abuse.

2. In considering whether to terminate the rights of a parent under this section, the court shall give primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child. This consideration may include any of the following:

a. Whether the parent's ability to provide the needs of the child is affected by the parent's mental capacity or mental condition or the parent's imprisonment for a felony.

b. For a child who has been placed in foster family care by a court or has been voluntarily placed in foster family care by a parent or by another person, whether the child has become integrated into the foster family to the extent that the child's familial identity is with the foster family, and whether the foster family is able and willing to permanently integrate the child into the foster family. In considering integration into a foster family, the court shall review the following:

(1) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining that environment and continuity for the child.

(2) The reasonable preference of the child, if the court determines that the child has sufficient capacity to express a reasonable preference.

c. The relevant testimony or written statement that a foster parent, relative, or other individual with whom the child has been placed for preadoptive care or other care has a right to provide to the court.

3. The court need not terminate the relationship between the parent and child if the court finds any of the following:

a. A relative has legal custody of the child.

b. The child is over ten years of age and objects to the termination.

c. There is clear and convincing evidence that the termination would be detrimental to the child at the time due to the closeness of the parent-child relationship.

d. It is necessary to place the child in a hospital, facility, or institution for care and treatment and the continuation of the parent-child relationship is not preventing a permanent family placement for the child.

e. The absence of a parent is due to the parent's admission or commitment to any institution, hospital, or health facility or due to active service in the state or federal armed forces.

[C79, §232.114; C81, §232.116]

84 Acts, ch 1279, §19, 20; 86 Acts, ch 1186, §11; 87 Acts, ch 159, §6; 89 Acts, ch 229, §7 – 12; 90 Acts, ch 1251, §28; 92 Acts, ch 1231, §27 – 29; 93 Acts, ch 76, §2; 94 Acts, ch 1174, §3, 22; 95 Acts, ch 182, §10, 11; 98 Acts, ch 1190, §23; 2001 Acts, ch 67, §9, 13; 2006 Acts, ch 1182, §59; 2007 Acts, ch 172, §14; 2008 Acts, ch 1098, §2; 2009 Acts, ch 119, §38; 2011 Acts, ch 121, §58, 62; 2016 Acts, ch 1046, §1; 2022 Acts, ch 1098, §57 – 59; 2023 Acts, ch 19, §625

Referred to in §232.57, 232.102A, 232.111, 232.117

232.117 Termination — findings — disposition.

1. After the hearing is concluded the court shall make and file written findings.

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2. If the court concludes that facts sufficient to terminate parental rights have not been established by clear and convincing evidence, the court shall dismiss the petition.

3. If the court concludes that facts sufficient to sustain the petition have been established by clear and convincing evidence, the court may order parental rights terminated. If the court terminates the parental rights of a child's parent, the court shall transfer the guardianship and custody of the child to a parent of the child whose parental rights have not been terminated. If the court finds guardianship and custody with the child's parents is not in the child's best interests, guardianship and custody shall be transferred for placement of the child in any of the following categories in the following order of priority:

a. The department if the department had custody of the child at the time of the filing of the petition for termination of parental rights, or if custody with the department is necessary to facilitate the permanency or adoption goal, unless the department waives its priority.

b. An adult relative of the child, including but not limited to adult siblings or parents of siblings.

c. A fictive kin.

d. A child-placing agency or other suitable private agency, facility, or institution which is licensed or otherwise authorized by law to receive and to provide care for the child.

4. If the court orders a termination of parental rights and siblings are not placed together but have an existing relationship, the court shall order ongoing contact between the siblings in accordance with section 232.108 if the court finds that either visitation or ongoing interaction is in the best interests of each sibling. This subsection shall not be construed to require visitation between a child and a parent whose parental rights have been terminated as to that child, even if a sibling remains with the parent.

5. If after a hearing the court does not order the termination of parental rights but finds that there is clear and convincing evidence that the child is a child in need of assistance, pursuant to section 232.96A, due to the acts or omissions of one or both of the child's parents the court may adjudicate the child to be a child in need of assistance and may enter an order in accordance with the provisions of section 232.100, 232.101, 232.102, or 232.104.

6. If the court orders the termination of parental rights and transfers guardianship and custody under subsection 3, the guardian shall submit a case permanency plan to the court and shall make every effort to establish a stable placement for the child by adoption or other permanent placement. Within forty-five days of receipt of the termination order, and every forty-five days thereafter until the court determines such reports are no longer necessary, the guardian shall report to the court regarding efforts made to place the child for adoption or providing the rationale as to why adoption would not be in the child's best interest.

7. The guardian of each child whose guardianship and custody has been transferred under subsection 3 and who has not been placed for adoption shall file a written report with the court every six months concerning the child's placement. The court shall hold a hearing to review the placement at intervals not to exceed six months after the date of the termination of parental rights or the last placement review hearing.

8. The guardian of each child whose guardianship and custody has been transferred under subsection 3 and who has been placed for adoption and whose adoption has not been finalized shall file a written report with the court every six months concerning the child's placement. The court shall hold a hearing to review the placement at intervals not to exceed twelve months after the date of the adoptive placement or the last placement review hearing.

9. Hearings held under this subchapter are open to the public unless the court, on the motion of any of the parties or upon the court's own motion, excludes the public. The court shall exclude the public from a hearing if the court determines that the possibility of damage or harm to the child outweighs the public's interest in having a public hearing. Upon closing the hearing, the court may admit persons who have a direct interest in the case or in the work of the court.

10. If a termination of parental rights order is issued on the grounds that the child is a newborn infant whose parent has voluntarily released custody of the child under section 232.116, subsection 1, paragraph "*c*", the court shall retain jurisdiction to change a guardian or custodian and to allow a parent whose rights have been terminated to request vacation or appeal of the termination order which request must be made within thirty days of issuance

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of the granting of the termination order. The period for request for vacation or appeal by a parent whose rights have been terminated shall not be waived or extended and a vacation or appeal shall not be granted for a request made after the expiration of this period. The court shall grant the vacation request only if it is in the best interest of the child. The supreme court shall prescribe rules to establish the period of thirty days, which shall not be waived or extended, in which a parent whose parental rights have been terminated may request a vacation or appeal of such a termination order.

[C79, §232.115; C81, §232.117]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §21; 87 Acts, ch 159, §5, 7; 89 Acts, ch 229, §13; 89 Acts, ch 230, §19; 92 Acts, ch 1229, §6; 94 Acts, ch 1046, §3; 98 Acts, ch 1190, §24, 25; 2001 Acts, ch 67, §10, 13; 2004 Acts, ch 1116, §11; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1098, §60, 61, 81

Referred to in §232.116, 232.118, 232.119, 232.133, 237.20

232.118 Removal of guardian.

1. Upon application of an interested party or upon the court's own motion, the court having jurisdiction of the child may, after notice to the parties and a hearing, remove a court-appointed guardian and appoint a guardian in accordance with the provisions of section 232.117, subsection 3.

a. The moving party or a party opposed to the actions of the guardian has the burden to establish that the court-appointed guardian failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge the guardian's duties in finding a suitable adoptive home for the child.

b. The court shall give deference to the decision of the guardian.

2. A child fourteen years of age or older who has not been adopted but who is placed in a satisfactory foster home may, with the consent of the foster parents, join with the guardian appointed by the court in an application to the court to remove the existing guardian and appoint the foster parents as guardians of the child.

3. The authority of a guardian appointed by the court terminates when the child reaches the age of majority or is adopted.

[C79, §232.116; C81, §232.118]

88 Acts, ch 1134, §53; 2022 Acts, ch 1098, §62

232.119 Adoption exchange established.

1. The purpose of this section is to facilitate the placement of all children in Iowa who are legally available for adoption through the establishment of an adoption exchange to help find adoptive homes for these children.

2. An adoption information exchange is established within the department to be operated by the department or by an individual or agency under contract with the department.

a. All special needs children under state guardianship shall be registered on the adoption exchange within sixty days of the termination of parental rights pursuant to section 232.117 or 600A.9 and assignment of guardianship to the director.

b. Prospective adoptive families requesting a special needs child shall be registered on the adoption exchange upon receipt of an approved home study.

3. To register a child on the Iowa exchange, the department adoption worker or the private agency worker shall register the pertinent information concerning the child on the exchange. A photograph of the child and other necessary information shall be forwarded to the department to be included in the photo-listing book which shall be updated regularly. The department adoption worker or the private agency worker who places a child on the exchange shall update the registration information within ten working days after a change in the information occurs.

4. The exchange shall include a matching service for children registered or listed in the adoption photo-listing book and prospective adoptive families listed on the exchange. The department shall register a child with the national electronic exchange and electronic photo-listing system if the child has not been placed for adoption after three months on the exchange established pursuant to this section.

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5. A request to defer registering the child on the exchange shall be submitted in writing and shall be granted if any of the following conditions exist:

a. The child is in an adoptive placement.

b. The child's foster parents or another person with a significant relationship is being considered as the adoptive family.

c. A diagnostic study or testing is necessary to clarify the child's needs and to provide an adequate description of the child's needs.

d. At the time of the request, the child is receiving medical care, mental health treatment, or other treatment and the child's care or treatment provider has determined that meeting prospective adoptive parents is not in the child's best interest.

e. The child is fourteen years of age or older and will not consent to an adoption plan and the consequences of not being adopted have been explained to the child.

6. The following requirements apply to a request to defer registering a child on the adoption exchange under subsection 5:

a. For a deferral granted by the exchange pursuant to subsection 5, paragraph *"a"*, *"b"*, or *"e"*, the child's guardian shall address the child's deferral status in the report filed with the court and the court shall review the deferral status in the six-month review hearings held pursuant to section 232.117, subsection 7.

b. In addition to the requirements of paragraph *"a"*, a deferral granted by the exchange pursuant to subsection 5, paragraph *"b"*, shall be limited to not more than a one-time, ninety-day period unless the termination of parental rights order is appealed or the child is placed in a hospital or other institutional placement. However, if the foster parents or another person with a significant relationship continues to be considered the child's prospective adoptive family, additional extensions of the deferral request under subsection 5, paragraph *"b"*, may be granted until sixty days after the date of the final decision regarding the appeal or until the date the child is discharged from a hospital or other institutional placement.

c. A deferral granted by the exchange pursuant to subsection 5, paragraph *"c"*, shall be limited to not more than a one-time, ninety-day period.

d. A deferral granted by the exchange pursuant to subsection 5, paragraph *"d"*, shall be limited to not more than a one-time, one-hundred-twenty-day period.

87 Acts, ch 159, §8; 91 Acts, ch 232, §9, 10; 93 Acts, ch 22, §1; 95 Acts, ch 182, §12; 98 Acts, ch 1190, §26; 2015 Acts, ch 29, §34

232.120 Preadoptive care — continued placement.

If a foster parent is providing preadoptive care to a child for whom a termination of parental rights petition has been filed, the placement of the child with that foster parent shall continue through the termination of parental rights proceeding unless the court orders otherwise based upon the best interests of the child.

98 Acts, ch 1190, §27

232.121 Reserved.

SUBCHAPTER V

FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

Referred to in §232.147

232.122 Jurisdiction.

The juvenile court shall have exclusive jurisdiction over family in need of assistance proceedings.

[C79, 81, §232.122]

Referred to in §232C.2, 232C.3

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232.123 Venue.

Venue for family in need of assistance proceedings shall be determined in accordance with section 232.62.

[C79, 81, §232.123]

Referred to in §232C.2, 232C.3

232.124 Reserved.

232.125 Petition.

1. A family in need of assistance proceeding shall be initiated by the filing of a petition alleging that a child and the child's parent, guardian, or custodian are a family in need of assistance.

2. Such a petition may be filed by the child's parent, guardian, or custodian, by the child, or on the court's own motion as provided in section 232C.2. The judge, county attorney, or juvenile court officer may authorize such parent, guardian, custodian, or child to file a petition with the clerk of the court without the payment of a filing fee.

3. The petition and subsequent court documents shall be entitled as follows:

In re the family of .....

4. The petition shall state all of the following:

a. The names and residences of the child.

b. The names and residences of the child's living parents, guardian, custodian, and guardian ad litem, if any.

c. The age of the child.

5. The petition shall allege that there has been a breakdown in the familial relationship and that the petitioner has sought services from public or private agencies to maintain and improve the familial relationship.

[C79, 81, §232.125]

83 Acts, ch 186, §10055, 10201; 2009 Acts, ch 153, §1; 2015 Acts, ch 30, §78; 2019 Acts, ch 24, §25

Referred to in §232.21, 232C.2, 232C.3

232.126 Appointment of counsel and guardian ad litem.

1. The court shall appoint counsel or a guardian ad litem to represent the interests of the child at the hearing to determine whether the family is a family in need of assistance unless the child already has such counsel or guardian. The court shall appoint counsel for the parent, guardian, or custodian if that person desires but is financially unable to employ counsel.

2. The court may appoint a court appointed special advocate. The court appointed special advocate shall receive notice of and may attend all depositions, hearings, and trial proceedings to support the child and advocate for the protection of the child. The court appointed special advocate shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. The court appointed special advocate shall submit reports to the court and the parties to the proceedings containing the information required in reports submitted by a court appointed special advocate under section 237.24, subsection 2, paragraphs *"g"* and *"h"*. In addition, the court appointed special advocate shall file other reports to the court as required by the court.

[C79, 81, §232.126]

87 Acts, ch 121, §5; 2002 Acts, ch 1162, §18; 2022 Acts, ch 1098, §63

Referred to in §232C.2, 232C.3, 237.21

232.127 Hearing — adjudication — disposition.

1. Upon the filing of a petition, the court shall fix a time for a hearing and give notice thereof to the child and the child's parent, guardian, or custodian.

2. A parent without custody may petition the court to be made a party to proceedings under this subchapter.

3. The court shall exclude the general public from such hearing except the court in its discretion may admit persons having a legitimate interest in the case or the work of the court.

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4. The hearing shall be informal and all relevant and material evidence shall be admitted.

5. The court may adjudicate the family to be a family in need of assistance and enter an appropriate dispositional order if the court finds all of the following:

a. There has been a breakdown in the relationship between the child and the child's parent, guardian, or custodian.

b. The child or the child's parent, guardian, or custodian has sought services from public or private agencies to maintain and improve the familial relationship.

c. The court has at its disposal services for this purpose which can be made available to the family.

6. If the court makes such a finding the court may order any or all of the parties to accept counseling and to comply with any other reasonable orders designed to maintain and improve the familial relationship. At the conclusion of any counseling ordered by the court, or at any other time deemed necessary, the parties shall be required to meet together and be apprised of the findings and recommendations of such counseling. Such an order shall remain in force for a period not to exceed one year unless the court otherwise specifies or sooner terminates the order.

7. The court may not order the child placed on probation, in a foster home or in a nonsecure facility unless the child requests and agrees to such supervision or placement. In no event shall the court order the child placed in the state training school or other secure facility.

8. The court shall not order group foster care placement of the child which is a charge upon the state unless the group foster care meets requirements as established by the department by rule.

9. A child found in contempt of court because of violation of conditions imposed under this section shall not be considered delinquent. Such a contempt may be punished by imposition of a work assignment or assignments to benefit the state or a governmental subdivision of the state. In addition to or in lieu of such an assignment or assignments, the court may impose one of the dispositions set out in sections 232.100 through 232.102.

10. If the child is fourteen years of age or older and an order for an out-of-home placement is entered, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child in transitioning from foster care to adulthood and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

11. If after hearing pursuant to this section, the court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship, the court may order the minor emancipated pursuant to section 232C.3, subsection 4.

[C79, 81, §232.127; 82 Acts, ch 1260, §24]

92 Acts, ch 1229, §7; 2003 Acts, ch 117, §7; 2004 Acts, ch 1116, §12; 2009 Acts, ch 153, §2; 2016 Acts, ch 1063, §18; 2019 Acts, ch 59, §69; 2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §128; 2022 Acts, ch 1098, §64

Referred to in §232C.2, 232C.3

232.128 through 232.132 Reserved.

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SUBCHAPTER VI

APPEAL

Referred to in §232.147

232.133 Appeal.

1. An interested party aggrieved by an order or decree of the juvenile court may appeal from the court for review of questions of law or fact. However, an order adjudicating a child to have committed a delinquent act, entered pursuant to section 232.47, shall not be appealed until the court enters a corresponding dispositional order pursuant to section 232.52. An appeal that affects the custody of a child shall be heard at the earliest practicable time.

2. Except for appeals from orders entered in child in need of assistance proceedings or orders entered pursuant to section 232.117, appellate procedures shall be governed by the same provisions applicable to appeals from the district court. The supreme court may prescribe rules to expedite the resolution of appeals from orders entered in child in need of assistance proceedings or orders entered pursuant to section 232.117.

3. The pendency of an appeal or application therefor shall not suspend the order of the juvenile court regarding a child and shall not discharge the child from the custody of the court or the agency, association, facility, institution or person to whom the court has transferred legal custody unless the appellate court otherwise orders on application of an appellant.

4. If the appellate court does not dismiss the proceedings and discharge the child, the appellate court shall affirm or modify the order of the juvenile court and remand the child to the jurisdiction of the juvenile court for disposition not inconsistent with the appellate court's finding on the appeal.

[C66, 71, 73, 75, 77, §232.58; C79, 81, §232.133]

86 Acts, ch 1186, §12; 2001 Acts, ch 117, §1; 2003 Acts, ch 25, §1; 2006 Acts, ch 1129, §1; 2007 Acts, ch 126, §45

232.134 through 232.140 Reserved.

SUBCHAPTER VII

EXPENSES AND COSTS

232.141 Expenses.

1. Except as otherwise provided by law, the court shall inquire into the ability of the child or the child's parent to pay expenses incurred pursuant to subsections 2, 4, and 8. After giving the parent a reasonable opportunity to be heard, the court may order the parent to pay all or part of the costs of the child's care, physical assessment, behavioral health evaluation, treatment, legal expenses, or other expenses. An order entered under this section does not obligate a parent paying child support under a custody decree, except that part of the monthly support payment may be used to satisfy the obligations imposed by the order entered pursuant to this section. If a parent fails to pay as ordered, without good reason, the court may proceed against the parent for contempt and may inform the county attorney who shall proceed against the parent to collect the unpaid amount. Any payment ordered by the court shall be a judgment against each of the child's parents and a lien as provided in section 624.23. If all or part of the amount that the parents are ordered to pay is subsequently paid by the county or state, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of the county's payments and in favor of the state to the extent of the state's payments.

2. All of the following juvenile court expenses are a charge upon the county in which the proceedings are held, to the extent provided in subsection 3:

a. Juvenile court expenses incurred by an attorney appointed by the court to serve as counsel to any party or to serve as a guardian ad litem for any child, including fees and

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expenses for foreign language interpreters, costs of depositions and transcripts, fees and mileage of witnesses, and the expenses of officers serving notices and subpoenas.

b. Reasonable compensation for an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for any child in juvenile court.

c. Fees and expenses incurred by the juvenile court for foreign language interpreters for court proceedings.

3. Costs incurred under subsection 2 shall be paid as follows:

a. A county shall be required to pay for the fiscal year beginning July 1, 1989, an amount equal to the county's base cost for witness and mileage fees and attorney fees established pursuant to section 232.141, subsection 8, paragraph *"d"*, Code 1989, for the fiscal year beginning July 1, 1988, plus an amount equal to the percentage rate of change in the consumer price index as tabulated by the federal bureau of labor statistics for the current year times the county's base cost.

b. A county's base cost for a fiscal year plus the percentage rate of change amount as computed in paragraph *"a"* is the county's base cost for the succeeding fiscal year. The amount to be paid in the succeeding year by the county shall be computed as provided in paragraph *"a"*.

c. The county, on an annual basis, shall pay to the indigent defense fund created under section 815.11 the amount of the county's base cost as determined in accordance with this subsection.

d. Costs incurred under subsection 2 shall be paid by the state from the appropriations to the indigent defense fund under section 815.11 in accordance with this chapter, chapter 815, and the rules adopted by the state public defender. The county shall be required to reimburse the indigent defense fund for costs incurred by the state up to the county's base in this subsection.

4. Upon certification of the court, all of the following expenses are a charge upon the state to the extent provided in subsection 5:

a. The expenses of transporting a child to or from a place designated by the court for the purpose of care or treatment.

b. Expenses for physical assessments or behavioral health evaluations of a child if ordered by the court.

c. The expenses of care or treatment ordered by the court.

5. If no other provision of law requires the county to reimburse costs incurred pursuant to subsection 4, the department shall reimburse the costs as follows:

a. The department shall prescribe by administrative rule all services eligible for reimbursement pursuant to subsection 4 and shall establish an allowable rate of reimbursement for each service.

b. The department shall receive billings for services provided and, after determining allowable costs, shall reimburse providers at a rate which is not greater than allowed by administrative rule. Reimbursement paid to a provider by the department shall be considered reimbursement in full unless a county voluntarily agrees to pay any difference between the reimbursement amount and the actual cost. When there are specific program regulations prohibiting supplementation those regulations shall be applied to providers requesting supplemental payments from a county. Billings for services not listed in administrative rule shall not be paid. However, if the court orders a service not currently listed in administrative rule, the department shall review the order and, if reimbursement for the service of the department is not in conflict with other law or administrative rule, and meets the criteria of subsection 4, the department shall reimburse the provider.

6. A physical assessment, behavioral health evaluation, or any treatment relating to an assessment performed pursuant to section 232.71B, shall be paid by the state if physical assessment, behavioral health evaluation, or other treatment was performed with the consent of the child's parent, guardian, or custodian and no other provision of law requires payment for the costs. The department shall reimburse costs under this subsection in accordance with subsection 5.

7. A county charged with the costs and expenses under subsections 2 and 3 may recover the costs and expenses from the child's custodial parent's county of residence, as defined in

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section 331.190, by filing verified claims which are payable as are other claims against the county. A detailed statement of the facts upon which a claim is based shall accompany the claim.

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, organized under a chapter 28E agreement, or operated by a private juvenile shelter care home. If the actual and allowable costs of a child's shelter care placement exceed the amount the department is authorized to pay, the unpaid costs may be recovered from the child's custodial parent's county of residence. However, the maximum amount of the unpaid costs which may be recovered under this subsection is limited to the difference between the amount the department is authorized to pay and the statewide average of the actual and allowable rates as reasonably determined by the department annually. A home may only be reimbursed for the lesser of the home's actual and allowable costs or the statewide average of the actual and allowable rates as determined by the department in effect on the date the costs were paid. The unpaid costs are payable pursuant to filing of verified claims against the child's custodial parent's county of residence. A detailed statement of the facts upon which a claim is based shall accompany the claim. Any dispute between counties arising from claims filed pursuant to this subsection shall be settled in the manner provided to determine county of residence in section 331.190.

[S13, §254-a25, -a45; C24, 27, 31, 35, 39, §**3644, 3645;** C46, 50, 54, 58, 62, §232.25, 232.26; C66, 71, 73, 75, 77, §232.51 – 232.53; C79, 81, §232.141; 82 Acts, ch 1260, §119]

85 Acts, ch 173, §14; 87 Acts, ch 152, §1; 88 Acts, ch 1134, §54; 89 Acts, ch 283, §23; 90 Acts, ch 1233, §8; 92 Acts, ch 1229, §8; 92 Acts, 1st Ex, ch 1004, §3; 93 Acts, ch 76, §15; 93 Acts, ch 172, §34; 97 Acts, ch 35, §12, 25; 97 Acts, ch 126, §31; 99 Acts, ch 135, §20, 21; 2000 Acts, ch 1115, §2 – 4; 2002 Acts, ch 1119, §147; 2004 Acts, ch 1090, §51; 2004 Acts, ch 1175, §148; 2006 Acts, ch 1041, §5, 6; 2012 Acts, ch 1120, §118, 130; 2013 Acts, ch 115, §10, 19; 2018 Acts, ch 1137, §25; 2022 Acts, ch 1098, §66; 2024 Acts, ch 1161, §183, 184; 2025 Acts, ch 86, §30 – 32

Referred to in §232.11, 232.52, 232.89, 234.8, 237.20, 331.401, 602.1302, 602.1303, 815.11

232.142 Maintenance and cost of juvenile homes — fund — appropriation.

1. County boards of supervisors which singly or in conjunction with one or more other counties provide and maintain juvenile detention and juvenile shelter care homes are subject to this section.

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 through 331.449. Expenses for providing and maintaining a multicounty home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home.

4. The director shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes.

5. The director shall approve annually all such homes established and maintained under the provisions of this chapter. A home shall not be approved unless it complies with minimal rules and standards adopted by the director and has been inspected by the department of inspections, appeals, and licensing. The statewide number of beds in the homes approved by the director shall not exceed two hundred seventy-two beds beginning July 1, 2017.

6. *a.* A juvenile detention home fund is created in the state treasury under the authority

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of the department. The fund shall consist of moneys deposited in the fund pursuant to section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with this subsection.

b. (1) Moneys deposited in the juvenile detention home fund during a fiscal year are appropriated to the department for the same fiscal year for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the immediately preceding fiscal year. Such percentage shall be determined by the department based on the amount available for distribution from the fund.

(2) Moneys appropriated for distribution in accordance with this subsection shall be allocated as follows:

(a) One hundred fifty thousand dollars shall be distributed to each eligible county or multicounty juvenile detention home.

(b) Appropriated moneys remaining after the distribution in subparagraph division (a) shall be prorated and distributed on the basis of an eligible county or multicounty juvenile detention home's proportion of the costs of all eligible county or multicounty juvenile detention homes in the immediately preceding fiscal year.

[S13, §254-a20, -a26, -a29, -a30; C24, 27, 31, 35, 39, §**3653 – 3655;** C46, 50, 54, 58, 62, §232.35 – 232.37; C66, 71, 73, 75, 77, §232.21 – 232.26; C79, 81, S81, §232.142; 81 Acts, ch 117, §1031]

83 Acts, ch 123, §91, 209; 88 Acts, ch 1134, §55; 90 Acts, ch 1204, §47; 90 Acts, ch 1239, §13; 91 Acts, ch 138, §4; 92 Acts, ch 1229, §9; 2001 Acts, ch 191, §38; 2011 Acts, ch 98, §7; 2013 Acts, ch 138, §47; 2017 Acts, ch 174, §109; 2020 Acts, ch 1074, §50, 93; 2021 Acts, ch 80, §129; 2022 Acts, ch 1098, §67; 2023 Acts, ch 19, §626, 1932; 2024 Acts, ch 1157, §52; 2026 Acts, ch 1194, §1

Referred to in §232.69, 237.4, 237C.1, 331.382, 602.8108, 709.16
Subsection 6, paragraph b amended

232.143 Service area group foster care budget targets. Repealed by 2022 Acts, ch 1098, §90.

232.144 through 232.146 Reserved.

SUBCHAPTER VIII

RECORDS

Referred to in §232.11, 232.48

232.147 Confidentiality of juvenile court records.

1. Juvenile court social records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in this section or as authorized by other provisions in this chapter.

2. Official juvenile court records in all cases except those alleging delinquency shall be confidential and are not public records. Confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this subsection shall not disclose the confidential record or its contents unless required by law:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney, the county attorney's assistants, or the attorney representing the state in absence of the county attorney.

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e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department, juvenile officer, or intake officer.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

g. The child's foster parent or an individual providing preadoptive care to the child.

h. The state public defender.

i. The statistical analysis center for the purposes stated in section 8.98.

j. The department.

3. Official juvenile court records in all cases alleging the commission of a delinquent act except those alleging the commission of a delinquent act that would be a forcible felony if committed by an adult shall be confidential and are not public records. Unless an order sealing such confidential records in a delinquency proceeding has been entered pursuant to section 232.150, confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this subsection shall not disclose the confidential record or its contents unless required by law:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney, the county attorney's assistants, or the attorney representing the state in absence of the county attorney.

e. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department, juvenile court officer, or intake officer.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court delinquency proceeding.

g. The state public defender.

h. The department.

i. The department of corrections.

j. A judicial district department of correctional services.

k. The board of parole.

l. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

m. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

n. The statistical analysis center for the purposes stated in section 8.98.

o. A state or local law enforcement agency.

p. The alleged victim of the delinquent act.

q. An individual involved in the operation of a juvenile diversion program, who may also receive from a state or local law enforcement agency police reports and related information that assist in the operation of the juvenile diversion program.

4. Official juvenile court records containing a petition or complaint alleging the commission of a delinquent act that would be a forcible felony if committed by an adult shall be public records subject to a confidentiality order under section 232.149A or sealing under section 232.150. However, such official records shall not be available to the public or any governmental agency through the internet or in an electronic customized data report unless the child has been adjudicated delinquent in the matter. However, such official juvenile court records shall be disclosed through the internet or in an electronic customized data report prior to the child being adjudicated delinquent to the following without court order:

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a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian, or custodian, court appointed special advocate, guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

d. The county attorney, the county attorney's assistants, or the attorney representing the state in absence of the county attorney.

e. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who prior thereto had been the subject of a juvenile court proceeding.

f. An agency, individual, association, facility, or institution responsible for the care, treatment, or supervision of the child pursuant to a court order or voluntary placement agreement with the department, juvenile court officer, or intake officer.

g. A state or local law enforcement agency.

h. The state public defender.

i. The statistical analysis center for the purposes stated in section 8.98.

j. The department.

k. The department of corrections.

l. A judicial district department of correctional services.

m. The board of parole.

n. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

o. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

p. The alleged victim of the delinquent act.

q. An individual involved in the operation of a juvenile diversion program, who may also receive from a state or local law enforcement agency police reports and related information that assist in the operation of the juvenile diversion program.

5. If the court has excluded the public from a hearing pursuant to section 232.39 or 232.92, the transcript of the proceedings shall not be deemed a public record and inspection and disclosure of the contents of the transcript shall not be permitted except pursuant to a court order or unless otherwise provided in this chapter.

6. Delinquency complaints under section 232.28 shall be released in accordance with section 915.25. Other official juvenile court records in a delinquency proceeding that are public records under this section and that have not been made confidential pursuant to section 232.149A or sealed pursuant to section 232.150 may be released under this section by a juvenile court officer.

7. Official juvenile court records enumerated in section 232.2, subsection 48, paragraph "*e*", relating to paternity, support, or the termination of parental rights, shall be disclosed, upon request, to child support services without court order.

8. Pursuant to court order, official juvenile court records may be inspected by and their contents may be disclosed to:

a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.

b. Persons who have a direct interest in a proceeding or in the work of the court.

9. Social records prior to adjudication may be disclosed without court order to the superintendent or superintendent's designee of a school district, authorities in charge of an accredited nonpublic school, or any other state or local agency that is part of the juvenile justice system, in accordance with an interagency agreement established under section 280.25. The disclosure shall only include identifying information that is necessary to fulfill the purpose of the disclosure. The social records disclosed shall be used solely for the purpose of determining the programs and services appropriate to the needs of the child or

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the family of the child and shall not be disclosed for any other purpose unless otherwise provided by law.

10. Subject to restrictions imposed by sections 232.48, subsection 4, and 232.97, subsection 3, all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to subchapter VI.

11. The clerk of the district court shall enter information from the juvenile record on the judgment docket and lien index, but only as necessary to record support judgments.

12. The state agency designated to enforce support obligations may release information as necessary in order to meet statutory responsibilities.

13. Release of official juvenile court records to a victim of a delinquent act is subject to the provisions of section 915.24, notwithstanding contrary provisions of this chapter.

14. Notwithstanding any provision of this section or a confidentiality order entered pursuant to section 232.149A, the juvenile court shall notify the department of transportation as required by sections 321.213 and 321.213A.

15. The confidentiality of a final adjudication of delinquency under this section or pursuant to section 232.149A shall not prohibit the state from pleading or proving the adjudication at a subsequent criminal or delinquency proceeding for the purpose of penalty enhancement when a provision of the Code specifically deems the delinquency adjudication to constitute a final conviction.

16. A provision in this section or section 232.149A or 232.150 shall not be construed to limit or restrict the production, use, or introduction of official juvenile court records in any juvenile or adult criminal proceeding, where such records are relevant and deemed admissible under any other provision of the law.

17. A provision in this section or section 232.149A shall not limit or prohibit individuals from performing any duties or responsibilities as required by section 123.47B, 124.415, 232.47, 232.49, or 321J.2B.

18. Notwithstanding any provision of this section or section 232.149A to the contrary, if the child has been discharged from the jurisdiction of the juvenile court in a delinquency proceeding due to reaching the age of eighteen and restitution remains unpaid, the name of the court, the title of the action, and the court's file number shall not be kept confidential, and the restitution amount shall be a judgment and lien as provided in sections 910.7A, 910.8, 910.10, and 915.28 until the restitution is paid.

19. Notwithstanding any other provision of law, a public record which is confidential under the provisions of this chapter shall only be subject to release upon order of a court in a proceeding under this chapter.

20. Notwithstanding any other provision of law to the contrary, the department may inspect, and the court shall disclose to the department, records that are confidential under this section if the records were filed in a proceeding under subchapter III, IV, or V of this chapter to which the department is a participant.

[C66, 71, 73, 75, 77, §232.54, 232.57; C79, 81, §232.147; 82 Acts, ch 1209, §16]

83 Acts, ch 186, §10057, 10201; 84 Acts, ch 1208, §2; 90 Acts, ch 1271, §1508; 92 Acts, ch 1195, §301; 93 Acts, ch 172, §35, 56; 95 Acts, ch 191, §15; 96 Acts, ch 1110, §3; 97 Acts, ch 164, §4; 98 Acts, ch 1090, §63, 83, 84; 2000 Acts, ch 1123, §2; 2001 Acts, ch 79, §1; 2005 Acts, ch 55, §2; 2006 Acts, ch 1164, §1; 2006 Acts, ch 1185, §76; 2009 Acts, ch 41, §263; 2013 Acts, ch 116, §3; 2015 Acts, ch 58, §1; 2016 Acts, ch 1002, §4 – 9, 17; 2018 Acts, ch 1153, §5 – 7; 2020 Acts, ch 1062, §36; 2023 Acts, ch 19, §627 – 630; 2024 Acts, ch 1075, §4; 2026 Acts, ch 1169, §15 – 17

Referred to in §8.98, 13B.4A, 135L.3, 228.6, 232.3A, 232.19, 232.91, 232.103A, 232.103B, 232.149A, 232.149B, 232.150, 232.151, 232C.4, 235A.17, 280.25, 280.36, 692.2, 692A.121, 915.10A, 915.25

Subsection 2, paragraph i amended

Subsection 3, paragraph n amended

Subsection 4, paragraph i amended

232.148 Fingerprints — photographs.

1. Except as provided in this section, a child shall not be fingerprinted or photographed by a criminal or juvenile justice agency after the child is taken into custody.

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2. Fingerprints of a child who has been taken into custody shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. In addition, photographs of a child who has been taken into custody may be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor. The criminal or juvenile justice agency shall forward the fingerprints to the department of public safety for inclusion in the automated fingerprint identification system and may also retain a copy of the fingerprint card for comparison with latent fingerprints and the identification of repeat offenders.

3. If a peace officer has reasonable grounds to believe that latent fingerprints found during the investigation of the commission of a public offense are those of a particular child, fingerprints of the child may be taken for immediate comparison with the latent fingerprints regardless of the nature of the offense. If the comparison is negative the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive, the fingerprint card and other copies of the fingerprints taken shall be delivered to the division of criminal investigation of the department of public safety in the manner and on the forms prescribed by the commissioner of public safety within two working days after the fingerprints are taken. After notification by the child or the child's representative that the child has not had a delinquency petition filed against the child or has not entered into an informal adjustment agreement, the fingerprint card and copies of the fingerprints shall be immediately destroyed.

4. Fingerprint and photograph files of children may be inspected by peace officers when necessary for the discharge of their official duties. The juvenile court may authorize other inspections of such files in individual cases upon a showing that inspection is necessary in the public interest.

5. Fingerprints and photographs of a child shall be removed from the file and destroyed upon notification by the child's guardian ad litem or legal counsel to the department of public safety that either of the following situations apply:

a. A petition alleging the child to be delinquent is not filed and the child has not entered into an informal adjustment, admitting involvement in a delinquent act alleged in the complaint.

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question, or the child has not been placed on youthful offender status.

[C79, 81, §232.148; 82 Acts, ch 1209, §17]

94 Acts, ch 1172, §25; 95 Acts, ch 67, §17; 95 Acts, ch 191, §16, 17; 96 Acts, ch 1034, §11; 97 Acts, ch 126, §32, 33; 98 Acts, ch 1100, §26; 99 Acts, ch 37, §1

Referred to in §8.98, 13B.4A, 232.91, 232.151, 232C.4, 692.15, 692A.121, 726.23

Other provisions relating to fingerprints and photographs, see §690.2 and 690.4

232.149 Records of criminal or juvenile justice agencies, intake officers, and juvenile court officers.

1. The taking of a child into custody under the provisions of section 232.19 shall not be considered an arrest.

2. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a child involved in a delinquent act are confidential. The records are subject to sealing under section 232.150 unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense. A criminal or juvenile justice agency may disclose to individuals involved in the operation of a juvenile diversion program police reports and related information that assist in the operation of the juvenile diversion program.

3. Records and files of a criminal or juvenile justice agency, an intake officer, or a juvenile court officer concerning a defendant transferred under section 803.6 to the juvenile court for the alleged commission of a public offense are public records, except that release of criminal history data, intelligence data, and law enforcement investigatory files is subject to the provisions of section 22.7 and chapter 692, and juvenile court social records shall be

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deemed confidential criminal identification files under section 22.7, subsection 9. The records are subject to sealing under section 232.150.

4. Notwithstanding subsection 2, if a juvenile who has been placed in detention under section 232.22 escapes from the facility, the criminal or juvenile justice agency may release the name of the juvenile, the facts surrounding the escape, and the offense or alleged offense which resulted in the placement of the juvenile in the facility.

5. Records of an intake officer or juvenile court officer containing a dismissal of a complaint or an informal adjustment of a complaint if no petition is filed relating to the complaint, shall not be available to the public and may only be inspected by or disclosed to the following:

a. The judge and professional court staff, including juvenile court officers.

b. The child's counsel or guardian ad litem.

c. The county attorney and county attorney's assistants.

d. The superintendent or the superintendent's designee of the school district for the school attended by the child or the authorities in charge of an accredited nonpublic school attended by the child.

e. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

f. The statistical analysis center for the purposes stated in section 8.98.

g. The state public defender.

h. The department.

i. The alleged victim of the delinquent act.

6. Notwithstanding subsections 2 and 5, information from such records and files may be disclosed by a juvenile justice agency, intake officer, or juvenile court officer, when making referrals for placement of the child, to an agency, individual, association, facility, or institution that will have physical custody of the child, or will become responsible for the care, treatment, or supervision of the child upon placement.

[C66, 71, 73, 75, 77, §232.15; C79, 81, §232.149]

83 Acts, ch 186, §10057, 10201; 85 Acts, ch 173, §15; 94 Acts, ch 1172, §26; 95 Acts, ch 191, §18, 19; 97 Acts, ch 126, §34, 35; 2015 Acts, ch 58, §2; 2016 Acts, ch 1002, §10, 17; 2018 Acts, ch 1153, §8, 9; 2023 Acts, ch 19, §631; 2026 Acts, ch 1169, §18

Referred to in §8.98, 13B.4A, 232.19, 232.91, 232.150, 232.151, 232C.4, 280.36, 692.2, 692A.121, 915.25
Subsection 5, paragraph f amended

232.149A Confidentiality orders.

1. Notwithstanding any other provision of the Code to the contrary, upon the court's own motion or application of a person who was the subject of a complaint or petition alleging the commission of a delinquent act that would be a forcible felony if committed by an adult, the court after hearing, shall order official juvenile court records in the case to be confidential and no longer public records under sections 232.19, 232.147, and 915.25, if the court finds both of the following apply:

a. The case has been dismissed without any adjudication of delinquency and the person is no longer subject to the jurisdiction of the juvenile court in the matter.

b. The child's interest in making the records confidential outweighs the public's interest in the records remaining public records.

2. The records subject to a confidentiality order may be sealed at a later date if section 232.150 applies.

3. Unless an order sealing the records has been entered pursuant to section 232.150, official juvenile court records subject to a confidentiality order may be inspected and their contents shall be disclosed to the following without court order:

a. The judge and professional court staff, including juvenile court officers.

b. The child and the child's counsel.

c. The child's parent, guardian, or custodian, court appointed special advocate, and guardian ad litem, and the members of the child advocacy board created in section 237.16 or a local citizen foster care review board created in accordance with section 237.19 who are assigning or reviewing the child's case.

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d. The county attorney and the county attorney's assistants.

e. An agency, association, facility, or institution which has custody of the child, or is legally responsible for the care, treatment, or supervision of the child, including but not limited to the department.

f. A court, court professional staff, and adult probation officers in connection with the preparation of a presentence report concerning a person who had been the subject of a juvenile court proceeding.

g. The child's foster parent or an individual providing preadoptive care to the child.

h. A state or local law enforcement agency.

i. The state public defender.

j. The department of corrections.

k. A judicial district department of correctional services.

l. The board of parole.

m. The statistical analysis center for the purposes stated in section 8.98.

n. The alleged victim of the delinquent act.

o. A member of the armed forces of the United States who is conducting a background investigation of an individual pursuant to federal law.

4. Pursuant to court order, official juvenile court records subject to a confidentiality order may be inspected by and their contents may be disclosed to:

a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.

b. Persons who have a direct interest in a proceeding or in the work of the court.

2006 Acts, ch 1164, §2; 2006 Acts, ch 1185, §77; 2016 Acts, ch 1002, §11, 12, 17; 2023 Acts, ch 19, §632; 2026 Acts, ch 1169, §19

Referred to in §8.98, 13B.4A, 232.11, 232.91, 232.147, 232.150, 232.151, 232C.4, 280.36, 692.2, 692A.121, 915.25

Subsection 3, paragraph m amended

232.149B Public records orders.

1. A rebuttable presumption exists that official juvenile court records in delinquency proceedings that do not involve an allegation of delinquency that would be a forcible felony offense if committed by an adult shall remain confidential as provided by section 232.147.

2. Upon application of any person or upon the court's own motion at any time prior to the termination of juvenile court jurisdiction over the charged juvenile, and after hearing, the court shall order the official juvenile court records in such a delinquency proceeding to be public records if any of the following apply:

a. The public's interest in making the records public outweighs the juvenile's interest in maintaining the confidentiality of the records.

b. The juvenile has been placed on youthful offender status pursuant to section 232.45, subsection 7, and section 907.3A, subsection 1, and will be transferred back to the district court for sentencing prior to the child's eighteenth birthday.

3. Upon application of any person or upon the court's own motion at any time prior to the termination of juvenile court jurisdiction over the charged juvenile, and after hearing, the court may order the official juvenile court records in such a delinquency proceeding to be public records if the juvenile has been subsequently adjudicated delinquent for a public offense that would be a serious misdemeanor, aggravated misdemeanor, or felony offense if committed by an adult, or another delinquency proceeding is pending seeking such an adjudication.

4. Records subject to a public records order may be sealed at a later date pursuant to section 232.150.

2016 Acts, ch 1002, §13, 17

Referred to in §8.98, 13B.4A, 232.11, 232.91, 232.150, 232.151, 232C.4, 692.2, 692A.121, 915.25

232.150 Sealing of records.

1. *a.* In the case of an adjudication of delinquency, the court shall upon its own motion schedule a sealing of records hearing to be held two years after the date of the last official action, or the date the child becomes eighteen years of age, whichever is later. The court

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shall also schedule a sealing of records hearing upon application of a person who was the subject of a complaint or petition alleging delinquency that did not result in an adjudication. The court, after hearing, shall order the official juvenile court records in the case including those specified in sections 232.147, 232.149, 232.149A, 232.149B, and 915.25, sealed if the court finds all of the following:

(1) The person is eighteen years of age or older and two years have elapsed since the last official action in the person's case.

(2) The person has not been subsequently convicted of a felony or an aggravated or serious misdemeanor or adjudicated a delinquent child for an act which if committed by an adult would be a felony, an aggravated misdemeanor, or a serious misdemeanor and no proceeding is pending seeking such conviction or adjudication.

(3) The person was not placed on youthful offender status, transferred back to district court after the youthful offender's eighteenth birthday, and sentenced for the offense which precipitated the youthful offender placement.

(4) The person was not adjudicated delinquent on an offense involving a violation of section 321J.2.

b. If the person was adjudicated delinquent for an offense which if committed by an adult would be an aggravated misdemeanor or a felony, the court shall not order the records in the case sealed unless, upon application of the person or upon the court's own motion and after hearing, the court finds that paragraph "*a*", subparagraphs (1) and (2), apply and that the sealing is in the best interests of the person and the public.

c. If the person is required to pay monetary restitution to a victim due to a delinquent act and the restitution is unpaid, the records in the case may be sealed, but the name of the court, the title of the action, and the court's file number shall remain unsealed as provided in section 910.10 and the restitution amount shall be a judgment and lien as provided in sections 910.7A, 910.8, 910.10, and 915.28 until the restitution is paid in full.

2. Reasonable notice of the hearing shall be given to the person who is the subject of the records named in the motion, the county attorney, and the agencies having custody of the records named in the application or motion.

3. Notice and copies of a sealing order shall be sent to each agency or person having custody or the records named in the sealing order.

4. On entry of a sealing order:

a. All agencies and persons having custody of records which are named therein, shall send such records to the court issuing the order. Maintenance or destruction of these records shall be prescribed by the state court administrator.

b. All index references to sealed records shall be deleted.

5. The sealed records shall no longer be deemed to exist as a matter of law, and the juvenile court and any other agency or person who received notice and a copy of the sealing order shall reply to an inquiry that no such records exist, except when such reply is made to an inquiry pursuant to subsection 6.

6. Inspection of sealed records and disclosure of their contents thereafter may be permitted only pursuant to an order of the court upon application of the person who is the subject of such records except that the court in its discretion may permit reports to be inspected by or their contents to be disclosed for research purposes to a person conducting bona fide research under whatever conditions the court deems proper.

[C79, 81, §232.150; 82 Acts, ch 1209, §18]

97 Acts, ch 126, §36; 2006 Acts, ch 1164, §3; 2014 Acts, ch 1105, §1; 2016 Acts, ch 1002, §14, 15, 17; 2018 Acts, ch 1153, §10; 2019 Acts, ch 59, §70

Referred to in §8.98, 13B.4A, 229A.2, 232.55, 232.91, 232.147, 232.149, 232.149A, 232.149B, 232.151, 232C.4, 692.2, 692A.101, 692A.121

232.151 Criminal penalties.

1. Any person who knowingly discloses, receives, or makes use or permits the use of information derived directly or indirectly from the records concerning a child referred to in sections 232.147 through 232.150, except as provided by those sections or section 13B.4A, subsection 2, paragraph "*c*", shall be guilty of a serious misdemeanor.

2. This section does not apply to a person or entity authorized to receive or inspect the

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contents of confidential official juvenile court records, or the confidential records of a criminal or juvenile justice agency, juvenile court officer, or juvenile intake officer, when such person or entity discloses such information to another person or entity also authorized to receive or inspect the confidential information, or discloses to a witness or other interested person the date, time, and nature of a court proceeding concerning the child in order to secure the appearance of the witness or other interested person at the proceeding.

[C79, 81, §232.151]

2014 Acts, ch 1038, §2; 2018 Acts, ch 1041, §121; 2018 Acts, ch 1153, §11

Referred to in §8.98, 232.91, 232C.4, 280.36, 692A.121

232.152 Rules of juvenile procedure. Transferred to §232.7A; 2021 Acts, ch 76, §150.

232.153 Applicability of this chapter prior to July 1, 1979. Transferred to §232.7B; 2021 Acts, ch 76, §150.

232.154 through 232.157 Reserved.

SUBCHAPTER IX

INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

232.158 Interstate compact on placement of children.

The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

1. *Article I — Purpose and policy.* It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

a. Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

b. The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

c. The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

d. Appropriate jurisdictional arrangements for the care of children will be promoted.

2. *Article II — Definitions.* As used in this compact:

a. "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

b. "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

c. "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

d. "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution, but not in an institution caring for the mentally ill, mentally defective, or epileptic, in an institution primarily educational in character, or in a hospital or other medical facility.

3. *Article III — Conditions for placement.*

a. A sending agency shall not send, bring, or cause to be sent or brought into any other party state a child for placement in foster care or as a preliminary to a possible adoption unless the sending agency complies with every requirement set forth in this article and with

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the applicable laws of the receiving state governing the placement of children in the receiving state.

b. Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

c. Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph *"b"* of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

d. The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

4. *Article IV — Penalty for illegal placement.* The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

5. *Article V — Retention of jurisdiction.*

a. The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

b. When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

c. Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph *"a"* hereof.

6. *Article VI — Institutional care of delinquent children.* A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to the child being sent to such other party jurisdiction for institutional care and the court finds that:

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a. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

b. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

7. *Article VII — Compact administrator.* The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in the officer's jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

8. *Article VIII — Limitations.* This compact shall not apply to:

a. The sending or bringing of a child into a receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

b. Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

9. *Article IX — Enactment and withdrawal.* This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico, and, with the consent of Congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

10. *Article X — Construction and severability.* The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[S13, §3260-1; C24, §3672, 3675; C27, 31, 35, §3661-a90, -a93, -a95, -a96; C39, §**3661.104, 3661.107, 3661.109, 3661.110;** C46, 50, 54, 58, 62, 66, §238.33, 238.36, 238.38, 238.39; C71, 73, 75, 77, 79, 81, §238.33]

85 Acts, ch 173, §21 – 23, 30

CS85, §232.158

2008 Acts, ch 1032, §201

Referred to in §91A.5B, 232.158A, 232.159, 232.160, 232.161, 232.162, 232.163, 232.164, 232.165, 232.166, 232.167, 422.12A

232.158A Legal risk placement.

1. Notwithstanding any provision of the interstate compact on the placement of children under section 232.158 to the contrary, the department shall permit the legal risk placement of a child under the interstate compact on the placement of children if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following:

a. That the placement is a legal risk placement.

b. That the court of the party state of the sending agency retains jurisdiction over the child for purposes of the termination of the parental rights of the biological parents.

c. That if termination of parental rights cannot be accomplished in accordance with applicable laws, the child shall be promptly returned to the party state of the sending agency

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to be returned to the child's biological parent or placed as deemed appropriate by a court of the party state of the sending agency.

d. That the prospective adoptive parent assumes full legal, financial, and other risks associated with the legal risk placement and that the prospective adoptive parent agrees to hold the department harmless for any disruption or failure of the placement.

e. That the prospective adoptive parent shall provide support and medical and other appropriate care to the child pending the termination of parental rights of the biological parents and shall assume liability for all costs associated with the return of the child to the party state of the sending agency if the placement is disrupted or fails.

2. Any written legal risk statement utilized in establishing a legal risk placement shall, at a minimum, state all of the information required under subsection 1, shall be signed by any prospective adoptive parent, and shall be notarized. The legal risk statement shall also contain the following notice printed in clearly legible type:

> If termination of parental rights is not accomplished and return of the child to the biological parent is required, the prospective adoptive parents are encouraged to seek mental health counseling to address any resulting psychological or family problems.

3. For the purposes of this section, *"legal risk placement"* means the placement of a child, who is to be adopted, with a prospective adoptive parent prior to the termination of parental rights of the biological parents, under which the prospective adoptive parent assumes the risk that if the parental rights of the biological parents are not terminated the child shall be returned to the biological parents or placed as deemed appropriate by a court of the party state of the sending agency, and under which the prospective adoptive parent assumes other risks and liabilities specified in a written agreement.

2001 Acts, ch 57, §1; 2018 Acts, ch 1041, §63; 2023 Acts, ch 19, §633, 634
Referred to in §232.166, 232.167

232.159 Financial responsibility.

Financial responsibility for any child placed pursuant to the provisions of the interstate compact on the placement of children under section 232.158 shall be determined in accordance with the provisions of article V of that interstate compact in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of chapters 252 and 252A, fixing responsibility for the support of children also may be invoked.

[C71, 73, 75, 77, 79, 81, §238.34]
85 Acts, ch 173, §30
CS85, §232.159
2008 Acts, ch 1032, §201
Referred to in §232.166, 232.167

232.160 Department of health and human services as public authority.

The *"appropriate public authorities"* as used in article III of the interstate compact on the placement of children under section 232.158 shall, with reference to this state, mean the state department of health and human services and the department shall receive and act with reference to notices required by article III of that interstate compact.

[C71, 73, 75, 77, 79, 81, §238.35]
83 Acts, ch 96, §157, 159
85 Acts, ch 173, §30
CS85, §232.160
2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §635
Referred to in §232.166, 232.167

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232.161 Department as authority in receiving state.

As used in paragraph *"a"* of article V of the interstate compact on the placement of children under section 232.158, the phrase *"appropriate authority in the receiving state"* with reference to this state means the state department of health and human services.

[C71, 73, 75, 77, 79, 81, §238.36]
83 Acts, ch 96, §157, 159
85 Acts, ch 173, §30
CS85, §232.161
2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §636
Referred to in §232.166, 232.167

232.162 Authority to enter agreements.

The officers and agencies of this state and its subdivisions having authority to place children may enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph *"b"* of article V of the interstate compact on the placement of children under section 232.158. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency of this state shall not be binding unless it has the approval in writing of the director or the director's designee in the case of the state and the county general assistance director in the case of a subdivision of the state.

[C71, 73, 75, 77, 79, 81, §238.37]
85 Acts, ch 173, §30
CS85, §232.162
92 Acts, ch 1212, §8; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §637
Referred to in §232.166, 232.167

232.163 Visitation, inspection, or supervision.

1. Any requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies in another party state which may apply under the provisions of this chapter shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision of this state as contemplated by paragraph *"b"* of article V of the interstate compact on the placement of children contained in section 232.158.

2. If a child is placed outside the residency state of the child's parent, the sending agency shall provide for a designee to visit the child at least once every twelve months and to submit a written report to the court concerning the child and the visit.

[C71, 73, 75, 77, 79, 81, §238.38]
85 Acts, ch 173, §30
CS85, §232.163
97 Acts, ch 99, §6; 98 Acts, ch 1100, §27; 2008 Acts, ch 1032, §201
Referred to in §232.166, 232.167

232.164 Court authority to place child in another state.

Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to article VI of the interstate compact on the placement of children, section 232.158, and shall retain jurisdiction as provided in article V of that interstate compact.

[C71, 73, 75, 77, 79, 81, §238.39]
85 Acts, ch 173, §30
CS85, §232.164
2008 Acts, ch 1032, §201
Referred to in §232.166, 232.167

232.165 Executive head.

As used in article VII of the interstate compact on the placement of children, section 232.158, the term *"executive head"* means the governor. The governor is hereby authorized

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to appoint a compact administrator in accordance with the terms of article VII of that interstate compact.

[C71, 73, 75, 77, 79, 81, §238.40]
85 Acts, ch 173, §30
CS85, §232.165
2008 Acts, ch 1032, §201
Referred to in §232.166, 232.167

232.166 Statutes not affected.

Nothing contained in sections 232.158 through 232.165 shall be deemed to affect or modify the other provisions of this chapter or of chapter 600.

[C71, 73, 75, 77, 79, 81, §238.41]
85 Acts, ch 173, §30
CS85, §232.166
2020 Acts, ch 1063, §91
Referred to in §232.167

232.167 Penalty.

A person or agency which violates or aids and abets in the violation of any of the provisions of sections 232.158 through 232.166 commits a fraudulent practice.

88 Acts, ch 1249, §15

232.168 Attorney general to enforce.

The attorney general may, on the attorney general's own initiative, institute any criminal and civil actions and proceedings under this subchapter, at whatever stage of placement necessary, to enforce the interstate compact on the placement of children, including, but not limited to, seeking enforcement of the provisions of the compact through the courts of a party state. The department shall cooperate with the attorney general and shall refer any placement or proposed placement to the attorney general which may require enforcement measures.

94 Acts, ch 1174, §4; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §638

232.169 and 232.170 Reserved.

SUBCHAPTER X

INTERSTATE JUVENILE COMPACTS

232.171 Interstate compact on juveniles.

The state of Iowa through its courts and agencies is hereby authorized to enter into interstate compacts on juveniles in behalf of this state with any other contracting state which legally joins therein in substantially the following form and the contracting states solemnly agree:

1. *Article I — Findings and purposes.* That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to

a. Cooperative supervision of delinquent juveniles on probation or parole;

b. The return, from one state to another, of delinquent juveniles who have escaped or absconded;

c. The return, from one state to another, of nondelinquent juveniles who have run away from home; and

d. Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal,

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reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

2. *Article II — Existing rights and remedies.* That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

3. *Article III — Definitions.* That, for the purposes of this compact, *"delinquent juvenile"* means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; *"probation or parole"* means any kind of conditional release of juveniles authorized under the laws of the states party hereto; *"court"* means any court having jurisdiction over delinquent, neglected or dependent children; *"state"* means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and *"residence"* or any variant thereof means a place at which a home or regular place of abode is maintained.

4. *Article IV — Return of runaways.*

a. (1) That the parent, guardian, or person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, or person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile's return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of the juvenile's running away, the juvenile's location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering the juvenile's own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel the juvenile's return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, or person or agency entitled to the juvenile's legal custody, and that it is in the best interest and for the protection of such juvenile that the juvenile be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, or person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the officer or person to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the

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validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile, unless the juvenile shall first be taken forthwith before a judge of a court in the state, who shall inform the juvenile of the demand made for the juvenile's return, and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such juvenile over to the officer whom the court demanding the juvenile shall have appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

(2) Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, or person or agency entitled to the juvenile's legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the person's own protection and welfare, for such a time not exceeding ninety days as will enable the person's return to another state party to this compact pursuant to a requisition for the person's return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which the juvenile ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

b. That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

c. That *"juvenile"* as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, or person or agency entitled to the legal custody of such minor.

5. *Article V — Return of escapees and absconders.*

a. (1) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody the delinquent juvenile has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of the juvenile's adjudication as a delinquent juvenile, the circumstances of the breach of the terms of the juvenile's probation or parole or of the juvenile's escape from an institution or agency vested with the juvenile's legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the officer or person to take into custody and detain such

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delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding the juvenile shall have appointed to receive the juvenile, unless the juvenile shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform the juvenile of the demand made for the juvenile's return and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding the juvenile shall have appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

(2) Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with the person's legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, the person must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable the person's detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with the juvenile's legal custody or supervision, there is pending in the state wherein the juvenile is detained any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which the juvenile escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

b. That the state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

6. *Article VI — Voluntary return procedure.* That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with the juvenile's legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of article IV, paragraph *"a"*, or of article V, paragraph *"a"*, may consent to the juvenile's immediate return to the state from which the juvenile absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem, if any, consent to the juvenile's return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of the juvenile's rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver the juvenile to the duly accredited officer or officers of the state demanding the juvenile's return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order the juvenile to return unaccompanied to such state and shall provide

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the juvenile with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

7. *Article VII — Cooperative supervision of probationers and parolees.*

a. That the duly constituted judicial and administrative authorities of a state party to this compact, herein called *"sending state"*, may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact, herein called *"receiving state"*, while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

b. That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

c. That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against the juvenile within the receiving state any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for any act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

d. That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

8. *Article VIII — Responsibility for costs.*

a. That the provisions of article IV, paragraph *"b"*, article V, paragraph *"b"*, and article VII, paragraph *"d"* of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

b. That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to article IV, paragraph *"b"*, article V, paragraph *"b"*, or article VII, paragraph *"d"* of this compact.

9. *Article IX — Detention practices.* That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

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10. *Article X — Supplementary agreements.* That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall:

a. Provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished;

b. Provide that the delinquent juvenile shall be given a court hearing prior to the juvenile being sent to another state for care, treatment and custody;

c. Provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile;

d. Provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state;

e. Provide for reasonable inspection of such institutions by the sending state;

f. Provide that the consent of the parent, guardian, or person or agency entitled to the legal custody of the delinquent juvenile shall be secured prior to the juvenile being sent to another state; and

g. Make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

11. *Article XI — Acceptance of federal and other aid.* That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

12. *Article XII — Compact administrators.* That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

13. *Article XIII — Execution of compact.* That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

14. *Article XIV — Renunciation.* That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

15. *Article XV — Rendition amendment.*

a. This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

b. All provisions and procedures of articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described

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in article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

16. *Out-of-state confinement amendment.*

a. Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

b. Escapees and absconders who would otherwise be returned pursuant to article V of the compact may be confined or reconfined in the receiving state pursuant to this amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such article shall be made and furnished, but in place of the demand pursuant to article V, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in article V may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

c. The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

d. As used in this amendment:

(1) *"Sending state"* means sending state as that term is used in article VII of the compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of article V of the compact.

(2) *"Receiving state"* means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that said state is a party to this amendment.

e. Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a "compact institution" and shall confine persons therein as provided in paragraph *"a"* hereof unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "compact institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

f. Persons confined in "compact institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "compact institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge or for any purpose permitted by the laws of the sending state.

g. All persons who may be confined in a "compact institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if the delinquent had been confined or reconfined in any appropriate institution of the sending state except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled, prior to confinement or reconfinement, by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

h. Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

i. This amendment shall take initial effect when entered into by any two or more states

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party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

[C62, 66, 71, 73, 75, 77, §231.14; C79, 81, §232.139]
85 Acts, ch 182, §1
CS85, §232.171
2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §639 – 641
Referred to in §232.172
See §232.172 for limitations on applicability of this section

232.172 Confinement of delinquent juvenile.

1. For a juvenile under the jurisdiction of this state who is subject to the interstate compact for juveniles under section 232.173, the confinement of the juvenile in an institution located within another compacting state shall be as provided under the compact.

2. This subsection applies to the confinement of a delinquent juvenile under the jurisdiction of this state in an institution located within a noncompacting state, as defined in section 232.173, that entered into the interstate compact on juveniles under section 232.171. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of the delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles in section 232.171, confine or order the confinement of the delinquent juvenile in a compact institution within another party state.

[C66, 71, 73, 75, 77, §231.15; C79, 81, §232.140]
CS85, §232.172
2010 Acts, ch 1192, §75; 2011 Acts, ch 34, §58

232.173 Interstate compact for juveniles.

1. *Article I — Purpose.*

a. The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. §112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

b. It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

(1) Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.

(2) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected.

(3) Return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return.

(4) Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services.

(5) Provide for the effective tracking and supervision of juveniles.

(6) Equitably allocate the costs, benefits, and obligations of the compacting states.

(7) Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders.

(8) Insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines.

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(9) Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact.

(10) Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators.

(11) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance.

(12) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity.

(13) Coordinate the implementation and operation of the compact with the interstate compact for the placement of children, the interstate compact for adult offender supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

c. It is the policy of the compacting states that the activities conducted by the interstate commission created in this compact are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

2. *Article II — Definitions.* As used in this compact, unless the context clearly requires a different construction:

a. "Bylaws" means those bylaws established by the interstate commission for its governance, or for directing or controlling its actions or conduct.

b. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

c. "Compacting state" means any state which has enacted the enabling legislation for this compact.

d. "Commissioner" means the voting representative of each compacting state appointed pursuant to article III of this compact.

e. "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

f. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

g. "Interstate commission" means the interstate commission for juveniles created by article III of this compact.

h. "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including persons who are any of the following:

(1) An accused delinquent, meaning a person charged with an offense that, if committed by an adult, would be a criminal offense.

(2) An adjudicated delinquent, meaning a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

(3) An accused status offender, meaning a person charged with an offense that would not be a criminal offense if committed by an adult.

(4) An adjudicated status offender, meaning a person found to have committed an offense that would not be a criminal offense if committed by an adult.

(5) A nonoffender, meaning a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

i. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact.

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j. *"Probation or parole"* means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

k. *"Rule"* means a written statement by the interstate commission promulgated pursuant to article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

l. *"State"* means a state of the United States, the District of Columbia or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

3. *Article III — Interstate commission for juveniles.*

a. The compacting states hereby create the interstate commission for juveniles. The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth in this compact, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

b. The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision created in this compact. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

c. In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, interstate compact for adult offender supervision, interstate compact for the placement of children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission shall be ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio, nonvoting members, including members of other national organizations, in such numbers as shall be determined by the commission.

d. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

e. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

f. The interstate commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and interstate commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws, and rules; and perform such other duties as directed by the interstate commission or set forth in the bylaws.

g. Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

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h. The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

i. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) Relate solely to the interstate commission's internal personnel practices and procedures.

(2) Disclose matters specifically exempted from disclosure by statute.

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential.

(4) Involve accusing any person of a crime, or formally censuring any person.

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(6) Disclose investigative records compiled for law enforcement purposes.

(7) Disclose information contained in or related to an examination or operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity.

(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity.

(9) Specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

j. For every meeting closed pursuant to this provision, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote, reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in such minutes.

k. The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

4. *Article IV — Powers and duties of the interstate commission.* The commission shall have the following powers and duties:

a. To provide for dispute resolution among compacting states.

b. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

c. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission.

d. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

e. To establish and maintain offices which shall be located within one or more of the compacting states.

f. To purchase and maintain insurance and bonds.

g. To borrow, accept, hire, or contract for services of personnel.

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h. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including but not limited to an executive committee as required by article III which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder.

i. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

j. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

k. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

m. To establish a budget and make expenditures and levy dues as provided in article VIII of this compact.

n. To sue and be sued.

o. To adopt a seal and bylaws governing the management and operation of the interstate commission.

p. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

q. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.

r. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

s. To establish uniform standards of the reporting, collecting, and exchanging of data.

t. The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

5. *Article V — Organization and operation of the interstate commission.*

a. Bylaws. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including but not limited to all of the following:

(1) Establishing the fiscal year of the interstate commission.

(2) Establishing an executive committee and such other committees as may be necessary.

(3) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission.

(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting.

(5) Establishing the titles and responsibilities of the officers of the interstate commission.

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations.

(7) Providing "start-up" rules for initial administration of the compact.

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

b. Officers and staff.

(1) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and

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expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(2) The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the interstate commission.

c. Immunity, defense, and indemnification.

(1) The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. Nothing in this subparagraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(3) The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the interstate commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

6. *Article VI — Rulemaking functions of the interstate commission.*

a. The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

b. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the model state administrative procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate commission deems appropriate consistent with due process requirements under the Constitution of the United States as now or hereafter interpreted by the United States supreme court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

c. When promulgating a rule, the interstate commission shall, at a minimum, do all of the following:

(1) Publish the proposed rule's entire text stating the reasons for that proposed rule.

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(2) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available.

(3) Provide an opportunity for an informal hearing if petitioned by ten or more persons.

(4) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

d. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this lettered paragraph, evidence is substantial if it would be considered substantial evidence under the model state administrative procedures Act.

e. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

f. The existing rules governing the operation of the interstate compact on juveniles superseded by this compact shall be null and void twelve months after the first meeting of the interstate commission created hereunder.

g. Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety days after the effective date of the emergency rule.

7. *Article VII — Oversight, enforcement, and dispute resolution by the interstate commission.*

a. Oversight.

(1) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

b. Dispute resolution.

(1) The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

(2) The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(3) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in article XI of this compact.

8. *Article VIII — Finance.*

a. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

b. The interstate commission shall levy on and collect an annual assessment from each

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compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

c. The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

d. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

9. *Article IX — The state council.* Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator, or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in interstate commission activities and other duties as may be determined by that state, including but not limited to development of policy concerning operations and procedures of the compact within that state.

10. *Article X — Compacting states, effective date, and amendment.*

a. Any state, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in article II of this compact is eligible to become a compacting state.

b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

c. The interstate commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

11. *Article XI — Withdrawal, default, termination, and judicial enforcement.*

a. Withdrawal.

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the

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withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

b. Technical assistance, fines, suspension, termination, and default.

(1) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the interstate commission may impose any or all of the following penalties:

(a) Remedial training and technical assistance as directed by the interstate commission.

(b) Alternative dispute resolution.

(c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission.

(d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(2) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws or duly promulgated rules, and any other grounds designated in commission bylaws and rules.

(3) The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination.

(4) Within sixty days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(5) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(6) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(7) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

c. Judicial enforcement. The interstate commission may, by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

d. Dissolution of compact.

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

12. *Article XII — Severability and construction.*

a. The provisions of this compact shall be severable, and if any phrase, clause, sentence,

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or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of this compact shall be liberally construed to effectuate its purposes.

13. *Article XIII — Binding effect of compact and other laws.*

a. Other laws.

(1) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(2) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

b. Binding effect of the compact.

(1) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states.

(2) All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

2010 Acts, ch 1192, §76
Referred to in §232.2, 232.172

232.174 Reserved.

SUBCHAPTER XI

VOLUNTARY FOSTER CARE PLACEMENT

232.175 through 232.183 Repealed by 2022 Acts, ch 1098, §90.

232.184 through 232.187 Reserved.

SUBCHAPTER XII

JUVENILE JUSTICE — EARLY INTERVENTION

232.188 Decategorization of child welfare and juvenile justice funding initiative. Repealed by 2026 Acts, ch 1164, §13.

232.189 Reasonable efforts administrative requirements. Repealed by 2022 Acts, ch 1098, §91.

232.190 Community grant fund. Repealed by its own terms; 2000 Acts, ch 1222, §14.

232.191 Early intervention and follow-up programs. Repealed by 2022 Acts, ch 1098, §91. See §232.192.

232.192 Early intervention and follow-up programs.

1. Contingent on a specific appropriation for juvenile delinquent graduated sanctions services, juvenile court services shall do the following:

a. Develop or expand programs providing specific life skills and interpersonal skills training for adjudicated delinquent youth who pose a low or moderate risk to the community.

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b. Develop or expand a school-based program addressing truancy and school behavioral problems for youth ages twelve through seventeen.

c. Develop or expand an intensive tracking and supervision program for adjudicated delinquent youth at risk for placement who have been released from resident facilities, which shall include telephonic or electronic tracking and monitoring and intervention by juvenile authorities.

d. Develop or expand supervised community treatment for adjudicated delinquent youth who experience significant problems and who constitute a moderate community risk.

2. The supreme court shall prescribe rules to implement this section.

2022 Acts, ch 1098, §70, 92
Referred to in §232.52

232.193 and 232.194 Reserved.

SUBCHAPTER XIII

RUNAWAY TREATMENT PLANS

232.195 and 232.196 Repealed by 2022 Acts, ch 1098, §90.

CHAPTER 232A

JUVENILE VICTIM RESTITUTION

Referred to in §602.7203, 645.3, 915.28

232A.1	Repealed by 98 Acts, ch 1047, §67.	232A.3	Reports required.
232A.2	Program created.	232A.4	Repealed by 98 Acts, ch 1090, §80, 84.

232A.1 Repealed by 98 Acts, ch 1047, §67.

232A.2 Program created.

1. A juvenile victim restitution program is created which shall be funded through moneys appropriated by the general assembly to the judicial branch. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

2. Upon completion of a district's plan, the judicial branch shall provide funds in conformance with the procedures and policies of the state. The judicial branch shall reclaim any portion of an initial allocation to a judicial district that is unencumbered on December 31 of any year. The judicial branch shall immediately reallocate the reclaimed funds to those judicial districts from which funds were not reclaimed in the manner provided in this section for the original allocation. Any portion of an amount allocated that remains unencumbered on June 30 of any year shall revert to the general fund of the state.

83 Acts, ch 94, §3; 90 Acts, ch 1247, §6; 98 Acts, ch 1047, §23; 2021 Acts, ch 76, §150

232A.3 Reports required.

Each judicial district shall submit a report of the progress and financial status of its juvenile victim restitution program to the judicial branch on a quarterly basis. The judicial branch shall prepare and submit annually a report on the progress and financial status of the programs to the general assembly no later than March 15.

83 Acts, ch 94, §4; 90 Acts, ch 1247, §7; 98 Acts, ch 1047, §24

232A.4 Repealed by 98 Acts, ch 1090, §80, 84. See §915.28.

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CHAPTER 232B

INDIAN CHILD WELFARE ACT

Referred to in §232.7, 232.90, 232.114, 232D.105, 600.1, 600A.3

232B.1 Short title.
232B.2 Purpose — policy of state.
232B.3 Definitions.
232B.4 Application of chapter — determination of Indian status.
232B.5 Indian child custody proceedings — jurisdiction — notice — transfer of proceedings.
232B.6 Emergency removal of Indian child — foster care placement — termination of parental rights.
232B.7 Parental rights — voluntary termination or foster care placement.
232B.8 Return of custody — improper removal of child from custody — protection of rights of parent or Indian custodian.
232B.9 Placement preferences.
232B.10 Qualified expert witnesses — standard of proof — change of placement.
232B.11 Agreements with tribes for care and custody of Indian children.
232B.12 Payment of foster care expenses.
232B.13 Records.
232B.14 Compliance.

232B.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Indian Child Welfare Act"*.

2003 Acts, ch 153, §2

232B.2 Purpose — policy of state.

The purpose of the Iowa Indian child welfare Act is to clarify state policies and procedures regarding implementation of the federal Indian Child Welfare Act, Pub. L. No. 95-608, as codified in 25 U.S.C. ch. 21. It is the policy of the state to cooperate fully with Indian tribes and tribal citizens in Iowa in order to ensure that the intent and provisions of the federal Indian Child Welfare Act are enforced. This cooperation includes recognition by the state that Indian tribes have a continuing and compelling governmental interest in an Indian child whether or not the child is in the physical or legal custody of an Indian parent, Indian custodian, or an Indian extended family member at the commencement of a child custody proceeding or the child has resided or domiciled on an Indian reservation. The state is committed to protecting the essential tribal relations and best interest of an Indian child by promoting practices, in accordance with the federal Indian Child Welfare Act and other applicable law, designed to prevent the child's voluntary or involuntary out-of-home placement and, whenever such placement is necessary or ordered, by placing the child, whenever possible, in a foster home, adoptive home, or other type of custodial placement that reflects the unique values of the child's tribal culture and is best able to assist the child in establishing, developing, and maintaining a political, cultural, and social relationship with the child's tribe and tribal community.

2003 Acts, ch 153, §3

232B.3 Definitions.

For the purposes of this chapter unless the context otherwise requires:

1. *"Adoptive placement"* means the permanent placement of an Indian child for adoption including, but not limited to, any action under chapter 232, 600, or 600A resulting in a final decree of adoption. *"Adoptive placement"* does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime, or upon an award, in a divorce proceeding, of custody to one of the child's parents.

2. *"Best interest of the child"* means the use of practices in accordance with the federal Indian Child Welfare Act, this chapter, and other applicable law, that are designed to prevent the Indian child's voluntary or involuntary out-of-home placement, and whenever such placement is necessary or ordered, placing the child, to the greatest extent possible, in a foster home, adoptive placement, or other type of custodial placement that reflects the unique values of the child's tribal culture and is best able to assist the child in establishing,

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developing, and maintaining a political, cultural, and social relationship with the Indian child's tribe and tribal community.

3. *"Child custody proceeding"* means a voluntary or involuntary proceeding that may result in an Indian child's adoptive placement, foster care placement, preadoptive placement, or termination of parental rights.

4. *"Department"* means the department of health and human services.

5. *"Director"* means the director of health and human services.

6. *"Foster care placement"* means the temporary placement of an Indian child in an individual or agency foster care placement or in the personal custody of a guardian or conservator prior to the termination of parental rights, from which the child cannot be returned upon demand to the custody of the parent or Indian custodian but there has not been a termination of parental rights. *"Foster care placement"* does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime, or upon an award, in a divorce proceeding, of custody to one of the child's parents.

7. *"Indian"* means a person who is a member of an Indian tribe, or is eligible for membership in an Indian tribe, or who is an Alaska native and a member of a regional corporation as defined in 43 U.S.C. §1606.

8. *"Indian child"* or *"child"* means an unmarried Indian person who is under eighteen years of age or a child who is under eighteen years of age that an Indian tribe identifies as a child of the tribe's community.

9. *"Indian child's family"* or *"extended family member"* means an adult person who is an Indian child's family member or extended family member under the law or custom of the Indian child's tribe or, in absence of such law or custom, an adult person who has any of the following relationships with the Indian child:

a. Parent.
b. Sibling.
c. Grandparent.
d. Aunt or uncle.
e. Cousin.
f. Clan member.
g. Band member.
h. Brother-in-law.
i. Sister-in-law.
j. Niece.
k. Nephew.
l. Stepparent.

10. *"Indian child's tribe"* means a tribe in which an Indian child is a member or eligible for membership.

11. *"Indian custodian"* means an Indian person who under tribal law, tribal custom, or state law, has legal or temporary physical custody of an Indian child.

12. *"Indian organization"* means any of the following entities that is owned or controlled by Indians, or a majority of the members are Indians:

a. A group.
b. An association.
c. A partnership.
d. A corporation.
e. Other legal entity.

13. *"Indian tribe"* or *"tribe"* means an Indian tribe, band, nation, or other organized Indian group, or a community of Indians, including any Alaska native village as defined in 43 U.S.C. §1602(c) recognized as eligible for services provided to Indians by the United States secretary of the interior because of the community members' status as Indians.

14. *"Parent"* means a biological parent of an Indian child or a person who has lawfully adopted an Indian child, including adoptions made under tribal law or custom. *"Parent"* does not include an unwed father whose paternity has not been acknowledged or established. Except for purposes of the federal Indian Child Welfare Act as codified in 25 U.S.C. §1913(b),

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(c), and (d), 1916, 1917, and 1951, *"parent"* does not include a person whose parental rights to that child have been terminated.

15. *"Preadoptive placement"* means the temporary placement of an Indian child in an individual or agency foster care placement after the termination of parental rights, but prior to or in lieu of an adoptive placement. *"Preadoptive placement"* does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime, or upon an award, in a divorce proceeding, of custody to one of the child's parents.

16. *"Reservation"* means Indian country as defined in 18 U.S.C. §1151 or land that is not covered under that definition but the title to which is either held by the United States in trust for the benefit of an Indian tribe or Indian person or held by an Indian tribe or Indian person subject to a restriction by the United States against alienation.

17. *"Secretary of the interior"* means the secretary of the United States department of the interior.

18. *"Termination of parental rights"* means any action resulting in the termination of the parent-child relationship. *"Termination of parental rights"* does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime, or upon an award, in a divorce proceeding, of custody to one of the child's parents.

19. *"Tribal court"* means a court or body vested by an Indian tribe with jurisdiction over child custody proceedings, including but not limited to a federal court of Indian offenses, a court established and operated under the code or custom of an Indian tribe, or an administrative body of an Indian tribe vested with authority over child custody proceedings.

2003 Acts, ch 153, §4; 2023 Acts, ch 19, §644
Referred to in §232.7, 232D.105, 235B.6, 600.1, 600A.3

232B.4 Application of chapter — determination of Indian status.

1. This chapter applies to child custody proceedings involving an Indian child whether the child is in the physical or legal custody of an Indian parent, Indian custodian, or an Indian extended family member or another person at the commencement of the proceedings or whether the child has resided or domiciled on or off an Indian reservation.

2. The court shall require a party seeking the foster care placement of, termination of parental rights over, or the adoption of, an Indian child to seek to determine whether the child is an Indian child through contact with any Indian tribe in which the child may be a member or eligible for membership, the child's parent, any person who has custody of the child or with whom the child resides, and any other person that reasonably can be expected to have information regarding the child's possible membership or eligibility for membership in an Indian tribe, including but not limited to the United States department of the interior.

3. A written determination by an Indian tribe that a child is a member of or eligible for membership in that tribe, or testimony attesting to such status by a person authorized by the tribe to provide that determination, shall be conclusive. A written determination by an Indian tribe, or testimony by a person authorized by the tribe to provide that determination or testimony, that a child is not a member of or eligible for membership in that tribe shall be conclusive as to that tribe. If an Indian tribe does not provide evidence of the child's status as an Indian child, the court shall determine the child's status.

4. The determination of the Indian status of a child shall be made as soon as practicable in order to serve the best interest of the child and to ensure compliance with the notice requirements of this chapter.

2003 Acts, ch 153, §5

232B.5 Indian child custody proceedings — jurisdiction — notice — transfer of proceedings.

1. An Indian tribe has jurisdiction exclusive as to this state over any child custody proceeding held in this state involving an Indian child who resides or is domiciled within the reservation of that tribe, except when the jurisdiction is otherwise vested in this state by existing federal law. If an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

2. The federal Indian Child Welfare Act and this chapter are applicable without exception

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in any child custody proceeding involving an Indian child. A state court does not have discretion to determine the applicability of the federal Indian Child Welfare Act or this chapter to a child custody proceeding based upon whether an Indian child is part of an existing Indian family.

3. In a child custody proceeding, the court or any party to the proceeding shall be deemed to know or have reason to know that an Indian child is involved whenever any of the following circumstances exist:

a. A party to the proceeding or the court has been informed by any interested person, an officer of the court, a tribe, an Indian organization, a public or private agency, or a member of the child's extended family that the child is or may be an Indian child.

b. The child who is the subject of the proceeding gives the court reason to believe the child is an Indian child.

c. The court or a party to the proceeding has reason to believe the residence or domicile of the child is in a predominantly Indian community.

4. In any involuntary child custody proceeding, including review hearings following an adjudication, the court shall establish in the record that the party seeking the foster care placement of, or termination of parental rights over, or the adoption of an Indian child has sent notice by registered mail, return receipt requested, to all of the following:

a. The child's parents.

b. The child's Indian custodians.

c. Any tribe in which the child may be a member or eligible for membership.

5. If the identity or location of the child's parent, Indian custodian, or tribe cannot be determined, the notice under subsection 4 shall be provided to the secretary of the interior, who shall have fifteen days after receipt of the notice to provide the notice to the child's parent, Indian custodian, and tribe. A foster care placement or termination of parental rights proceeding involving the child shall not be held until at least ten days after receipt of notice by the child's parent, Indian custodian, and tribe, or the secretary of the interior. Upon request, the child's parent or Indian custodian or tribe shall be granted up to twenty additional days after receipt of the notice to prepare for the proceeding.

6. The court shall also establish in the record that a notice of any involuntary custody proceeding has been sent to the Indian child's tribe. The tribe may provide notice of the proceeding to any of the child's extended family members.

7. The notice in any involuntary child custody proceeding involving an Indian child shall be written in clear and understandable language and shall include all of the following information:

a. The name and tribal affiliation of the Indian child.

b. A copy of the petition by which the proceeding was initiated.

c. A statement listing the rights of the child's parents, Indian custodians, and tribes and, if applicable, the rights of the Indian child's family. The rights shall include all of the following:

(1) The right to intervene in the proceeding.

(2) The right to petition the court to transfer the proceeding to the tribal court of the Indian child's tribe.

(3) The right to be granted up to an additional twenty days from the receipt of the notice to prepare for the proceeding.

(4) The right to request that the court grant further extensions of time.

(5) In the case of an extended family member, the right to intervene and be considered as a preferred placement for the child.

d. A statement of the potential legal consequences of an adjudication on the future custodial rights of the child's parents or Indian custodians.

e. A statement that if the parents or Indian custodians are unable to afford counsel in an involuntary proceeding, counsel will be appointed to represent the parents or custodians.

f. A statement that the court may appoint counsel for the child upon a finding that the appointment is in the best interest of the child.

g. A statement that the information contained in the notice, petition, pleading, and other court documents is confidential.

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h. A statement that the child's tribe may provide notice of the proceeding to any of the child's extended family members along with copies of other related documents.

8. In a voluntary child custody proceeding involving an Indian child, including but not limited to a review hearing, the court shall establish in the record that the party seeking the foster care placement of, termination of parental rights to, or the permanent placement of, an Indian child has sent notice at least ten days prior to the hearing by registered mail, return receipt requested, to all of the following:

a. The child's parents, except for a parent whose parental rights have been terminated.

b. The child's Indian custodians, except for a custodian whose parental or Indian custodian rights have been terminated.

c. Any tribe in which the child may be a member or eligible for membership.

9. The notice in a voluntary child custody proceeding involving an Indian child shall be written in clear and understandable language and shall include all of the following information:

a. The name and tribal affiliation of the child.

b. A copy of the petition by which the proceeding was initiated.

c. A statement listing the rights of the child's parents, Indian custodians, Indian tribe or tribes, and, if applicable, extended family members. The rights shall include all of the following:

(1) The right to intervene in the proceeding.

(2) The right to petition the court to transfer a foster care placement or termination of parental rights proceeding to the tribal court of the Indian child's tribe.

(3) In the case of extended family members, the right to intervene and be considered as a preferred placement for the child.

d. A statement that the information contained in the notice, petition, pleading, and any other court document shall be kept confidential.

e. A statement that the child's tribe may provide notice of the proceeding to any of the child's extended family members along with copies of other related documents.

10. Unless either of an Indian child's parents objects, in any child custody proceeding involving an Indian child who is not domiciled or residing within the jurisdiction of the Indian child's tribe, the court shall transfer the proceeding to the jurisdiction of the Indian child's tribe, upon the petition of any of the following persons:

a. Either of the child's parents.

b. The child's Indian custodian.

c. The child's tribe.

11. Notwithstanding entry of an objection to a transfer of proceedings as described in subsection 10, the court shall reject any objection that is inconsistent with the purposes of this chapter, including but not limited to any objection that would prevent maintaining the vital relationship between Indian tribes and the tribes' children and would interfere with the policy that the best interest of an Indian child require that the child be placed in a foster or adoptive home that reflects the unique values of Indian culture.

12. A transfer of proceedings under subsection 10 may be declined by the tribal court of the Indian child's tribe. If the tribal court declines to assume jurisdiction, the state court shall reassume jurisdiction and shall apply all of the following in any proceeding:

a. The requirements of the federal Indian Child Welfare Act.

b. This chapter.

c. The applicable provisions of any agreement between the Indian child's tribe and the state concerning the welfare, care, and custody of Indian children.

13. If a petition to transfer proceedings as described in subsection 10 is filed, the court shall find good cause to deny the petition only if one or more of the following circumstances are shown to exist:

a. The tribal court of the child's tribe declines the transfer of jurisdiction.

b. The tribal court does not have subject matter jurisdiction under the laws of the tribe or federal law.

c. Circumstances exist in which the evidence necessary to decide the case cannot be presented in the tribal court without undue hardship to the parties or the witnesses, and

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the tribal court is unable to mitigate the hardship by making arrangements to receive and consider the evidence or testimony by use of remote communication, by hearing the evidence or testimony at a location convenient to the parties or witnesses, or by use of other means permitted in the tribal court's rules of evidence or discovery.

d. An objection to the transfer is entered in accordance with subsection 10.

14. The Indian child's tribe or tribes and Indian custodian have the right to intervene at any point in any foster care placement or termination of parental rights proceeding involving the child. The Indian child's tribe shall also have the right to intervene at any point in any adoption proceeding involving the child. Any member of the Indian child's family may intervene in an adoption proceeding involving the child for the purpose of petitioning the court for the adoptive placement of the child in accordance with the order of preference provided for in this chapter.

15. The state shall give full faith and credit to the public acts, records, judicial proceedings, and judgments of any Indian tribe applicable to the Indian child custody proceedings.

16. In any proceeding in which the court determines indigency of the Indian child's parent or Indian custodian, the parent or Indian custodian shall have the right to court-appointed counsel in any removal, placement, or termination of parental rights. The child shall also have the right to court-appointed counsel in any removal, placement, termination of parental rights, or other permanency proceedings.

17. Each party to a foster care placement or termination of parental rights proceeding involving an Indian child shall have the right to examine all reports or other documents filed with the court upon which any decision with respect to the proceeding may be based.

18. Any person or court involved in the foster care, preadoptive placement, or adoptive placement of an Indian child shall use the services of the Indian child's tribe or tribes, whenever available through the tribe or tribes, in seeking to secure placement within the order of placement preference established in section 232B.9 and in the supervision of the placement.

19. A party seeking an involuntary foster care placement of or termination of parental rights over an Indian child shall provide evidence to the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. The court shall not order the placement or termination, unless the evidence of active efforts shows there has been a vigorous and concerted level of casework beyond the level that typically constitutes reasonable efforts as defined in sections 232.57 and 232.102A. Reasonable efforts shall not be construed to be active efforts. The active efforts must be made in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe. Active efforts shall utilize the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers. Active efforts shall include but are not limited to all of the following:

a. A request to the Indian child's tribe to convene traditional and customary support and resolution actions or services.

b. Identification and participation of tribally designated representatives at the earliest point.

c. Consultation with extended family members to identify family structure and family support services that may be provided by extended family members.

d. Frequent visitation in the Indian child's home and the homes of the child's extended family members.

e. Exhaustion of all tribally appropriate family preservation alternatives.

f. Identification and provision of information to the child's family concerning community resources that may be able to offer housing, financial, and transportation assistance and actively assisting the family in accessing the community resources.

20. The state of Iowa recognizes that an Indian tribe may contract with another Indian tribe for supervision regarding placement, case management, and the provision of services to an Indian child.

2003 Acts, ch 153, §6; 2025 Acts, ch 86, §62

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232B.6 Emergency removal of Indian child — foster care placement — termination of parental rights.

1. This chapter shall not be construed to prevent the emergency removal of an Indian child who is a resident of or is domiciled on an Indian reservation, but is temporarily located off the reservation, or is away from the child's parent or Indian custodian, or the emergency placement of such child in a foster home or institution, under applicable state law, in order to prevent imminent physical damage or harm to the child. In a case of emergency removal of an Indian child, regardless of residence or domicile of the child, the state shall ensure that the emergency removal or placement terminates immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the child and shall expeditiously initiate a child custody proceeding subject to the provisions of this chapter, transfer the child to the jurisdiction of the appropriate Indian tribe, or restore the child to the child's parent or Indian custodian, as may be appropriate.

2. Within three business days following the issuance of an order of emergency removal or placement of an Indian child, the court issuing the order shall notify the Indian child's tribe of the emergency removal or placement by registered mail, return receipt requested. The notice shall include the court order, the petition, if applicable, any information required by this chapter, and a statement informing the child's tribe of the tribe's right to intervene in the proceeding.

3. A motion, application, or petition commencing an emergency or temporary removal under section 232.79 or 232.95 or foster care placement proceeding under chapter 232 involving an Indian child shall be accompanied by all of the following:

a. An affidavit containing the names, tribal affiliations, and addresses of the Indian child, and of the child's parents and Indian custodians.

b. A specific and detailed account of the circumstances supporting the removal of the child.

c. All reports or other documents from each public or private agency involved with the emergency or temporary removal that are filed with the court and upon which any decision may be based. The reports shall include all of the following information, when available:

(1) The name of each agency.
(2) The names of agency administrators and professionals involved in the removal.
(3) A description of the emergency justifying the removal of the child.
(4) All observations made and actions taken by the agency.
(5) The date, time, and place of each such action.
(6) The signatures of all agency personnel involved.
(7) A statement of the specific actions taken and to be taken by each involved agency to effectuate the safe return of the child to the custody of the child's parent or Indian custodian.

4. An emergency removal or placement of an Indian child shall immediately terminate, and any court order approving the removal or placement shall be vacated, when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the child. In no case shall an emergency removal or placement order remain in effect for more than fifteen days unless, upon a showing that continuation of the order is necessary to prevent imminent physical damage or harm to the child, the court extends the order for a period not to exceed an additional thirty days. If the Indian child's tribe has been identified, the court shall notify the tribe of the date and time of any hearing scheduled to determine whether to extend an emergency removal or placement order.

5. Upon termination of the emergency removal or placement order, the child shall immediately be returned to the custody of the child's parent or Indian custodian unless any of the following circumstances exist:

a. The child is transferred to the jurisdiction of the child's tribe.

b. In an involuntary foster care placement proceeding pursuant to the federal Indian Child Welfare Act, the court orders that the child shall be placed in foster care upon a determination, supported by clear and convincing evidence, including testimony by qualified expert witnesses, that custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

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c. The child's parent or Indian custodian voluntarily consents to the foster care placement of the child pursuant to the provisions of the federal Indian Child Welfare Act.

6. *a.* Termination of parental rights over an Indian child shall not be ordered in the absence of a determination, supported by evidence beyond a reasonable doubt, including the testimony of qualified expert witnesses, that the continued custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

b. Foster care placement of an Indian child shall not be ordered in the absence of a determination, supported by clear and convincing evidence, including the testimony of qualified expert witnesses, that the continued custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

2003 Acts, ch 153, §7

232B.7 Parental rights — voluntary termination or foster care placement.

1. If an Indian child's parent or Indian custodian voluntarily consents to a foster care placement of the child or to termination of parental rights, the consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Notwithstanding section 600A.4 or any other provision of law, any consent for release of custody given prior to, or within ten days after, the birth of the Indian child shall not be valid.

2. An Indian child's parent or Indian custodian may withdraw consent to a foster care placement at any time and, upon the withdrawal of consent, the child shall be returned to the parent or Indian custodian.

3. In a voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent.

4. After the entry of a final decree of adoption of an Indian child, the parent may withdraw consent to the adoption upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate the decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate the decree and return the child to the parent. However, an adoption which has been effective for at least two years shall not be invalidated under the provisions of this subsection unless otherwise permitted under state law.

2003 Acts, ch 153, §8

232B.8 Return of custody — improper removal of child from custody — protection of rights of parent or Indian custodian.

1. If a final decree of adoption of an Indian child has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights to the child, a biological parent or prior Indian custodian may petition for return of custody and the court shall grant the petition unless there is a showing, in a proceeding subject to the provisions of this chapter, that the return of custody is not in the best interest of the child.

2. If an Indian child is removed from a foster care home or institution for the purpose of further foster care, preadoptive, or adoptive placement, the placement shall be in accordance with the provisions of this chapter, except when an Indian child is being returned to the parent or Indian custodian from whose custody the child was originally removed.

3. If a petitioner in an Indian child custody proceeding before a state court has improperly removed the child from the custody of the parent or Indian custodian or has improperly retained custody after a visit or other temporary relinquishment of custody, the court shall decline jurisdiction over the petition and shall immediately return the child to the child's

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parent or Indian custodian unless returning the child to the parent or Indian custodian would subject the child to a substantial and immediate danger or threat of such danger.

4. If another state or federal law applicable to a child custody proceeding held under state or federal law provides a higher standard of protection to the rights of the parent or Indian custodian of an Indian child than the rights provided under this chapter, the court shall apply the higher standard.

2003 Acts, ch 153, §9

232B.9 Placement preferences.

1. In any adoptive or other permanent placement of an Indian child, preference shall be given to a placement with one of the following, in descending priority order:

a. A member of the Indian child's family.

b. Other members of the Indian child's tribe.

c. Another Indian family.

d. A non-Indian family approved by the Indian child's tribe.

e. A non-Indian family that is committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.

2. An emergency removal, foster care, or preadoptive placement of an Indian child shall be in the least restrictive setting which most approximates a family situation and in which the child's special needs, if any, may be met. The child shall also be placed within reasonable proximity to the child's home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given to the child's placement with one of the following, in descending priority order:

a. A member of the child's extended family.

b. A foster home licensed, approved, or specified by the child's tribe.

c. An Indian foster home licensed or approved by an authorized non-Indian licensing authority.

d. A child foster care agency approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

e. A non-Indian child foster care agency approved by the child's tribe.

f. A non-Indian family committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.

3. To the greatest possible extent, a placement made in accordance with subsection 1 or 2 shall be made in the best interest of the child.

4. An adoptive placement of an Indian child shall not be ordered in the absence of a determination, supported by clear and convincing evidence including the testimony of qualified expert witnesses, that the placement of the child is in the best interest of the child.

5. Notwithstanding the placement preferences listed in subsections 1 and 2, if a different order of placement preference is established by the child's tribe or in a binding agreement between the child's tribe and the state entered into pursuant to section 232B.11, the court or agency effecting the placement shall follow the order of preference established by the tribe or in the agreement.

6. As appropriate, the placement preference of the Indian child or parent shall be considered. In applying the preferences, a consenting parent's request for anonymity shall also be given weight by the court or agency effecting the placement. Unless there is clear and convincing evidence that placement within the order of preference applicable under subsection 1, 2, or 5 would be harmful to the Indian child, consideration of the preference of the Indian child or parent or a parent's request for anonymity shall not be a basis for placing an Indian child outside of the applicable order of preference.

7. The prevailing social and cultural standards of the Indian community in which the parent or extended family members of an Indian child reside, or with which such parent or extended family members maintain social and cultural ties, or the prevailing social and cultural standards of the Indian child's tribe shall be applied in qualifying any placement having a preference under this section. A determination of the applicable prevailing social and cultural standards shall be confirmed by the testimony or other documented support of qualified expert witnesses.

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8. A record of each foster care placement, emergency removal, preadoptive placement, or adoptive placement of an Indian child, under the laws of this state, shall be maintained in perpetuity by the department in accordance with section 232B.13. The record shall document the active efforts to comply with the applicable order of preference specified in this section.

9. The state of Iowa recognizes the authority of Indian tribes to license foster homes and to license agencies to receive children for control, care, and maintenance outside of the children's own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care or adoption. The department and child-placing agencies licensed under chapter 238 may place children in foster homes and facilities licensed by an Indian tribe.

2003 Acts, ch 153, §10; 2023 Acts, ch 19, §645
Referred to in §232B.5, 232B.12, 232B.13

232B.10 Qualified expert witnesses — standard of proof — change of placement.

1. For the purposes of this chapter, unless the context otherwise requires, a *"qualified expert witness"* may include, but is not limited to, a social worker, sociologist, physician, psychologist, traditional tribal therapist and healer, spiritual leader, historian, or elder.

2. In considering whether to involuntarily place an Indian child in foster care or to terminate the parental rights of the parent of an Indian child, the court shall require that qualified expert witnesses with specific knowledge of the child's Indian tribe testify regarding that tribe's family organization and child-rearing practices, and regarding whether the tribe's culture, customs, and laws would support the placement of the child in foster care or the termination of parental rights on the grounds that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

3. In the following descending order of preference, a qualified expert witness is a person who is one of the following:

a. A member of the child's Indian tribe who is recognized by the child's tribal community as knowledgeable regarding tribal customs as the customs pertain to family organization or child-rearing practices.

b. A member of another tribe who is formally recognized by the Indian child's tribe as having the knowledge to be a qualified expert witness.

c. A layperson having substantial experience in the delivery of child and family services to Indians, and substantial knowledge of the prevailing social and cultural standards and child-rearing practices within the Indian child's tribe.

d. A professional person having substantial education and experience in the person's professional specialty and having substantial knowledge of the prevailing social and cultural standards and child-rearing practices within the Indian child's tribe.

e. A professional person having substantial education and experience in the person's professional specialty and having extensive knowledge of the customs, traditions, and values of the Indian child's tribe as the customs, traditions, and values pertain to family organization and child-rearing practices. Prior to accepting the testimony of a qualified expert witness described in this lettered paragraph, the court shall document the efforts made to secure a qualified expert witness described in paragraphs *"a"*, *"b"*, *"c"*, and *"d"*. The efforts shall include but are not limited to contacting the Indian child's tribe's governing body, that tribe's Indian Child Welfare Act office, and the tribe's social service office.

2003 Acts, ch 153, §11; 2004 Acts, ch 1101, §29

232B.11 Agreements with tribes for care and custody of Indian children.

1. The director or the director's designee shall make a good faith effort to enter into agreements with Indian tribes regarding jurisdiction over child custody proceedings and the care and custody of Indian children whose tribes have land within Iowa, including but not limited to the Sac and Fox tribe, the Omaha tribe, the Ponca tribe, and the Winnebago tribe, and whose tribes have an Indian child who resides in the state of Iowa. An agreement shall seek to promote the continued existence and integrity of the Indian tribe as a political entity and the vital interest of Indian children in securing and maintaining a political, cultural,

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and social relationship with their tribes. An agreement shall assure that tribal services and Indian organizations or agencies are used to the greatest extent practicable in planning and implementing any action pursuant to the agreement concerning the care and custody of Indian children. If tribal services are not available, an agreement shall assure that community services and resources developed specifically for Indian families will be used.

2. If an agreement entered into between the tribe and the department pertaining to the funding of foster care placements for Indian children conflicts with any federal or state law, the state in a timely, good faith manner shall agree to amend the agreement in a way that prevents any interruption of services to eligible Indian children.

3. An agreement entered into under this section may be revoked by either party by giving one hundred eighty days' advance written notice to the other party. The revocation shall not affect any action or proceeding over which a court has already assumed jurisdiction, unless the agreement provides otherwise.

2003 Acts, ch 153, §12; 2023 Acts, ch 19, §646
Referred to in §232B.9

232B.12 Payment of foster care expenses.

1. If the department has legal custody of an Indian child and that child is placed in foster care according to the placement preferences under section 232B.9 the state shall pay, subject to any applicable federal funding limitations and requirements, the cost of the foster care in the manner and to the same extent the state pays for foster care of non-Indian children, including the administrative and training costs associated with the placement. In addition, the state shall pay the other costs related to the foster care placement of an Indian child as may be provided for in an agreement entered into between a tribe and the state.

2. The department may, subject to any applicable federal funding limitations and requirements and within funds appropriated for foster care services, purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state court order; and the purchase of the care is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

2003 Acts, ch 153, §13; 2023 Acts, ch 19, §647

232B.13 Records.

1. The department shall establish an automated database where a permanent record shall be maintained of every involuntary or voluntary foster care, preadoptive placement, or adoptive placement of an Indian child that is ordered by a court of this state and in which the department was involved. The automated record shall document the active efforts made to comply with the order of placement preference specified in section 232B.9. An Indian child's placement record shall be maintained in perpetuity by the department and shall include but is not limited to the name, birthdate, and gender of the Indian child, and the location of the local department office that maintains the original file and documents containing the information listed in subsection 2.

2. Each county department of human services, state-licensed child-placing agency, private attorney, and medical facility involved in the involuntary or voluntary foster care placement, preadoptive placement, or adoptive placement of an Indian child shall maintain in perpetuity a record of the placement. The record shall include, but is not limited to, all of the following information:

a. The name and tribal affiliation of the child.
b. The location of the child's Indian tribe or tribes.
c. The names and addresses of the child's biological parents.
d. The child's certificate of degree of Indian blood.
e. The child's tribal enrollment or other membership documentation, if any.
f. The child's medical records.
g. The social and medical history of the child's biological family.
h. The names, ages, and gender of the child's siblings.
i. The names, ages, and gender of the child's kinship or extended family members.

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j. The names and addresses of the child's adoptive parents.

k. The identity of any agency having files or information relating to the placement.

l. All reports concerning the child or the child's family, including detailed information regarding case plans and other efforts to rehabilitate the parents of the child.

m. A record of efforts made to place the child within and outside of the placement preferences under section 232B.9.

n. A statement of the reason for the final placement decision.

3. If a court orders the foster care, preadoptive placement, or adoptive placement of an Indian child, the court and any state-licensed child-placing agency involved in the placement shall provide the department with the records described in subsections 1 and 2.

4. A record maintained pursuant to this section by the department, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall be made available within seven days of a request for the record by the Indian child's tribe or the secretary of the interior.

5. Upon the request of an Indian individual who is eighteen years of age or older, or upon the request of an Indian child's parent, Indian custodian, attorney, guardian ad litem, guardian, legal custodian, or caseworker of the Indian child, the department, a county department of human services, state-licensed child-placing agency, private attorney, or medical facility shall provide access to the records pertaining to the Indian individual or child maintained pursuant to this section. The records shall also be made available upon the request of the descendants of the Indian individual or child. A record shall be made available within seven days of a request for the record by any person authorized by this subsection to make the request.

6. Upon application of an Indian individual who is eighteen years of age or older and was the subject of an adoptive placement, the court that entered the final decree shall inform the individual regarding the individual's tribal affiliation and any of the individual's biological parents, and shall provide such other information as may be necessary to protect any rights arising from the individual's tribal affiliation. In addition, the court shall provide the individual, through an appropriate order, if necessary, with information described in subsection 2 as may be secured from the records maintained pursuant to subsection 2.

7. If a parent of an Indian child wishes to remain anonymous, identifying records concerning any such parent shall not be released unless necessary to secure, maintain, or enforce the Indian child's right to enrollment or membership in the child's Indian tribe, for determining a right or benefit associated with the enrollment or membership, or for determining a right to an inheritance.

2003 Acts, ch 153, §14; 2023 Acts, ch 19, §648
Referred to in §232B.9

232B.14 Compliance.

1. The department, in consultation with Indian tribes, shall establish standards and procedures for the department's review of cases subject to this chapter and methods for monitoring the department's compliance with provisions of the federal Indian Child Welfare Act and this chapter. These standards and procedures and the monitoring methods shall be integrated into the department's structure and plan for the federal government's child and family service review process and any program improvement plan resulting from that process.

2. A court of competent jurisdiction shall vacate a court order and remand the case for appropriate disposition for any of the following violations of this chapter:

a. Failure to notify an Indian parent, Indian custodian, or tribe.

b. Failure to recognize the jurisdiction of an Indian tribe.

c. Failure, without cause as specified under this chapter, to transfer jurisdiction to an Indian tribe appropriately seeking transfer.

d. Failure to give full faith and credit to the public acts, records, or judicial proceedings of an Indian tribe.

e. Failure to allow intervention by an Indian custodian or Indian tribe, or if applicable, an extended family member.

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f. Failure to return the child to the child's parent or Indian custodian when removal or placement is no longer necessary to prevent imminent physical damage or harm.

g. Failure to provide the testimony of qualified expert witnesses as required by this chapter.

h. Any other violation that is not harmless error, including but not limited to a failure to comply with 25 U.S.C. §1911, 1912, 1913, 1915, 1916, or 1917.

3. If a petitioner in an Indian child custody proceeding before a state court has improperly removed the child from the custody of the child's parent or Indian custodian or has improperly retained custody after a visit or other temporary relinquishment of custody, the court shall decline jurisdiction over the petition and shall immediately return the child to the child's parent or Indian custodian unless returning the child to the parent or Indian custodian would subject the child to a substantial and immediate danger or threat of such danger.

2003 Acts, ch 153, §15; 2023 Acts, ch 19, §649

CHAPTER 232C

EMANCIPATION OF MINORS

232C.1	Emancipation petition — hearing.	232C.3	Determination of emancipation — best interests of the minor.
232C.2	Stay — mediation — referral to family in need of assistance.	232C.4	Effect of emancipation order.

232C.1 Emancipation petition — hearing.

1. A minor who desires to become emancipated may file a petition for an order of emancipation in juvenile court if all of the following apply:

a. The minor is sixteen years of age or older.

b. The minor is a resident of this state.

c. The minor is not in the care, custody, or control of the state.

2. A petition filed pursuant to this section shall contain the following:

a. The petitioner's name, mailing address, and date of birth.

b. The name and mailing address of the petitioner's parents or legal guardian.

c. Specific facts to support the petition including but not limited to the following:

(1) The minor has demonstrated financial self-sufficiency, including proof of employment or other means of support, which does not include assistance or subsidies from a federal, state, or local governmental agency.

(2) The minor has demonstrated an ability to manage the personal affairs of the minor.

(3) The minor has demonstrated an ability and commitment to obtain and maintain education, vocational training, or employment.

(4) Any other information considered necessary to support the petition.

d. Any one of the following:

(1) Documentation that the minor has been living on the minor's own for at least three consecutive months.

(2) A statement explaining the reasons the minor believes the home of the minor's parents or legal guardian is not a healthy or safe environment.

(3) A notarized statement that contains written consent to emancipation by the minor's parents or legal guardian.

3. The court shall hold a hearing on the petition within ninety days of the filing of the petition. Notice of the hearing, with a copy of the petition attached, shall be served by personal service on the minor's parent or legal guardian at least thirty days prior to the hearing date. Any other parties shall be notified as provided by the rules of civil procedure for service of an original notice.

4. The minor may participate in the court proceedings on the minor's own behalf, or may

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be represented by the minor's own counsel, or the court may appoint a guardian ad litem on behalf of the minor.

2009 Acts, ch 153, §3
Referred to in §232C.2

232C.2 Stay — mediation — referral to family in need of assistance.

1. Prior to an emancipation hearing held pursuant to section 232C.1, the court, on its own motion, may stay the proceedings, and refer the parties to mediation or request that the department of health and human services investigate any allegations of child abuse or neglect contained in the petition, and order that a written report be prepared and filed by the department.

2. If a minor's parent or guardian objects to the petition filed pursuant to section 232C.1, the juvenile court shall stay the proceedings and refer the parties to mediation unless the juvenile court finds that mediation would not be in the best interests of the minor.

3. If an agreement is reached through mediation, the parties shall file the signed agreement with the juvenile court.

4. Notwithstanding subsections 1 through 3, the juvenile court, on its own motion, may discontinue emancipation proceedings pursuant to this chapter and interpret the petition as a petition to initiate family in need of assistance proceedings and consider the petition under sections 232.122 through 232.127.

2009 Acts, ch 153, §4; 2023 Acts, ch 19, §650
Referred to in §232.125, 232C.3

232C.3 Determination of emancipation — best interests of the minor.

1. The juvenile court shall determine emancipation based on the best interests of the minor and shall consider all relevant factors including the following:

a. The potential risks and consequences of emancipation and whether the minor understands the risks and consequences of emancipation.

b. The ability of the minor to be financially self-sufficient.

c. The education level of the minor and success achieved in school.

d. The criminal record of the minor.

e. The desires of the minor.

f. The recommendations of the parents or guardian of the minor.

2. The minor has the burden of proving by clear and convincing evidence that the requirements for ordering emancipation under this section have been met.

3. The juvenile court shall carefully consider the best interests of the minor and after hearing and consideration of the factors enumerated in this section, the juvenile court may order the minor emancipated or deny the petition for emancipation.

4. If, after referral of a petition for the initiation of family in need of assistance proceedings pursuant to section 232C.2, the juvenile court finds, by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship under the family in need of assistance proceedings pursuant to sections 232.122 through 232.127, the juvenile court may order the minor emancipated as provided in this section.

2009 Acts, ch 153, §5
Referred to in §232.127

232C.4 Effect of emancipation order.

1. An emancipation order shall have the same effect as a minor reaching the age of majority with respect to but not limited to the following:

a. The ability to sue or be sued in the minor's own name.

b. The right to enter into a binding contract.

c. The right to establish a legal residence.

d. The right to incur debts.

e. The right to consent to medical, dental, or psychiatric care.

2. An emancipation order shall have the same effect as the minor reaching the age of majority and the parents are exempt from the following:

a. Future child support obligations for the emancipated minor.

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b. An obligation to provide medical support for the emancipated minor, unless deemed necessary by the court.

c. A right to the income or property of the emancipated minor.

d. A responsibility for the debts of the emancipated minor.

3. An emancipated minor shall remain subject to voting restrictions under chapter 48A, gambling restrictions under chapter 99B, 99D, 99F, 99G, or 725, internet fantasy sports contest restrictions under chapter 99E, alcohol restrictions under chapter 123, compulsory attendance requirements under chapter 299, and cigarette tobacco restrictions under chapter 453A.

4. An emancipated minor shall not be considered an adult for prosecution except as provided in section 232.8.

5. Notwithstanding sections 232.147 through 232.151, the emancipation order shall be released by the juvenile court subject to rules prescribed by the supreme court.

6. A parent who is absolved of child support obligations pursuant to an emancipation order shall notify child support services of the department of health and human services of the emancipation.

2009 Acts, ch 153, §6; 2011 Acts, ch 34, §59; 2019 Acts, ch 132, §38, 45, 46; 2023 Acts, ch 19, §651

CHAPTER 232D

MINOR GUARDIANSHIPS

Referred to in §135.194, 135J.3A, 144F.1, 222.34, 232.3, 232.101A, 232.104, 235A.15, 235B.6, 602.7101, 602.8102(42), 633.10

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SUBCHAPTER I

GENERAL PROVISIONS

232D.101 Short title.

This chapter shall be known as the *"Iowa Minor Guardianship Proceedings Act"*.

2019 Acts, ch 56, §1, 44, 45

232D.102 Definitions.

1. *"Adult"* means a person eighteen years of age or older or a person declared to be emancipated by a court of competent jurisdiction.
2. *"Conservator"* means a person appointed by a court to have custody and control of the property of a minor.
3. *"Court"* means the juvenile court established under section 602.7101.
4. *"Demonstrated lack of consistent parental participation"* means the refusal of a parent to comply with duties and responsibilities imposed upon a parent by the parent-child relationship, including but not limited to providing the minor with necessary food, clothing, shelter, health care, education, and other care and supervision necessary for the minor's physical, mental, and emotional health and development.
5. *"Guardian"* means a person appointed by the court to have custody of a minor.
6. *"Legal custodian"* means a person awarded legal custody of a minor.
7. *"Legal custody"* means an award of the rights of legal custody of a minor under which a parent has legal custodial rights and responsibilities toward the minor child including but not limited to decision making affecting the minor's legal status, medical care, education, extracurricular activities, and religious instruction.
8. *"Limited guardianship"* means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.
9. *"Minor"* means an unmarried and unemancipated person under the age of eighteen years.
10. *"Parent"* means a biological or adoptive mother or father of a child, a person whose parental status has been established by operation of law due to the person's marriage to the mother at the time of the conception or birth of the child, by order of a court of competent jurisdiction, or by an administrative order when authorized by state law. *"Parent"* does not include a person whose parental rights have been terminated.

2019 Acts, ch 56, §2, 44, 45

232D.103 Jurisdiction.

The juvenile court has exclusive jurisdiction in a guardianship proceeding for appointment of a guardian for a minor and in a proceeding concerning the guardianship of a minor.

2019 Acts, ch 56, §3, 44, 45; 2024 Acts, ch 1009, §1
Referred to in §232D.311

232D.104 Venue.

1. Venue for guardianship proceedings under this chapter shall be in the judicial district where the minor is found or in the judicial district of the minor's residence.
2. The court may transfer a guardianship proceeding brought under this chapter to the juvenile court of any county having venue at any stage in the proceedings as follows:

a. When it appears that the best interests of the minor or the convenience of the proceedings shall be served by a transfer, the court may transfer the case to the court of the county of the minor's residence.

b. With the consent of the receiving court, the court may transfer the case to the court of the county where the minor is found.

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3. The court shall transfer the case by ordering the transfer and a continuance and by forwarding to the clerk of the receiving court a certified copy of all papers filed together with an order of transfer. The judge of the receiving court may accept the filings of the transferring court or may direct the filing of a new petition and hear the case anew.

2019 Acts, ch 56, §4, 44, 45

232D.105 Proceedings governed by other law.

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section 633.557.

2. A petition for the appointment of a guardian for a minor and a petition for appointment of a conservator of a minor shall not be combined.

3. If a minor guardianship proceeding under this chapter pertains to an Indian child as defined in section 232B.3 and the proceeding is subject to the Iowa Indian child welfare Act under chapter 232B, the proceeding and other actions taken in connection with the proceeding shall comply with chapter 232B.

2019 Acts, ch 56, §5, 44, 45; 2020 Acts, ch 1063, §93

232D.106 Applicability of rules of civil procedure.

The rules of civil procedure shall govern guardianship proceedings concerning a minor who is alleged to be in need of a guardianship except as otherwise set forth in this chapter.

2019 Acts, ch 56, §6, 44, 45

232D.107 through 232D.200 Reserved.

SUBCHAPTER II

BASIS FOR APPOINTMENT OF GUARDIANS

232D.201 Termination of parental rights and child in need of assistance cases.

1. The court may appoint a guardian for a minor who does not have a guardian if all parental rights have been terminated.

2. The court may appoint a guardian for a minor in a child in need of assistance case pursuant to section 232.101A, 232.103A, or 232.104.

2019 Acts, ch 56, §7, 44, 45

232D.202 Death of parents.

1. The court may appoint a guardian for a minor if both parents are deceased.

2. In appointing a guardian for a minor whose parents are deceased, the court shall give preference to a person, if qualified and suitable, nominated as guardian for a minor by a will that was executed by the parent or parents having legal custody of the minor at the time of the parent's or parents' death, and that was admitted to probate under chapter 633.

2019 Acts, ch 56, §8, 44, 45

232D.203 Guardianship with parental consent.

1. The court may appoint a guardian for a minor if the court finds all of the following:

a. The parent or parents having legal custody of the minor understand the nature of the guardianship and knowingly and voluntarily consent to the guardianship.

b. The minor is in need of a guardianship because of any one of the following:

(1) The parent having legal custody of the minor has a physical or mental illness that prevents the parent from providing care and supervision of the child.

(2) The parent having legal custody of the minor is incarcerated or imprisoned.

(3) The parent having legal custody of the minor is on active military duty.

(4) The minor is in need of a guardianship for some other reason constituting good cause shown.

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c. Appointment of a guardian for the minor is in the best interest of the minor.

2. If the guardianship petition requests a guardianship with parental consent, the petition shall include an affidavit signed by the parent or parents verifying that the parent or parents knowingly and voluntarily consent to the guardianship. The consent required by this subsection shall be on a form prescribed by the judicial branch.

3. On or before the date of the hearing on the petition, the parent or parents and the proposed guardian shall file an agreement with the court. This agreement shall state the following:

a. The responsibilities of the guardian.

b. The responsibilities of the parent or parents.

c. The expected duration of the guardianship, if known.

4. If the court grants the petition, it shall approve the guardianship agreement between the custodial parent and the proposed guardian and incorporate its terms by reference unless the court finds the agreement was not reached knowingly and voluntarily or is not in the best interests of the child.

2019 Acts, ch 56, §9, 44, 45
Referred to in §232D.503

232D.204 Guardianship without parental consent.

1. The court may appoint a guardian for a minor without the consent of the parent or parents having legal custody of the minor if the court finds by clear and convincing evidence all of the following:

a. There is a person serving as a de facto guardian of the minor.

b. There has been a demonstrated lack of consistent parental participation in the life of the minor by the parent. In determining whether a parent has demonstrated a lack of consistent participation in the minor's life, the court may consider all of the following:

(1) The intent of the parent in placing the custody, care, and supervision of the minor with the person petitioning as a de facto guardian and the facts and circumstances regarding such placement.

(2) The amount of communication and visitation of the parent with the minor during the alleged de facto guardianship.

(3) Any refusal of the parent to comply with conditions for retaining custody of the minor set forth in any previous court orders.

2. The court may appoint a guardian for a minor without the consent of the parent or parents having legal custody of the minor if the court finds by clear and convincing evidence all of the following:

a. No parent having legal custody of the minor is willing or able to exercise the power the court will grant to the guardian if the court appoints a guardian.

b. Appointment of a guardian for the minor is in the best interest of the minor.

3. Prior to granting a petition for guardianship, the court shall consider whether the filing of a child in need of assistance petition is appropriate under section 232.87. If the court determines a child in need of assistance petition is not appropriate, the court shall make findings of why a child in need of assistance petition is not appropriate.

4. A proceeding under this section shall not create a new eligibility category for the department of health and human services protective services.

2019 Acts, ch 56, §10, 44, 45; 2023 Acts, ch 19, §652
Referred to in §232D.503

232D.205 through 232D.300 Reserved.

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SUBCHAPTER III

ESTABLISHING GUARDIANSHIPS

232D.301 Petition.

1. Proceedings for guardianship pursuant to this chapter may be initiated by the filing of a petition by any person with an interest in the welfare of the minor.

2. The petition shall list, to the extent known, all of the following:

a. The name, age, and address of the minor who is the subject of the petition.

b. The name and address of the petitioner and the petitioner's relationship to the minor.

c. If the petitioner is not the proposed guardian, the name and address of the proposed guardian and the reason the proposed guardian should be selected.

d. The name and address, to the extent known and ascertainable, of the following:

(1) Any living parents of the minor.

(2) Any legal custodian of the minor.

(3) Any adult who has had the primary care of the minor or with whom the minor has lived for at least six months prior to the filing of the petition.

3. The petition shall contain a concise statement of the factual basis for the petition.

4. The petition shall state whether a limited guardianship is appropriate, and whether a conservatorship for the minor is already in existence.

5. Any additional information, to the extent known and reasonably ascertainable, required by section 598B.209 shall be included in an affidavit attached to the petition.

6. The petition may request that a temporary guardian for a minor may be appointed. Such a petition shall specify the duration of the requested temporary guardianship and the reason for a temporary guardianship.

2019 Acts, ch 56, §11, 44, 45; 2024 Acts, ch 1009, §2

Referred to in §232D.303, 232D.306, 232D.309, 232D.310

232D.302 Notice.

1. The filing of a petition shall be served upon the minor who is the subject of the petition in the manner of an original notice in accordance with the rules of civil procedure governing such notice. Notice to the attorney representing the minor, if any, is notice to the minor.

2. Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure. If the parent has not filed a consent to the appointment of a guardian, the notice shall inform any parent named in the petition that the parent may be entitled to representation under the conditions described in section 232D.304.

3. Notice shall be served upon other known persons listed in the petition in the manner prescribed by the court, which may be notice by mail. Failure of such persons to receive actual notice does not constitute a jurisdictional defect precluding the appointment of a guardian by the court.

4. Notice of the filing of a petition given to a person under subsection 2 or 3 shall include a statement that the person may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

2019 Acts, ch 56, §12, 44, 45; 2024 Acts, ch 1009, §3

Service of original notice, R.C.P. 1.302 – 1.315

232D.303 Attorney for minor.

1. Upon the filing of a petition for appointment of a guardian pursuant to section 232D.301, the court shall appoint an attorney for the minor, if the court determines that the interests of the minor are or may be inadequately represented.

2. An attorney representing the minor shall advocate for the wishes of the minor to the extent that those wishes are reasonably ascertainable and advocate for best interest of the minor if the wishes of the minor are not reasonably ascertainable.

2019 Acts, ch 56, §13, 44, 45

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232D.304 Attorney for parent.

Upon the filing of a petition for appointment of a guardian, the court shall appoint an attorney for the parent identified in the petition if all of the following are true:

1. The parent objects to the appointment of a guardian for the minor.

2. The parent requests appointment of an attorney and the court determines that the parent is unable to pay for an attorney in accordance with section 232D.505.

2019 Acts, ch 56, §14, 44, 45
Referred to in §232D.302

232D.305 Court visitor.

1. The court may appoint a court visitor for the minor in a proceeding for the appointment of a guardian for a minor.

2. The same person shall not serve both as the attorney representing the minor and as court visitor.

3. Unless otherwise enlarged or circumscribed by the court, the duties of a court visitor with respect to the minor shall include all of the following:

a. Conducting, if the minor's age is appropriate, an initial in-person interview with the minor.

b. Explaining to the minor, if the minor's age is appropriate, the substance of the petition, the purpose and effect of the guardianship proceeding, the rights of the minor at the hearing, and the general powers and duties of a guardian.

c. Determining, if the minor's age is appropriate, the views of the minor regarding the proposed guardian, the proposed guardian's powers and duties, and the scope and duration of the proposed guardianship.

d. Interviewing the parent or parents and any other person with legal responsibility for the custody, care, or both, of the minor.

e. Interviewing the petitioner, and if the petitioner is not the proposed guardian, interviewing the proposed guardian.

f. Visiting, to the extent feasible, the residence where it is reasonably believed that the minor will live if the guardian is appointed.

g. Making any other investigation the court directs, including but not limited to interviewing any persons providing medical, mental health, educational, social, or other services to the minor.

4. The court visitor shall submit a written report to the court that contains all of the following:

a. A recommendation regarding the appropriateness of a guardianship for the minor.

b. A statement of the qualifications of the guardian together with a statement of whether the minor has expressed agreement with the appointment of the proposed guardian.

c. Any other matters the court visitor deems relevant to the petition for guardianship and the best interests of the minor.

d. Any other matters the court directs.

5. The report of the court visitor shall be made part of the court record unless otherwise ordered by the court.

6. The court may order a court visitor to continue to serve if the court determines continued service would be in the best interest of the minor. If the court continues the services of the court visitor, the court may limit the direct duties of the court visitor as the court deems necessary in which case the court visitor shall thereafter continue to serve until discharged by the court. If the court does not order the court visitor to continue, the order appointing the guardian shall discharge the court visitor.

2019 Acts, ch 56, §15, 44, 45; 2024 Acts, ch 1009, §4, 5

232D.306 Hearing on petition.

1. The court shall fix the time and place of hearing on the petition and shall prescribe a time not less than twenty days after the date the notice is served unless the court finds there is good cause shown to shorten the time period. The court shall also prescribe the manner of service of the notice of such hearing.

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2. The minor who is the subject of a petition filed pursuant to section 232D.301 shall be entitled to attend the hearing on the petition if the minor is of an age appropriate to attend the hearing. A presumption shall exist that a minor fourteen years of age or older is of an age appropriate to attend the hearing.

3. The court shall not exclude a minor entitled to attend the hearing under subsection 2 unless the court finds that there is good cause shown for excluding the minor from attendance.

4. A hearing on the petition may be recorded if a court reporter is not used.

2019 Acts, ch 56, §16, 44, 45; 2024 Acts, ch 1009, §6

232D.307 Background checks of proposed guardians.

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sex offender registries in this state for all proposed guardians other than financial institutions with Iowa trust powers unless a proposed guardian has undergone the required background checks in this section within the twelve months prior to the filing of a petition.

2. The court shall review the results of background checks in determining the suitability of a proposed guardian for appointment.

3. The judicial branch in conjunction with the department of public safety, the department of health and human services, and the department of management shall establish procedures for electronic access to the single contact repository necessary to conduct background checks requested under subsection 1.

4. The person who files a petition for appointment of guardian for a minor shall be responsible for paying the fee for the background check conducted through the single contact repository unless the court waives the fee for good cause shown.

2019 Acts, ch 56, §17, 44, 45; 2023 Acts, ch 19, §653; 2024 Acts, ch 1185, §158

232D.308 Selection of guardian — qualifications and preferences.

1. The court shall appoint as guardian a qualified and suitable person who is willing to serve subject to the preferences as to the appointment of a guardian set forth in subsections 2 and 3.

2. In appointing a guardian for a minor, the court shall give preference to a person, if qualified and suitable, nominated as guardian for a minor by a will that was executed by the parent or parents having legal custody of the minor at the time of the parent's or parents' death, and that was admitted to probate under chapter 633.

3. In appointing a guardian for a minor, the court shall give preference, if qualified and suitable, to a person requested by a minor fourteen years of age or older.

2019 Acts, ch 56, §18, 44, 45

Referred to in §232.101A

232D.309 Emergency appointment of temporary guardian.

1. A person authorized to file a petition under section 232D.301 may file a petition for the emergency appointment of a temporary guardian for the minor.

2. The petition shall state all of the following:

a. The name and address of the minor and the birthdate of the minor.

b. The name and address of the living parents of the minor, if known.

c. The name and address of any other person legally responsible for the custody or care of the minor, if known.

d. The reason the emergency appointment of a temporary guardian is sought.

3. The court may enter an ex parte order appointing a temporary guardian for a minor on an emergency basis under this section if the court finds that all of the following are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section 232D.301.

b. The appointment of temporary guardian is necessary to avoid immediate or irreparable harm to the minor.

4. Notice of the emergency appointment of a temporary guardian shall be provided to persons required to be listed in the petition under subsection 2.

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5. The parents of the minor and any other person legally responsible for the custody or care of the minor may file a written request for a hearing. Such hearing shall be held no later than seven days after the filing of the written request.

6. The powers of the temporary guardian set forth in the ex parte order shall be limited to those necessary to address the emergency situation requiring the appointment of a temporary guardian.

7. The ex parte order shall terminate within thirty days after the order is issued.

8. The court may order an extension of the temporary guardianship for up to sixty days for good cause shown, including a showing that a hearing on a petition for a guardianship under section 232D.301 cannot be scheduled within sixty days after the order for a temporary guardianship is issued. Prior to or contemporaneously with the filing for an application for the extension of time, the guardian shall file a report with the court setting forth all of the following:

a. All actions conducted by the guardian on behalf of the minor from the time of the initial appointment of the guardian up to the time of the report.

b. All actions that the guardian plans to conduct on behalf of the minor during the sixty-day extension period.

9. The temporary guardian shall submit any other report the court requires.

2019 Acts, ch 56, §19, 44, 45; 2024 Acts, ch 1009, §7

232D.310 Appointment of a guardian for a minor on a standby basis.

1. An adult person having physical and legal custody of a minor may execute a verified petition for the appointment of a guardian of the minor upon the express condition that the petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition. The petition, in addition to containing the information required in section 232D.301, shall include a statement that the petitioner understands the result of a guardian being appointed for the minor. An appointment of a guardian for a minor shall only be effective until the minor attains full age.

2. A standby petition may nominate a person for appointment to serve as guardian as well as alternate guardians if the nominated person is unable or unwilling or is removed as guardian. The court in appointing the guardian shall appoint the person or persons nominated by the petitioner unless the person or persons are not qualified or for other good cause and shall give due regard to other requests and recommendations contained in the petition.

3. A standby petition may be deposited with the clerk of the county in which the minor resides or with any person nominated by the petitioner to serve as guardian.

4. A standby petition may be revoked by the petitioner at any time before appointment of a guardian by the court, provided that the petitioner is of sound mind at the time of revocation. Revocation shall be accomplished by the destruction of the petition by the petitioner, or by the execution of an acknowledged instrument of revocation. If the petition has been deposited with the clerk, the revocation may likewise be deposited there.

5. If the standby petition has been deposited with the clerk under the provisions of subsection 3 and has not been revoked under the provisions of subsection 4, the petition may be filed with the court upon the filing of a verified statement to the effect that the occurrence of the event or the condition provided for in the petition has occurred. If the petition has not been deposited with the clerk under the provisions of subsection 3 and has not been revoked under the provisions of subsection 4, then the petition shall be filed with the court at the time a verified statement that the occurrence of the event or the condition provided for in the petition has occurred is filed with the court in the county where the minor then resides. Upon filing of the petition and verified statement, the person filing the verified statement shall become the petitioner and the proceedings shall be thereafter conducted as provided for in this chapter.

6. A standby petition for the appointment of a guardian for a minor shall not supersede any contradictory provision in a will admitted to probate of a parent, guardian, or custodian

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having physical and legal custody of a minor in the event of the parent's, guardian's, or custodian's death.

2019 Acts, ch 56, §20, 44, 45

232D.311 Appointment of guardian for minor approaching majority on a standby basis.

Notwithstanding section 232D.103, any adult with an interest in the welfare of a minor who is at least seventeen years and six months of age may file a verified petition pursuant to section 633.556 to initiate a proceeding to appoint a guardian of the minor to take effect on the minor's eighteenth birthday.

2019 Acts, ch 56, §21, 44, 45

232D.312 through 232D.400 Reserved.

SUBCHAPTER IV

APPOINTMENT AND POWERS, DUTIES, AND RESPONSIBILITIES OF GUARDIANS

232D.401 Order appointing guardian and powers of guardian.

1. The order by the court appointing a guardian for a minor shall state the basis for the order.

2. The order by the court appointing a guardian for a minor shall state whether the guardianship is a limited guardianship.

3. An order by the court appointing a guardian for a minor shall state the powers granted to the guardian until such time as the guardian files an initial care plan and such plan is approved by the court as required by section 232D.501, subsection 4. Except as otherwise limited by an order appointing a guardian for a minor, the court may grant the guardian the following powers:

a. Taking custody of the minor and establishing the minor's permanent residence if otherwise consistent with the terms of any order of competent jurisdiction relating to the custody, placement, detention, or commitment of the minor within the state.

b. Consenting to medical, dental, and other health care treatment and services for the minor.

c. Providing or arranging for the provision of education for the minor including but not limited to preschool education, primary education and secondary education, special education and related services, and vocational services.

d. Consenting to professional services for the minor to ensure the safety and welfare of the minor.

e. Applying for and receiving funds and benefits payable for the support of the minor.

f. Any other powers the court may specify.

4. The court may grant the guardian the following powers, which shall only be exercised with prior court approval:

a. Consenting to the withholding or withdrawal of life-sustaining procedures, as defined in section 144A.2, from the minor, the performance of an abortion on the minor, or the sterilization of the minor.

b. Establishing the residence of the minor outside of the state.

c. Consenting to the marriage of the minor.

d. Consenting to the emancipation of the minor.

5. The guardian shall obtain prior court approval for denial of all visitation, communication, or interaction between the minor and the parents of the minor. The court shall approve such denial of visitation, communication, or interaction upon a showing by the guardian that significant physical or emotional harm to the minor has resulted or is likely to result to the minor from parental contact. The guardian may place reasonable time, place,

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or manner restrictions on visitation, communication, or interaction between the minor and the minor's parents without prior court approval.

2019 Acts, ch 56, §22, 44, 45; 2024 Acts, ch 1009, §8
Referred to in §144A.7, 144A.7B, 144F.2, 144F.6, 232.101A, 232D.402

232D.402 Duties and responsibilities of guardian.

1. A guardian is a fiduciary and shall act in the best interest of the minor and exercise reasonable care, diligence, and prudence in performing guardianship duties and responsibilities. The fiduciary duties of a guardian for an adult set forth in chapter 633 are applicable to a guardian under this chapter.

2. Except as otherwise limited by the court, a guardian has the duty and responsibility to ensure the minor's health, education, safety, welfare, and support.

3. A guardian with whom the minor is not living should maintain regular contact with the minor.

4. A guardian should make reasonable efforts to facilitate the continuation of the relationship of the minor and the minor's parents subject to section 232D.401, subsection 5.

5. A guardian shall file the reports with the court required under section 232D.501.

6. A guardian shall promptly inform the court of any change in the permanent residence of the minor and the minor's new address.

7. A guardian shall promptly inform the court of any change in the minor's school or school district.

2019 Acts, ch 56, §23, 44, 45
Referred to in §144F.2, 144F.6, 600.8

232D.403 Guardian's acceptance of appointment and oath and issuance of letters of appointment.

The court shall issue letters of appointment to a guardian upon the guardian's acceptance of appointment and the guardian's subscription of an oath, or certification under penalties of perjury, that the guardian will faithfully discharge the duties imposed by law, according to the best of the guardian's ability.

2019 Acts, ch 56, §24, 44, 45

232D.404 through 232D.500 Reserved.

SUBCHAPTER V

COURT MONITORING AND ADMINISTRATION OF GUARDIANSHIPS

232D.501 Reports of guardian.

1. A guardian appointed by the court under this chapter shall file the following reports which shall not be waived by the court:

a. A verified initial care plan filed within sixty days of appointment. The information in the initial care plan shall include but not be limited to the following information:

(1) The minor's current residence and guardian's plan for the minor's living arrangements.

(2) The guardian's plan for payment of the minor's living expenses and other expenses.

(3) The guardian's plan, if any, for applying for and receiving funds and benefits payable for the support of the minor.

(4) The minor's health status and the guardian's plan for meeting the minor's health needs.

(5) The minor's educational training and vocational needs and the guardian's plan for meeting the minor's educational training and vocational needs.

(6) The guardian's plan for facilitating contacts of the minor with the minor's parents.

(7) The guardian's plan for contact with and activities on behalf of the minor.

b. A verified annual report filed within thirty days of the close of the reporting period. The information in the annual report shall include but not be limited to the following information:

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(1) The current residence and living arrangements of the minor.
(2) The sources of the payment for the minor's living expenses and other expenses.
(3) The minor's health status and health services provided the minor.
(4) The minor's mental, behavioral, or emotional problems, if any, and professional services provided the minor for such problems.
(5) The minor's educational status and educational training and vocational services provided the minor.
(6) The nature and extent of parental visits and communication with the minor.
(7) The nature and extent of the guardian's visits with and activities on behalf of the minor.
(8) The need for continuation of guardianship.
(9) The ability of the guardian to continue as guardian.
(10) The need of the guardian for assistance in providing or arranging for the provision of care for the minor.
(11) The results of the guardian's efforts to apply for funds or benefits for the minor, and an accounting for the use of such funds or benefits by the guardian.
(12) Any other information the guardian deems necessary for the court to consider.

c. A final report filed within thirty days of the termination of the guardianship under section 232D.503.

2. The judicial branch shall prescribe the forms for use by the guardian in filing the reports required by this section.

3. The clerk of the court shall notify the guardian in writing of the reporting requirements and shall provide information and assistance to the guardian in filing the reports.

4. Reports of the guardian shall be reviewed and approved by the court.

2019 Acts, ch 56, §25, 44, 45; 2024 Acts, ch 1009, §9, 10
Referred to in §232.101A, 232D.401, 232D.402

232D.501A Delinquent plans or reports.

1. On June 1 and December 1 of each year, the clerk shall notify the fiduciary and the fiduciary's attorney of any delinquent plans or reports due by law in any pending minor guardianship, and that unless such delinquent plan or report is filed within sixty days thereafter, the matter shall be reported to the presiding judge. If the delinquent plan or report is not filed within the time so specified, the fiduciary will be subject to removal under the provisions of section 232D.502.

2. On August 1 and February 1 of each year, the clerk shall report to the presiding judge all delinquent plans or reports in minor guardianships on which such notice has been given and no plan or report has been filed in response to the notice.

2024 Acts, ch 1009, §11

232D.502 Removal of guardian — appointment of successor guardian.

1. The court may remove a guardian for a minor for failure to perform guardianship duties or for other good cause shown.

2. The court shall conduct a hearing to determine whether a guardian should be removed on the filing of a petition by a minor under guardianship who is fourteen years of age or older, the parent of a minor, or other person with an interest in welfare of the minor if the court determines that there are reasonable grounds for believing that removal is appropriate based on the allegations stated in the petition.

3. The court may conduct a hearing to determine whether the guardian should be removed on the receipt of a written communication from a minor under guardianship who is fourteen years of age or older, the parent of the minor, or other person with an interest in welfare of the minor if the court determines that a hearing would be in the best interest of the minor.

4. The court may decline to hold a hearing under subsection 2 or 3 if the same or substantially similar facts were alleged in a petition filed in the preceding six months or in a written communication received in the preceding six months.

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5. The court may appoint a successor guardian on the removal of a guardian pursuant to subsection 1, the death of a guardian, or the resignation of a guardian.

2019 Acts, ch 56, §26, 44, 45
Referred to in §232D.501A

232D.503 Termination and modification of guardianships.

1. A guardianship shall terminate on the minor's death, adoption, emancipation, or attainment of majority.

2. The court shall terminate a guardianship established pursuant to section 232D.203 if the court finds that the basis for the guardianship set forth in section 232D.203 is not currently satisfied unless the court finds that the termination of the guardianship would be harmful to the minor and the minor's interest in continuation of the guardianship outweighs the interest of a parent of the minor in the termination of the guardianship.

3. The court shall terminate a guardianship established pursuant to section 232D.204 if the court finds that the basis for the guardianship set forth in section 232D.204 is not currently satisfied. A person seeking termination of guardianship established pursuant to section 232D.204 has the burden of making a prima facie showing that the guardianship should be terminated. If such a showing is made, the guardian has the burden of going forward to prove by clear and convincing evidence that the guardianship should not be terminated.

4. The court shall modify the powers granted to the guardian if the court finds such powers no longer meet the needs of the minor or are not in the minor's best interest.

5. The court may conduct a hearing to determine whether termination or modification of a guardianship is appropriate on the filing of a petition by a minor fourteen years of age or older who is under guardianship, a guardian, or other person with an interest in the welfare of the minor or on receipt of a written communication from such persons.

6. If the court orders termination of a guardianship established under this chapter and the guardian has custody of any assets of a protected person who is a minor or was a minor at the time of the minor's death, the court shall order delivery of the minor's assets to the minor or to a fiduciary acting under one or more of the following:

a. A conservatorship established for the minor.

b. A personal representative appointed as a result of the minor's death.

c. A uniform transfer to minor account established for the minor pursuant to chapter 565B or the laws of any other state.

d. A uniform custodial trust account established for the minor pursuant to chapter 633F or the laws of any other state.

e. A college savings plan account established for the minor pursuant to Internal Revenue Code section 529 or chapter 12D or the laws of any other state.

f. An ABLE account established for the minor with disabilities pursuant to Internal Revenue Code section 529A or chapter 12I or the laws of any other state.

g. A FirstHome Iowa program trust account established for the minor pursuant to chapter 12L.

2019 Acts, ch 56, §27, 44, 45; 2021 Acts, ch 8, §22; 2021 Acts, ch 174, §13; 2026 Acts, ch 1115, §35
Referred to in §232D.501
Subsection 6, NEW paragraph g

232D.504 Rights and immunities of a guardian.

1. A guardian is not required to use the guardian's personal funds for the minor's expenses. If a conservator has been appointed for the estate of the minor, the guardian may request and the conservator may approve and pay for the requested reimbursement without prior court approval.

2. A guardian may submit a request, together with the guardian's annual report, for approval by the court of reasonable compensation for services as guardian.

3. Notwithstanding section 137C.25B or any other provision of law to the contrary, a

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guardian is not liable to a third person for an act or omission of the minor solely by reason of the guardianship.

2019 Acts, ch 56, §28, 44, 45

232D.505 Expenses.

1. Except as otherwise provided by law, the court shall inquire into the ability of the minor or the minor's parent to pay expenses incurred pursuant to the guardianship proceedings established under this chapter. After giving the minor and the parent a reasonable opportunity to be heard, the court may order the minor or the parent to pay all or part of the following:

a. Costs of legal expenses of the minor and the parent.

b. Expenses for a court visitor.

c. Filing fees and other court costs, unless the costs are waived for good cause shown.

2. If the court finds a minor's parents to be indigent, or if the minor has no parent, costs shall be assessed against the county in which the proceeding is pending. For purposes of assessing costs under this subsection, the court shall find a minor's parents to be indigent if the minor's or the parent's income and resources do not exceed one hundred fifty percent of the federal poverty level, or the minor's parent would be unable to pay such costs without prejudicing the parent's ability to provide economic necessities for the parent or the parent's dependents.

2019 Acts, ch 56, §29, 44, 45

Referred to in §232D.304

CHAPTER 232E

STUDENT ABUSE — INVESTIGATIONS

Referred to in §280.17

232E.1 Definitions.
232E.2 Investigation of alleged student abuse by school employees — rules.

232E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board of educational examiners"* means the board created in section 256.146.

2. *"Department"* means the department of health and human services.

3. *"Investigation"* means the process by which the department responds to all accepted reports of alleged student abuse.

4. *"Nonpublic school"* means the same as defined in section 280.2.

5. *"Public school"* means the same as defined in section 280.2.

6. *"Public school district"* means a public school district as described in chapter 274, and includes a charter school under chapter 256E.

7. *"School employee"* means any of the following:

a. A person employed by a public school or a nonpublic school.

b. A vendor, or an employee of a vendor, that provides goods or services to a public school or a nonpublic school.

c. An agent, or an employee of an agent, of a public school or a nonpublic school.

d. A volunteer under the direction and control of any of the following:

(1) The board of directors or any administrator of a public school district.

(2) The board or authorities in control of a nonpublic school.

(3) The board of directors or administrator of an agency called upon by a school official to provide services to students in an educational capacity.

8. *"Student"* means a person enrolled in a public school, a nonpublic school, or a prekindergarten program in a public school or a nonpublic school.

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9. *"Student abuse"* means any of the following which occur on school grounds during school time, or on or at a school-related curricular or extracurricular activity:

a. Any nonaccidental physical injury, or an injury which does not match the history provided for how the injury occurred, suffered by a student as the result of an act or omission of a school employee, that is not otherwise excluded by section 280.21, subsection 2.

b. The commission of a sexual offense under chapter 709, section 726.2, or section 728.12, subsection 1, with or to a student as a result of an act or omission of a school employee.

c. An act or omission of a school employee which allows, permits, or encourages a student to engage in an act prohibited under section 725.1.

2025 Acts, ch 159, §27; 2026 Acts, ch 1086, §2, 101
Referred to in §321.375
Subsection 6 amended

232E.2 Investigation of alleged student abuse by school employees — rules.

1. The department shall administer this chapter to provide for the investigation of reports of alleged student abuse by school employees as specified in this chapter.

2. *a.* If, during the child abuse intake process under chapter 232, subchapter III, part 2, the department receives a report from an identifiable source and the department determines the report constitutes an allegation of student abuse involving a school employee, the department shall notify the board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee, and the board of educational examiners, of the determination.

b. Upon notification under paragraph *"a"*, the board of directors of the public school district or the authorities in charge of the nonpublic school shall place the school employee on administrative leave and shall prohibit the school employee from entering school property until the investigation is completed.

3. If the department determines the alleged student abuse constitutes a criminal act, the department shall do all of the following:

a. Immediately refer the matter to, and jointly investigate the matter with, the appropriate law enforcement agency.

b. Notify the board of directors of the public school district, or the authorities in charge of the nonpublic school, associated with the school employee of the referral under paragraph *"a"*.

c. If the school employee is licensed, certified, or authorized by the board of educational examiners, or holds an active statement of recognition issued by the board of educational examiners, notify the board of educational examiners of the referral under paragraph *"a"*.

4. Following receipt of a report of alleged student abuse, the department shall do all of the following:

a. Commence an investigation within twenty-four hours of receipt of the report.

b. Complete the investigation within thirty business days of receipt of the report.

5. Upon completion of an investigation, the department shall submit a written investigation report to all of the following:

a. The board of directors of the public school district, or the authorities in charge of the nonpublic school, associated with the school employee subject to the investigation.

b. The board of educational examiners if the school employee subject to the investigation is licensed, certified, or authorized by the board of educational examiners, or holds an active statement of recognition issued by the board of educational examiners.

6. The department shall adopt rules pursuant to chapter 17A, in consultation with the department of education, to administer this chapter. Rules adopted by the department shall include rules regarding the intake and investigation processes, investigation reports, case and investigation record retention and dissemination, and case disposition.

7. The department shall maintain information and data regarding student abuse reports, investigations, and dispositions under this chapter separately from information and data regarding child abuse reports, assessments, and dispositions under chapter 232.

2025 Acts, ch 159, §28
Referred to in §280.17

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CHAPTER 233

NEWBORN INFANT CUSTODY RELEASE PROCEDURES (NEWBORN SAFE HAVEN ACT)

Referred to in §232.78, 232.95, 232.96A, 232.102, 232.104, 232.111, 232.116

233.1 Newborn safe haven Act — definitions.
233.1A Required training and certification in cardiopulmonary resuscitation and first aid — adoption service provider employees.
233.2 Newborn infant custody release procedures.
233.3 Immunity.
233.4 Rights of parents.
233.5 Confidentiality protections.
233.6 Educational and public information.

233.1 Newborn safe haven Act — definitions.

1. This chapter may be cited as the *"Newborn Safe Haven Act"*.

2. For the purposes of this chapter, unless the context otherwise requires:

a. "Adoption service provider" means a state-licensed private agency which is recognized as exempt under section 501(c)(3) of the Internal Revenue Code and which represents itself as placing children permanently or temporarily in private family homes, receiving children for placement in private family homes, and actually engaging in placement of children in private family homes for adoption.

b. "Certified adoption investigator" means the same as defined in section 600A.2.

c. "Department" means the department of health and human services.

d. "Emergency medical care provider location" means the physical business location of an emergency medical care provider.

e. "Fire department" means a paid or volunteer fire protection service provided by a benefited fire district under chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township, or governmental agency.

f. "Fire station" means the physical business location of a fire department.

g. "First responder" means an emergency medical care provider as defined in section 147A.1, a registered nurse staffing an authorized service program under section 147A.12, a physician associate staffing an authorized service program under section 147A.13, a physician staffing an authorized service program under section 147A.13A, a fire fighter, or a peace officer as defined in section 801.4.

h. "Institutional health facility" means a hospital as defined in section 135B.1, a facility providing medical or health services that is open twenty-four hours per day, seven days per week, and including a hospital emergency room or a health care facility as defined in section 135C.1.

i. "Newborn infant" means a child who is, or who appears to be, ninety days of age or younger.

j. "Newborn safety device" means a padded and climate-controlled receptacle that meets one of the following requirements:

(1) If the receptacle is located at a hospital, the receptacle is conspicuous and visible to hospital staff.

(2) If the receptacle is located at a fire station or an emergency medical care provider location:

(a) The fire station or emergency medical care provider location is staffed by a first responder twenty-four hours per day, seven days per week, notwithstanding the time staff is dispatched for an emergency.

(b) The receptacle is located in an area that is conspicuous and visible to staff, or the receptacle is located in an area that is not visible to staff but is equipped with a motion sensor and a dual alarm system. The dual alarm system shall be programmed to sound first when the receptacle is opened, immediately placing a telephone call to a 911 service and dispatching an emergency medical care provider or a fire fighter to the location of the receptacle, and to

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sound a second time, immediately placing a telephone call to a 911 service after movement is detected inside the receptacle.

2001 Acts, ch 67, §1, 13; 2002 Acts, ch 1119, §33; 2018 Acts, ch 1050, §1, 2; 2022 Acts, ch 1115, §1; 2023 Acts, ch 46, §6; 2023 Acts, ch 136, §1; 2024 Acts, ch 1044, §4; 2026 Acts, ch 1008, §3

Referred to in §232.2, 232.78
Code editor directive applied

233.1A Required training and certification in cardiopulmonary resuscitation and first aid — adoption service provider employees.

An adoption service provider shall require and verify that all employees of the adoption service provider responding to the relinquishment of physical custody of a newborn infant in accordance with section 233.2 are trained and maintain certification in cardiopulmonary resuscitation and first aid for infants and adults.

2023 Acts, ch 46, §7

233.2 Newborn infant custody release procedures.

1. *a.* A parent of a newborn infant may voluntarily release custody of the newborn infant as follows:

(1) By relinquishing physical custody of the newborn infant, without expressing an intent to again assume physical custody, at an institutional health facility or a fire station, to an adoption service provider, or by authorizing another person to relinquish physical custody on the parent's behalf. If physical custody of the newborn infant is not relinquished directly to an individual on duty at an institutional health facility or a fire station, or to an adoption service provider, the parent may take other actions to be reasonably sure that the individual on duty or the adoption service provider is aware that the newborn infant has been left at the institutional health facility, the fire station, or the location of the adoption service provider. The actions may include but are not limited to making telephone contact with the institutional health facility, the fire station, or the adoption service provider, or a 911 service.

(2) By relinquishing physical custody of the newborn infant to medical staff at a hospital or other facility following delivery of the newborn infant in the hospital or other facility when the parent notifies the medical staff that the parent is voluntarily relinquishing physical custody of the newborn infant without expressing an intent to again assume physical custody.

(3) By relinquishing physical custody of the newborn infant at a hospital, a fire station, or an emergency medical care provider location, through a newborn safety device, without expressing an intent to again assume physical custody.

b. In lieu of the procedure described in paragraph "*a*", a parent of a newborn infant may make telephone contact with a 911 service and relinquish physical custody of the newborn infant, without expressing an intent to again assume physical custody, to a first responder who responds to the 911 telephone call.

c. For the purposes of this chapter and for any judicial proceedings associated with the newborn infant, a rebuttable presumption arises that the person who relinquishes physical custody in accordance with this section is the newborn infant's parent or has relinquished physical custody with the parent's authorization.

2. *a.* Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, the individual on duty or the medical staff at the institutional health facility, the emergency medical care provider location, or the fire station at which physical custody of the newborn infant was relinquished, the adoption service provider to whom physical custody of the newborn infant was relinquished, or the first responder to whom physical custody of the newborn infant was relinquished, pursuant to subsection 1 shall take physical custody of the newborn infant. The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history

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information to comply with this section. The individual on duty or the medical staff, the adoption service provider, or the first responder who takes physical custody of the newborn infant may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty or the medical staff, the adoption service provider, and the first responder to whom physical custody of the newborn infant was relinquished, and the institutional health facility, the emergency medical care provider location, and the fire station at which physical custody of the newborn infant was relinquished are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.

b. If the physical custody of a newborn infant is relinquished at an emergency medical care provider location or a fire station, to an adoption service provider, or to a first responder, the individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder who responded to the 911 telephone call shall transport the newborn infant to the nearest institutional health facility. The individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder who took physical custody of the newborn infant shall provide any parental identification or medical history information to the institutional health facility.

c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department.

d. If the name of the parent is unknown to the institutional health facility, the individual on duty at the institutional health facility or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

3. *a.* As soon as possible after the individual on duty or the medical staff, the adoption service provider, or the first responder assumes physical custody of a newborn infant released under subsection 1, and, if applicable, the individual on duty at the emergency medical care provider location or the fire station, the adoption service provider, or the first responder transports the newborn infant to the nearest institutional health facility under subsection 2, paragraph "*b*", the individual on duty or the medical staff shall notify either the department or an adoption service provider and the first responder shall notify the department. The department or the adoption service provider shall take the actions necessary to assume the care, control, and custody of the newborn infant as follows:

(1) If physical custody of the newborn infant was not initially relinquished to an adoption service provider, the department shall immediately notify the juvenile court and the county attorney of the department's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the department to take custody of the newborn infant. Upon receiving the order, the department shall take custody of the newborn infant. After the department takes custody of the newborn infant, notwithstanding any provision to the contrary relating to priority placement of the child under section 232.78, the department shall, if feasible, place the newborn infant in a prospective adoptive home. The department shall maintain a list of prospective adoptive homes that have completed placement investigations and have been preapproved by the department or a certified adoption investigator.

(2) If physical custody of the newborn infant was initially relinquished to an adoption service provider, the adoption service provider shall immediately notify the juvenile court and the county attorney of the adoption service provider's action and the circumstances surrounding the action and request an ex parte order from the juvenile court ordering, in accordance with the requirements of section 232.78, subsection 9, the adoption service

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provider to take custody of the newborn infant. Upon receiving the order, the adoption service provider shall take custody of the newborn infant.

b. Within twenty-four hours of the department or the adoption service provider taking custody of the newborn infant, the department or the adoption service provider shall notify the juvenile court and the county attorney in writing of the department's or adoption service provider's action and the circumstances surrounding the action.

c. Within twenty-four hours of the adoption service provider taking custody of the newborn infant, the adoption service provider shall notify the department in writing that the adoption service provider has taken custody of the newborn infant and will comply with the requirements of chapter 233.

4. *a.* Upon being notified in writing by the department or the adoption service provider under subsection 3, the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance in accordance with section 232.87 and a petition for termination of parental rights with respect to the newborn infant in accordance with section 232.111, subsection 2, paragraph "*a*". A hearing on a child in need of assistance petition filed pursuant to this subsection shall be held at the earliest practicable time. A hearing on a termination of parental rights petition filed pursuant to this subsection shall be held no later than thirty days after the day the physical custody of the newborn child was relinquished in accordance with subsection 1 unless the juvenile court continues the hearing beyond the thirty days for good cause shown.

b. Notice of a petition filed pursuant to this subsection by either the department or the adoption service provider shall be provided to any known parent and others in accordance with the provisions of chapter 232 and shall be served upon any putative father registered with the state registrar of vital statistics pursuant to section 144.12A. In addition, prior to holding a termination of parental rights hearing with respect to the newborn infant, notice by publication shall be provided as described in section 600A.6, subsection 5.

5. Reasonable efforts, as defined in section 232.102A, that are made in regard to the newborn infant shall be limited to the efforts made in a timely manner to finalize a permanency plan for the newborn infant.

6. The individual on duty or the medical staff at an institutional health facility, emergency medical care provider location, or fire station, the adoption service provider, or the first responder who assumes physical custody of a newborn infant upon the release of the newborn infant under subsection 1 shall be provided notice of any hearing held concerning the newborn infant at the same time notice is provided to other parties to the hearing and the individual on duty or the medical staff, the adoption service provider, or the first responder may provide testimony at the hearing.

2001 Acts, ch 67, §2, 13; 2005 Acts, ch 89, §34; 2018 Acts, ch 1050, §3; 2019 Acts, ch 59, §71; 2023 Acts, ch 19, §654, 655; 2023 Acts, ch 112, §70; 2025 Acts, ch 86, §63

Referred to in §232.78, 232.95, 232.102, 232.104, 233.1A, 233.3, 233.4, 233.6, 726.3, 726.6

233.3 Immunity.

Any person authorized by the parent to assist with release of custody in accordance with section 233.2 by relinquishing physical custody of the newborn infant or to otherwise act on the parent's behalf is immune from criminal prosecution for abandonment or neglect of the newborn infant under section 726.3 or 726.6 and civil liability for any reasonable acts or omissions made in good faith in assisting with the release.

2001 Acts, ch 67, §3, 13

233.4 Rights of parents.

Either parent of a newborn infant whose custody was released in accordance with section 233.2 may intervene in the child in need of assistance or termination of parental rights proceedings held regarding the newborn infant and request that the juvenile court grant custody of the newborn infant to the parent. The requester must show by clear and convincing evidence including but not limited to by the use of DNA profiling as defined in section 81.1 that the requester is the parent of the newborn infant. If the court determines that the requester is the parent of the newborn infant and that granting custody of the

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newborn infant to the parent is in the newborn infant's best interest, the court shall issue an order granting custody of the newborn infant to the parent. In addition to such order, the court may order services for the newborn infant and the parent as are in the best interest of the newborn infant.

2001 Acts, ch 67, §4, 13; 2023 Acts, ch 136, §3
Referred to in §233.6

233.5 Confidentiality protections.

1. *a.* In addition to any other privacy protection established in law, a record that is developed, acquired, or held in connection with an individual's good faith effort to voluntarily release a newborn infant in accordance with this chapter and any identifying information concerning the individual shall be kept confidential. Such record shall not be inspected or the contents disclosed except as provided in this section.

b. Any transcripts or recording of a 911 service telephone call that is made for the purpose of an individual's good faith effort to voluntarily release custody of a newborn infant in accordance with this chapter and any identifying information concerning the individual shall be kept confidential. Such transcripts or recording of a 911 service telephone call shall not be inspected or the contents disclosed except as provided in this section.

2. A record described in subsection 1 may be inspected and the contents disclosed without court order to the following:

a. The court and professional court staff, including juvenile court officers.

b. The newborn infant and the newborn infant's counsel.

c. The newborn infant's parent, guardian, custodian, and those persons' counsel.

d. The newborn infant's court appointed special advocate and guardian ad litem.

e. The county attorney and the county attorney's assistants.

f. An agency, adoption service provider, association, facility, or institution which has custody of the newborn infant, or is legally responsible for the care, treatment, or supervision of the newborn infant.

g. The newborn infant's foster parent or an individual providing a prospective adoptive home or preadoptive care to the newborn infant.

3. Pursuant to court order a record described in subsection 1 may be inspected by and the contents may be disclosed to any of the following:

a. A person conducting bona fide research for research purposes under whatever conditions the court may deem proper, provided that no personal identifying data shall be disclosed to such a person.

b. Persons who have a direct interest in a proceeding or in the work of the court.

4. Any person who knowingly discloses, receives, or makes use or permits the use of information derived directly or indirectly from such a record or discloses identifying information concerning such individual, except as provided by this section, commits a serious misdemeanor.

2001 Acts, ch 67, §5, 13; 2018 Acts, ch 1050, §4; 2023 Acts, ch 46, §9

233.6 Educational and public information.

The department and the department of justice shall develop and distribute the following:

1. An information card or other publication for distribution by an institutional health facility, an emergency medical care provider location, a fire station, an adoption service provider, or a first responder to a parent who releases custody of a newborn infant in accordance with this chapter. The publication shall inform the parent of a parent's rights under section 233.4, explain the request for medical history information under section 233.2, subsection 2, and provide other information deemed pertinent by the departments.

2. Educational materials, public information announcements, and other resources to develop awareness of the availability of the newborn safe haven Act and the involvement of adoption service providers among adolescents, young parents, and others who might avail themselves of this chapter.

3. Signage that may be used to identify the institutional health facilities, emergency medical care provider locations, fire stations, and adoption service provider locations at

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which physical custody of a newborn infant may be relinquished in accordance with this chapter.

2001 Acts, ch 67, §6, 13; 2002 Acts, ch 1119, §34; 2019 Acts, ch 59, §72; 2023 Acts, ch 112, §71

CHAPTER 233A

TRAINING SCHOOL

Referred to in §297.24

233A.1 State training school — Eldora.
233A.2 Superintendent — powers and duties.
233A.3 Salary.
233A.4 Education and training.
233A.5 Procedure to commit.
233A.6 Visits.
233A.7 Placing in families.
233A.8 Articles of agreement.
233A.9 Resuming custody of child.
233A.10 Unlawful interference.
233A.11 County attorney to appear for child.
233A.12 Discharge or parole.
233A.13 Effect of discharge.
233A.14 Transfers to other institutions.
233A.15 Assignments to work in parks.
233A.16 Reserved.
233A.17 Cost of care.

233A.1 State training school — Eldora.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at the state training school to provide court-committed male juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora shall be known as the *"state training school"*.

3. For the purposes of this chapter:

a. "Department" means the department of health and human services.

b. "Director" means the director of health and human services.

c. "State training school" means the diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora.

d. "Superintendent" means the administrator in charge of the state training school.

4. The number of children present at any one time at the state training school shall not exceed the population guidelines established under 1990 Iowa Acts, ch. 1239, §21, as adjusted for subsequent changes in the capacity at the training school.

[S13, §2701-a; C24, 27, 31, 35, 39, §**3685;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.1; 82 Acts, ch 1260, §25]

83 Acts, ch 96, §157, 159; 90 Acts, ch 1239, §15, 16

C93, §233A.1

2005 Acts, ch 175, §102; 2014 Acts, ch 1026, §143; 2018 Acts, ch 1165, §114; 2023 Acts, ch 19, §657

233A.2 Superintendent — powers and duties.

The superintendent has charge and custody of the juveniles committed to the state training school. The superintendent shall administer the state training school and direct the staff in order to provide a positive living experience designed to prepare the juveniles for a productive future.

[C73, §1651, 1652; C97, §2707; S13, §2707; C24, 27, 31, 35, 39, §**3686;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.2]

90 Acts, ch 1239, §17

C93, §233A.2

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233A.3 Salary.

The salary of the superintendent of the state training school shall be determined by the director.

[S13, §2727-3a; C24, 27, 31, 35, 39, §**3687;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.3; 82 Acts, ch 1260, §26]

C93, §233A.3

2023 Acts, ch 19, §658

233A.4 Education and training.

The state training school shall provide a positive living experience for older juveniles who require secure custody and who live at the state training school for an extended period of time. The education and training programs provided to the juveniles shall reflect the age level and extended period of stay by focusing upon appropriate developmental skills to prepare the juveniles for productive living.

[C73, §1648; C97, §2706; C24, 27, 31, 35, 39, §**3688;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.4; 82 Acts, ch 1260, §27]

85 Acts, ch 21, §37; 90 Acts, ch 1239, §18

C93, §233A.4

Referred to in §232.53

233A.5 Procedure to commit.

The procedure for the commitment of children to the state training school, except as otherwise provided, shall be the same as provided in chapter 232.

[C73, §1653 – 1659; C97, §2708, 2709; S13, §2708, 2709; C24, 27, 31, 35, 39, §**3689;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.5]

C93, §233A.5

233A.6 Visits.

Members of the executive council, the attorney general, the lieutenant governor, members of the general assembly, judges of the supreme and district court and court of appeals, magistrates, county attorneys, and persons ordained or designated as regular leaders of a religious community may visit the state training school at reasonable times. No other person shall be granted admission except by permission of the superintendent.

85 Acts, ch 21, §38

CS85, §242.6

C93, §233A.6

2023 Acts, ch 19, §659

233A.7 Placing in families.

All children committed to and received in the state training school may be placed by the department under foster care arrangements, with any persons or in families of good standing and character where the children will be properly cared for and educated. The cost of foster care provided under these arrangements shall be paid as provided in section 234.35.

[C73, §1649; C97, §2704; S13, §2704; C24, 27, 31, 35, 39, §**3691;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.7; 82 Acts, ch 1260, §29]

90 Acts, ch 1270, §47

C93, §233A.7

2023 Acts, ch 19, §660

Referred to in §233A.8, 233A.9, 233A.11

233A.8 Articles of agreement.

A child placed in foster care as provided in section 233A.7 shall be placed under articles of agreement, approved by the director and signed by the person or persons providing foster care and by the superintendent. The articles of agreement shall provide for the custody, care,

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education, maintenance, and earnings of the child for a time specified in the articles, which shall not extend beyond the time the child attains eighteen years of age.

[C73, §1649; C97, §2704; S13, §2704; C24, 27, 31, 35, 39, §**3692;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.8]

C93, §233A.8

2023 Acts, ch 19, §661

Referred to in §233A.11

233A.9 Resuming custody of child.

If a child placed in foster care as provided in section 233A.7 is not given the care, education, treatment, and maintenance required by the articles of agreement, the director may return the child to the state training school, place the child in a different foster care placement, or release or finally discharge the child.

[C73, §1649; C97, §2704; S13, §2704; C24, 27, 31, 35, 39, §**3693;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.9]

C93, §233A.9

2023 Acts, ch 19, §662

Referred to in §233A.11

233A.10 Unlawful interference.

It shall be unlawful for any parent or other person not a party to the placing of a child in foster care to interfere in any manner or assume or exercise any control over the child or the child's earnings. The child's earnings shall be used, held, or otherwise applied for the exclusive benefit of the child, in accordance with section 234.37.

[S13, §2704; C24, 27, 31, 35, 39, §**3694;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.10]

C93, §233A.10

2023 Acts, ch 19, §663

Referred to in §233A.11

233A.11 County attorney to appear for child.

In case legal proceedings are necessary to enforce any right conferred on any child by sections 233A.7 through 233A.10, the county attorney of the county in which such proceedings should be instituted shall, on the request of the superintendent, subject to the approval of the director, institute and carry out the proceedings on behalf of the superintendent.

[S13, §2704; C24, 27, 31, 35, 39, §**3695;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.11]

C93, §233A.11

2021 Acts, ch 80, §130; 2023 Acts, ch 19, §664

Referred to in §331.756(44)

233A.12 Discharge or parole.

The director may at any time after one year's service order the discharge or parole of any inmate as a reward for good conduct, and may, in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons for the discharge or parole are urgent and sufficient. If paroled upon satisfactory evidence of reformation, the order may remain in effect or terminate under rules prescribed by the director.

[C73, §1660, 1661; C97, §2711; S13, §2711; C24, 27, 31, 35, 39, §**3696;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.12]

C93, §233A.12

2023 Acts, ch 19, §665

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233A.13 Effect of discharge.

The discharge of an inmate as reformed or having arrived at eighteen years of age, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

[C73, §1661; C97, §2711; S13, §2711; C24, 27, 31, 35, 39, §**3697;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §242.13]

C93, §233A.13

2023 Acts, ch 19, §666

Referred to in §232.53

233A.14 Transfers to other institutions.

The director may transfer minor wards of the state to the state training school from any institution under the director's control, but a person shall not be transferred who has a mental illness or an intellectual disability. Any child in the state training school who has a mental illness or an intellectual disability may be transferred by the director to the proper state institution.

[C66, 71, 73, 75, 77, 79, 81, §242.14]

C93, §233A.14

2012 Acts, ch 1019, §90; 2018 Acts, ch 1165, §115; 2023 Acts, ch 19, §667

233A.15 Assignments to work in parks.

1. The director may assign children from the state training school deemed trustworthy, to perform services for the department of natural resources within the state parks, state game and forest areas, and other lands under the jurisdiction of the department of natural resources. The department of natural resources shall provide work guidance supervision, but the care and custody of the children assigned shall remain with the department. All programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills, and habit patterns which will be conducive to the habilitation of the children involved.

2. The director may use state-owned mobile housing equipment and facilities in performing services at temporary locations in the areas described in subsection 1.

[C66, 71, 73, 75, 77, 79, 81, §242.15; 82 Acts, ch 1260, §30]

83 Acts, ch 96, §157, 159

C93, §233A.15

2021 Acts, ch 80, §131; 2023 Acts, ch 19, §668; 2024 Acts, ch 1182, §1

233A.16 Reserved.

233A.17 Cost of care.

If a child receives unearned income, the department shall reserve a portion of the unearned income for the use of the child as a personal allowance and apply the remaining portion to the cost of the child's custody, care, and maintenance provided pursuant to this chapter.

89 Acts, ch 283, §29

CS89, §242.17

C93, §233A.17

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CHAPTER 233B

JUVENILE HOME

Repealed by 2019 Acts, ch 100, §12

SUBTITLE 6

CHILDREN AND FAMILIES

Referred to in §714.8

CHAPTER 234

CHILD AND FAMILY SERVICES

Referred to in §252B.3, 252B.14, 252C.1, 252D.1, 252D.8, 252D.16, 252D.16A, 252E.1, 252E.1A, 252E.16, 252H.2, 252H.4, 252H.21, 252I.2, 252J.1, 598.21C, 598.21G, 598.21H, 598.22, 598.22A, 598.22B, 598.23A, 600.11

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SUBCHAPTER I

GENERAL PROVISIONS

234.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Child"* means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

a. The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual licensee or approved kinship caregiver under chapter 237, or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual licensee or approved kinship caregiver under chapter 237, or for placement in a supervised apartment living arrangement, in this state.

b. The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person's case permanency plan.

c. The department has made an application for the person for adult services upon a determination that it is likely the person will need or be eligible for services or other support from the adult services system.

2. *"Department"* means the department of health and human services.

3. *"Director"* means the director of health and human services.

4. *"Food programs"* means the supplemental nutrition assistance program and donated foods programs authorized by federal law under the United States department of agriculture.

5. *"Summer electronic benefits transfer for children program"* or *"summer EBT program"* means the summer electronic benefits transfer for children program established in 42 U.S.C. §1762.

6. *"Supplemental nutrition assistance program"* or *"SNAP"* means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – 283, as amended.

[C71, 73, 75, 77, 79, 81, S81, §234.1; 81 Acts, ch 7, §11]

83 Acts, ch 96, §160; 86 Acts, ch 1245, §1419; 92 Acts, ch 1229, §20; 93 Acts, ch 54, §3; 2008 Acts, ch 1073, §1; 2009 Acts, ch 41, §263; 2022 Acts, ch 1096, §2; 2023 Acts, ch 19, §669; 2023 Acts, ch 112, §56; 2024 Acts, ch 1170, §413; 2025 Acts, ch 135, §8; 2026 Acts, ch 1129, §5

Referred to in §217.36, 235.1, 237.1, 238.1, 252.14, 425.1

NEW subsection 5 and former subsection 5 renumbered as 6

234.2 Division created. Repealed by 2023 Acts, ch 19, §1357.

234.3 Child welfare advisory committee. Repealed by 2010 Acts, ch 1031, §393.

234.4 Education of children in departmental programs.

If the department has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance. As part of fulfilling the responsibilities described in this section, if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student's degree of success in adjusting to the different school.

2009 Acts, ch 120, §4; 2023 Acts, ch 19, §670

234.5 Reserved.

234.6 Powers and duties of director.

1. The director shall administer the family investment program, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs, and any other form of public assistance and institutions that are placed under the director's administration. The director shall perform duties, formulate and adopt rules as necessary, and outline policies, dictate procedure, and delegate powers as necessary for competent and efficient administration. The director may abolish, alter, consolidate, or establish subunits and abolish or change existing subunits. The director may employ necessary personnel and determine their compensation; may allocate or reallocate functions and duties among subunits; and may adopt rules relating to the employment of personnel

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and the allocation of their functions and duties among the various subunits as required for competent and efficient administration. The director shall do all of the following:

a. Cooperate with the social security administration created by the Social Security Act and codified at 42 U.S.C. §901, or other agency of the federal government for public assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the social security administration, from time to time, may require, and to comply with such regulations as such social security administration, from time to time, may find necessary to assure the correctness and verification of such reports.

b. Furnish information to acquaint the public generally with the operation of the federal Acts under the director's jurisdiction.

c. With the approval of the governor, the director of the department of management, and the director of the department of administrative services, establish an administrative fund from the funds under the director's control and management and from the administrative fund pay the expenses of operating the department's duties under this chapter.

d. Notwithstanding any provisions to the contrary in chapter 239B relating to the consideration of income and resources of claimants for assistance, adopt rules necessary to qualify for federal aid in the assistance programs administered by the director.

e. Use funds available to the department, subject to any limitations placed on the use of the funds by the legislation appropriating the funds, to provide to or purchase, for eligible families and individuals, services including but not limited to the following:

(1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

(2) Foster care, including foster family care, group homes, and institutions.

(3) Family-centered services, as defined in section 232.102A, subsection 1, paragraph *"b"*.

(4) Family planning.

(5) Protective services.

(6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

(7) Transportation services.

(8) Any services, not otherwise enumerated in this paragraph *"e"*, authorized by or pursuant to the United States Social Security Act of 1934, as amended.

f. Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs for adoption pursuant to chapter 17A.

g. Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

h. Adopt rules for before and after school child care programs, conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. The department may use the funds available to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

3. In determining the reimbursement rate for services purchased by the department from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

[C39, §**3661.007;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §234.6]

88 Acts, ch 1134, §56; 89 Acts, ch 206, §2; 92 Acts, ch 1229, §21 – 23; 93 Acts, ch 97, §28; 97 Acts, ch 41, §32; 99 Acts, ch 111, §5, 7; 99 Acts, ch 192, §28; 2001 Acts, ch 64, §5; 2003 Acts, ch 145, §286; 2007 Acts, ch 172, §10; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1019, §92; 2013 Acts, ch 90, §60; 2015 Acts, ch 29, §114; 2016 Acts, ch 1073, §84; 2017 Acts, ch 29, §55, 56; 2017 Acts, ch 54, §75; 2022 Acts, ch 1098, §82; 2023 Acts, ch 19, §671; 2024 Acts, ch 1170, §414, 415

Referred to in §234.38

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234.7 Department duties.

1. The department shall comply with the provisions under chapter 237 that require an individual licensee or an approved kinship caregiver to be included in, and be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

2. *a.* The department shall submit a waiver request to the United States department of health and human services as necessary to provide coverage under the medical assistance program for children who are described by both of the following:

(1) The child needs behavioral health care services and qualifies for the care level provided by a psychiatric medical institution for children licensed under chapter 135H.

(2) The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others and whose parent, guardian, or custodian is unable to provide such treatment.

b. The waiver request shall provide for appropriately addressing the needs of children described in paragraph "*a*" by implementing any of the following options: using a wraparound services approach, renegotiating the medical assistance program contract provisions for behavioral health services, or applying another approach for appropriately meeting the children's needs.

c. If federal approval of the waiver request is not received, the department shall submit options to the governor and general assembly to meet the needs of such children through a state-funded program.

95 Acts, ch 182, §14; 2005 Acts, ch 117, §3; 2008 Acts, ch 1032, §38; 2011 Acts, ch 34, §60; 2023 Acts, ch 19, §672; 2025 Acts, ch 135, §9

234.8 Fees for child welfare services.

The department may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section 421.65. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.

92 Acts, ch 1229, §24; 2003 Acts, ch 145, §216; 2020 Acts, ch 1064, §10, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §673

234.9 through 234.11 Reserved.

234.12 Department to provide food programs.

1. The department may enter into agreements with agencies of the federal government as necessary to make available to the people of this state any federal food programs which may, under federal laws and regulations, be implemented in this state. Each program shall be implemented in every county in the state, or in each county where implementation is permitted by federal laws and regulations.

2. The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant for or recipient of supplemental nutrition assistance program benefits in this state. However, the department may apply contingent eligibility requirements as provided under state law and allowed under federal law.

3. Upon request by the department, the department of inspections, appeals, and licensing

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shall conduct investigations into possible fraudulent practices, as described in section 234.13, relating to food programs administered by the department.

[C79, 81, §234.12]

90 Acts, ch 1204, §48; 97 Acts, ch 41, §1; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §674, 1933

234.12A Electronic benefits transfer program.

1. The department shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the supplemental nutrition assistance program. The electronic benefits transfer program implemented under this section shall not require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

2. A point-of-sale terminal which is used only for purchases from a retailer by electronic benefits transfer utilizing electronic funds transfer systems is not a satellite terminal as defined in section 527.2.

3. For the purposes of this section, *"retailer"* means a business authorized by the United States department of agriculture to accept supplemental nutrition assistance program benefits.

98 Acts, ch 1066, §1; 98 Acts, ch 1218, §75; 2001 Acts, ch 191, §39; 2005 Acts, ch 175, §104; 2008 Acts, ch 1073, §2, 3; 2009 Acts, ch 182, §130; 2023 Acts, ch 19, §675

234.12B Supplemental nutrition assistance program — summer electronic benefits transfer for children program.

1. The department shall do all of the following:

a. Implement a SNAP waiver upon receipt of approval by the United States department of agriculture, food and nutrition service, and continuously maintain state participation in SNAP in accordance with waiver guidelines specifying that eligible foods pursuant to 7 C.F.R. §271.2 are healthy foods as defined by the director or the director's designee.

b. Contingent upon the availability of federal funding, ensure that the provision of SNAP benefits to recipients is uninterrupted in accordance with federal law, regardless of whether the United States department of agriculture, food and nutrition service, approves state participation utilizing only eligible foods as described in paragraph *"a"*.

2. The department may participate in the summer EBT program subject to federally approved eligible foods for the summer EBT program being consistent with eligible foods as described in subsection 1, paragraph *"a"*.

2026 Acts, ch 1129, §6
NEW section

234.13 Fraudulent practices relating to food programs.

For the purposes of this section, unless the context otherwise requires, *"benefit transfer instrument"* means a supplemental nutrition assistance program coupon, authorization-to-purchase card, or electronic benefits transfer card. A person commits a fraudulent practice if that person does any of the following:

1. With intent to gain financial assistance to which that person is not entitled, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department any change in income, resources or other circumstances affecting that person's entitlement to such financial assistance.

2. As a beneficiary of the food programs, transfers any supplemental nutrition assistance program benefit transfer instrument to any other individual with intent that the benefit transfer instrument be used for the benefit of someone other than persons within the beneficiary's supplemental nutrition assistance program household as certified by the department.

3. Knowingly acquires, uses, or attempts to use any supplemental nutrition assistance program benefit transfer instrument which was not issued for the benefit of that person's supplemental nutrition assistance program household by the department, or by an agency administering food programs in another state.

4. Acquires, alters, transfers, or redeems a supplemental nutrition assistance benefit

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transfer instrument or possesses a benefit transfer instrument, knowing that the benefit transfer instrument has been received, transferred, or used in violation of this section or the provisions of the federal supplemental nutrition assistance program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

[C79, 81, §234.13; 82 Acts, ch 1260, §120]
96 Acts, ch 1106, §15; 2023 Acts, ch 19, §676
Referred to in §234.12, 423.3
Fraudulent practices, see §714.8 – 714.14

234.14 Federal grants.

The state treasurer may receive federal funds made available for carrying out any of the activities and functions of the department under this chapter, and all such funds are appropriated for expenditure upon authorization of the director.

[C39, §**3661.015;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §234.14]
2023 Acts, ch 19, §677

234.15 through 234.20 Reserved.

SUBCHAPTER II

FAMILY PLANNING SERVICES

234.21 Services to be offered.

The department may offer, provide to, or purchase family planning and birth control services for every eligible applicant or recipient of services or any financial assistance from the department, or who is receiving federal supplementary security income as defined in section 249.1.

[C66, 71, 73, 75, 77, 79, 81, §234.21]
2023 Acts, ch 19, §678

234.22 Extent of services.

The family planning and birth control services may include interviews with trained personnel; distribution of literature; referral to a licensed physician or physician associate for consultation, examination, tests, medical treatment, and prescriptions; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

[C66, 71, 73, 75, 77, 79, 81, §234.22]
2022 Acts, ch 1066, §37; 2023 Acts, ch 19, §679; 2026 Acts, ch 1008, §3
Code editor directive applied

234.23 Charge for services.

In making provision for and offering such services, the department may charge persons to whom family planning and birth control services are rendered a fee sufficient to reimburse the department all or any portion of the costs of the services rendered.

[C66, 71, 73, 75, 77, 79, 81, §234.23]
2023 Acts, ch 19, §680

234.24 Services may be refused.

The refusal of any person to accept family planning and birth control services shall in no way affect the right of such person to receive public assistance or any other public benefit and every person to whom such services are offered shall be so advised initially both orally and in writing. Employees engaged in the administration of this section shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual and nothing in this subchapter shall in any way abridge such individual

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right, nor shall any individual be required to state the individual's reason for refusing the offer of family planning and birth control services.

[C66, 71, 73, 75, 77, 79, 81, §234.24]

2014 Acts, ch 1026, §143

234.25 Language to be used.

In all cases where the recipient does not speak or read the English language, the services shall not be given unless the interviews shall be conducted in, and all literature shall be written in, a language which the recipient understands.

[C66, 71, 73, 75, 77, 79, 81, §234.25]

234.26 Construction.

This subchapter shall be liberally construed to protect the rights of all individuals to pursue their religious beliefs and to follow the dictates of their own consciences, and to prevent the imposition upon any individual of practices offensive to the individual's moral standards.

[C66, 71, 73, 75, 77, 79, 81, §234.26]

2014 Acts, ch 1026, §143

234.27 Policy.

The general assembly hereby finds, determines, and declares that this subchapter is necessary for the immediate preservation of the public peace, health, and safety.

[C66, 71, 73, 75, 77, 79, 81, §234.27]

2014 Acts, ch 1026, §143

234.28 Obscenity laws not applicable.

The provisions of chapter 728 do not apply to services provided under the terms of this subchapter.

[C66, 71, 73, 75, 77, 79, 81, §234.28]

2014 Acts, ch 1026, §143

234.29 through 234.34 Reserved.

SUBCHAPTER III

FOSTER CARE EXPENSE

234.35 When state to pay foster care costs.

1. The department is responsible for paying the cost of foster care for a child, according to rates established pursuant to section 234.38, under any of the following circumstances:

a. When a court has committed the child to the director or the director's designee.

b. When a court has transferred legal custody of the child to the department.

c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.

d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.

e. When a court has entered an order transferring the legal custody of the child to a supervised apartment living arrangement pursuant to section 232.46, subsection 1, paragraph "*a*", subparagraph (6). However, payment shall not be made for a supervised apartment living arrangement unless the supervised apartment living arrangement meets requirements as established by the department by rule.

f. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.46, section 232.52, subsection 2, paragraph "*d*", or section 232.102, subsection 1. However, payment shall not be made for a group foster care

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placement unless the group foster care meets requirements as established by the department by rule.

g. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.

h. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.

i. When the child is placed in shelter care pursuant to section 232.20, subsection 1, or section 232.21.

2. Except as provided under section 234.38 for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. Family foster care or supervised apartment living arrangements.

b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

[C75, 77, 79, 81, §234.35]

90 Acts, ch 1270, §42, 43; 92 Acts, ch 1229, §25; 93 Acts, ch 172, §37, 56; 2003 Acts, ch 117, §9; 2003 Acts, ch 175, §37; 2004 Acts, ch 1116, §15; 2011 Acts, ch 34, §61; 2014 Acts, ch 1141, §75; 2022 Acts, ch 1096, §3, 4; 2022 Acts, ch 1098, §83 – 87; 2023 Acts, ch 19, §681; 2025 Acts, ch 13, §2

Referred to in §233A.7, 234.37, 234.38, 234.39, 234.46, 237.15

234.36 Reserved.

234.37 Department may establish accounts for certain children.

The department may establish an account in the name of any child committed to the director or the director's designee, or whose legal custody has been transferred to the department, or who is voluntarily placed in foster care pursuant to section 234.35. Any money which the child receives from the United States government or any private source shall be placed in the child's account, unless a guardian of the child's property has been appointed and demands the money, in which case it shall be paid to the guardian. The account shall be maintained by the department as trustee for the child in an interest-bearing account at a reputable bank or savings association, except that if the child is residing at an institution administered by the department a limited amount of the child's funds may be maintained in a separate account, which need not be interest bearing, in the child's name at the institution. Any money held in an account in the child's name or in trust for the child under this section may be used, at the discretion of the department and subject to restrictions lawfully imposed by the United States government or other source from which the child receives the funds, for the purchase of personal incidentals, desires and comforts of the child. All of the money held for a child by the department under this section and not used in the child's behalf as authorized by law shall be promptly paid to the child or the child's parent or legal guardian upon termination of the commitment of the child to the director or the director's designee, or upon transfer or cessation of legal custody of the child by the department.

[C75, 77, 79, 81, §234.37]

2012 Acts, ch 1017, §58; 2023 Acts, ch 19, §682

Referred to in §233A.10

234.38 Foster care reimbursement rates.

The department shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 1, paragraph *"e"*, subparagraph (2), or section 234.35. In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child

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in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.

[C75, 77, 79, 81, §234.38]

90 Acts, ch 1270, §44; 92 Acts, ch 1229, §26; 92 Acts, ch 1247, §46; 92 Acts, 1st Ex, ch 1004, §4; 2016 Acts, ch 1073, §190; 2023 Acts, ch 19, §683

Referred to in §234.35

234.39 Responsibility for cost of services.

1. It is the intent of this chapter that an individual receiving foster care services and the individual's parents or guardians shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under this section shall be consistent with the limitations on legal liability established under sections 222.78 and 230.15, and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify an individual's parents or guardians, at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

a. For an individual to whom section 234.35, subsection 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to chapter 252C, or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under section 598.21B. However, the court, or the department in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15, and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care services. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, child support services may certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23 or child support services may enforce the judgment as allowed by law. An order entered under this paragraph may be modified only in accordance with the guidelines prescribed under section 598.21C, or under chapter 252H.

b. For an individual who is served by the department under section 234.35, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian pursuant to chapter 252C and in accordance with the child support guidelines prescribed under section 598.21B. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this paragraph may be modified only in accordance with conditions under section 598.21C, or under chapter 252H.

2. *a.* A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to chapter 234. Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index.

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The notation constitutes constructive notice of assignment. The clerk of court shall furnish the department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment. Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section.

b. An assignment of support under paragraph *"a"* shall not apply when a child is placed with a relative or fictive kin as those terms are defined in section 232.2, unless the relative or fictive kin is an individual licensee or an approved kinship caregiver under chapter 237.

3. The support debt for the costs of services, for which a support obligation is established pursuant to this section, which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by child support services of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by child support services as provided in section 252C.3 or 252F.3.

4. If the department makes a subsidized guardianship payment for a child, the payment shall be considered a foster care payment for purposes of child support services. All provisions of this and other sections, and of rules and orders adopted or entered pursuant to those sections, including for the establishment of a paternity or support order, for the amount of a support obligation, for the modification or adjustment of a support obligation, for the assignment of support, and for enforcement shall apply as if the child were receiving foster care services, or were in foster care placement, or as if foster care funds were being expended for the child. This subsection shall apply regardless of the date of placement in foster care or subsidized guardianship or the date of entry of an order, and foster care and subsidized guardianship shall be considered the same for purposes of child support services.

[C75, 77, 79, 81, §234.39]

83 Acts, ch 96, §160; 83 Acts, ch 153, §3; 89 Acts, ch 166, §1; 90 Acts, ch 1270, §45; 92 Acts, ch 1195, §303, 304; 92 Acts, ch 1229, §27; 94 Acts, ch 1171, §8; 95 Acts, ch 52, §1; 96 Acts, ch 1213, §36, 37; 97 Acts, ch 175, §227; 99 Acts, ch 127, §1; 2005 Acts, ch 69, §1; 2016 Acts, ch 1011, §40; 2023 Acts, ch 19, §684; 2024 Acts, ch 1157, §62; 2025 Acts, ch 135, §10

Referred to in §232.4, 232.78, 234.8, 252A.13, 598.21C, 598.34, 598A.3, 600B.38

234.40 Corporal punishment.

The department shall adopt rules prohibiting corporal punishment of foster children by foster parents licensed by the department. The rules shall allow foster parents to use reasonable physical force to restrain a foster child in order to prevent injury to the foster child, injury to others, the destruction of property, or extremely disruptive behavior. For the purposes of this section, *"corporal punishment"* means the intentional physical punishment of a foster child. A foster parent's physical contact with the body of a foster child shall not be considered corporal punishment if the contact is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the foster parent uses reasonable force, as defined under section 704.1.

[C79, 81, §234.40]

92 Acts, ch 1241, §71; 2023 Acts, ch 19, §685

Referred to in §232.71B

234.41 Tort actions.

A foster parent licensed by the department stands in the same relationship to the foster parent's minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a biological parent to the biological parent's minor child who

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resides at home. This section does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department.

[C79, 81, §234.41]

94 Acts, ch 1046, §4; 2023 Acts, ch 19, §686

234.42 through 234.44 Reserved.

SUBCHAPTER IV

MARRIAGE INITIATIVE GRANT FUND

234.45 Iowa marriage initiative grant fund.

1. An Iowa marriage initiative grant fund is established in the state treasury under the authority of the department. The grant fund shall consist of moneys appropriated to the fund and notwithstanding section 8.33 such moneys shall not revert to the fund from which appropriated at the close of the fiscal year but shall remain in the Iowa marriage initiative grant fund. Moneys credited to the fund shall be used as directed in appropriations made by the general assembly for funding of services to support marriage and to encourage the formation and maintenance of two-parent families that are secure and nurturing.

2. It is the intent of the general assembly to credit to the Iowa marriage initiative grant fund, federal moneys provided to the state for the express purpose of supporting marriage or two-parent families.

2001 Acts, ch 191, §37; 2023 Acts, ch 19, §687

SUBCHAPTER V

PREPARATION FOR ADULT LIVING PROGRAM

234.46 Preparation for adult living program.

1. For the purposes of this section, "*young adult*" means a person who is described by all of the following conditions:

a. The person is a resident of this state.

b. The person is age eighteen, nineteen, twenty, twenty-one, or twenty-two.

c. At the time the person became age eighteen, the person received foster care services that were paid for by the state under section 234.35, services at a state training school, services at a juvenile shelter care home, services at a juvenile detention home, or court-ordered care in accordance with chapter 232 by a relative or another person with a significant relationship with the person, and the person is no longer receiving such services or care.

d. The person enters into and participates in an individual self-sufficiency plan that complements the person's own efforts for achieving self-sufficiency and the plan provides for one or more of the following:

(1) The person attends an accredited school full-time pursuing a course of study leading to a high school diploma.

(2) The person attends an instructional program leading to a high school equivalency diploma.

(3) The person is enrolled in or pursuing enrollment in a postsecondary education or training program or work training.

(4) The person is employed or seeking employment.

2. The department shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age eighteen or older in making the transition to self-sufficiency. The department shall adopt rules necessary for administration of the program, including but not limited to eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for

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participation of each person who meets the definition of young adult on the same basis, regardless of whether federal financial participation is provided. The services and other support available under the program may include but are not limited to any of the following:

a. Support for the young adult continuing to reside with the family that provided family foster care to the young adult.

b. Support for a supervised apartment living arrangement.

c. Support for participation in education, training, or employment activities.

d. Other assistance to enhance the young adult's ability to achieve self-sufficiency.

3. This section shall not be construed as granting an entitlement for any program, services, or other support for the persons described in this section. Any state obligation to provide a program, services, or other support pursuant to this section is limited to the extent of the funds appropriated for the purposes of the program.

2006 Acts, ch 1159, §7; 2014 Acts, ch 1140, §89, 90; 2019 Acts, ch 85, §109; 2020 Acts, ch 1051, §1; 2023 Acts, ch 19, §688

SUBCHAPTER VI

CHILD CARE ASSISTANCE AND ADOPTION SUBSIDIES — PROJECTED EXPENDITURES

234.47 State child care assistance and adoption subsidy programs — expenditure projections.

The department, the department of management, and the legislative services agency shall utilize a joint process to arrive at consensus projections for expenditures for the state child care assistance program under section 237A.13 and adoption subsidy and other assistance provided under section 600.17.

2008 Acts, ch 1187, §115; 2023 Acts, ch 19, §689

234.48 Adoption subsidy — nonrecurring adoption expenses.

Notwithstanding any provision to the contrary, the maximum reimbursement provided to an adoptive parent under the adoption subsidy program for nonrecurring adoption expenses is one thousand dollars. For the purposes of this section, *"nonrecurring adoption expenses"* means the same as defined in 45 C.F.R. §1356.41. The department shall adopt rules pursuant to chapter 17A to administer this section.

2023 Acts, ch 112, §68

CHAPTER 234A

EARLY CHILDHOOD AND FAMILY SERVICES SYSTEM

234A.1 Definitions.
234A.2 Early childhood and family services system — department powers and duties.
234A.3 Early childhood and family services district advisory councils.
234A.4 Data collection and use.
234A.5 Healthy families programs — HOPES-HFI program.
234A.6 Early childhood and family services system fund.

234A.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Community resources"* means locally focused, strength-based programs and supports that aim to enhance family functioning and resilience, promote child development and safety, and prevent future involvement with child protective services or the juvenile justice system.

2. *"Department"* means the department of health and human services.

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3. *"Early childhood and family services district"* or *"ECFS district"* means a health and human services district utilized for the purpose of administering the ECFS system.

4. *"Early childhood and family services district advisory council"* or *"ECFS district advisory council"* means an advisory council established under section 234A.3.

5. *"Early childhood and family services district plan"* or *"ECFS district plan"* means a plan developed by the department to outline the ECFS system infrastructure of a district and the programs and services intended to be provided within that district.

6. *"Early childhood and family services state plan"* or *"ECFS state plan"* means the plan developed by the department that describes the key components of the state's ECFS system.

7. *"Early childhood and family services system"* or *"ECFS system"* means the system established in section 234A.2.

8. *"Early childhood and family services system fund"* or *"ECFS system fund"* means the fund created in section 234A.6.

9. *"Early intervention strategies"* means services and supports designed to proactively identify and address risk factors and includes services that aim to strengthen families, promote healthy development, and reduce the likelihood of abuse or neglect by providing timely, targeted assistance to children and caregivers through the ECFS system.

10. *"Evidence-based"* means practices, programs, and policies grounded in the best available research and data, and that have been scientifically tested and shown to be effective through rigorous evaluation.

11. *"Family support services"* include group-based parent education and home visiting programs designed to strengthen protective factors including parenting skills, increase parental knowledge of child development, and increase family functioning and problem-solving skills. Family support services may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. Family support services may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

12. *"Health and human services district"* means the same as defined in section 217.1.

13. *"HOPES-HFI program"* means the healthy opportunities for parents to experience success – healthy families Iowa program established in section 234A.5.

14. *"Ongoing family and community resources"* means a continuum of sustained, accessible, and family-centered resources provided through the ECFS system that help families meet their needs, strengthen protective factors, and prevent child abuse and neglect.

15. *"Primary prevention strategies"* means a comprehensive set of services and supports provided through the ECFS system that are designed to strengthen families, promote healthy child development, and prevent adverse outcomes before they occur. These activities focus on addressing the underlying social, economic, and environmental conditions that place children and families at risk, such as poverty, social isolation, and lack of access to quality early care and education.

16. *"Protective factor"* means an inherent strength, resource, or capacity of a family, or a resource that helps a family thrive, buffer against stress, and reduce the likelihood of child abuse, neglect, or other poor outcome.

17. *"Strength-based"* means an approach that focuses on identifying and building upon the inherent strengths, resources, and capacities of a family to support the family's growth, resilience, and well-being.

2026 Acts, ch 1164, §1
NEW section

234A.2 Early childhood and family services system — department powers and duties.

1. An early childhood and family services system is established under the control of the department for the purposes of implementing a statewide array of primary prevention strategies, early intervention strategies, and ongoing family and community resources for families and their children under nineteen years of age.

2. The ECFS system shall be administered in a manner to maximize funding opportunities,

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interagency collaboration, and integration of activities and services that support positive outcomes for children and families.

3. The ECFS system shall support equitable statewide access to all services, supports, and other resources offered through the ECFS system that, at a minimum, shall include all of the following:

a. Evidence-based primary prevention strategies, including family support services, designed to assist families in establishing healthy, successful futures.

b. Tailored early intervention strategies for children and families to ensure long-term well-being, including economic self-sufficiency.

c. Ongoing family and community resources for children and families to address the root causes of child abuse and neglect and enhance protective factors.

d. Specific service components including early childhood services, evidence-based family support services, and community resources.

4. To the extent funding is available, the department shall do all of the following to develop and administer the ECFS system and carry out the department's duties under this chapter:

a. Plan, establish, and maintain primary prevention strategies, early intervention strategies, and ongoing family and community resources.

b. (1) Develop an early childhood and family services state plan that is consistent with the department's agency strategic plan adopted pursuant to section 8E.204, and the state health improvement plan developed under section 217.17.

(2) When developing the ECFS state plan, the department shall do all of the following:

(a) Collaborate with stakeholders including but not limited to experienced public health and medical providers, law enforcement, educators, the early childhood Iowa state board, the early childhood Iowa area boards, and organizations that represent populations including but not limited to children to be served by the ECFS system.

(b) Publish the proposed ECFS state plan on the department's internet site and allow the public to review and comment on the proposed ECFS state plan prior to adoption.

c. Administer the ECFS system in each ECFS district based on early childhood and family services district plans.

d. Develop ECFS district plans in collaboration with ECFS system partners and stakeholders.

e. Establish ECFS district advisory councils pursuant to section 234A.3.

f. Coordinate administration of each ECFS district plan with federal and state resources.

g. Enter into contracts as necessary to perform activities, and provide services, supports, and other resources in accordance with each ECFS district plan.

h. Coordinate district activities with other state agencies and state-funded initiatives that support positive outcomes for children and families.

i. Administer and distribute federal aid received, and state appropriations, grants, and other moneys deposited into the early childhood and family services system fund.

j. Oversee, provide technical assistance to, and monitor department contractors to ensure compliance with ECFS district plans.

k. Establish and maintain data collection and management information systems to identify, collect, and analyze service outcomes and performance data to address the needs of clients, providers, the department, and ECFS system programs.

l. Collect, maintain, monitor, analyze, and utilize information including but not limited to ECFS client records and programmatic, state, and national data, engage in studies and analyses, and gather relevant statistics to understand emerging needs and effectively deploy information, resources, and technical assistance in response.

m. Adopt rules pursuant to chapter 17A to administer this chapter.

n. Take any other necessary actions to execute the department's duties under this chapter or maintain compliance with federal requirements.

5. The department may do all of the following to develop and administer the ECFS system:

a. Cooperate with any state agency, political subdivision, or federal governmental agency to apply for grants.

b. Solicit and accept for use any gift of money, by will or otherwise, and any grant of

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money or services from the federal government, the state, a political subdivision of the state or federal government, or a private source.

2026 Acts, ch 1164, §2
Referred to in §234A.1
NEW section

234A.3 Early childhood and family services district advisory councils.

1. The department shall establish an early childhood and family services district advisory council in each ECFS district. The department shall develop policies and procedures for the operational functions of each ECFS district advisory council.

2. An ECFS district advisory council shall consist of ten members appointed by the department. Individuals eligible for appointment include but are not limited to all of the following:

a. Elected public officials who currently hold office within the ECFS district.

b. Individuals who have experience or expertise related to health, education, domestic assault response, abuse response, or community-based child abuse prevention.

c. Individuals who are representative of the populations served in the ECFS district advisory council's ECFS district.

d. Individuals who represent the faith community or community partners in the ECFS district advisory council's ECFS district.

3. An ECFS district advisory council shall do all of the following:

a. Identify opportunities and address challenges based on updates received from the department relating to the implementation of the ECFS district plan for the ECFS district advisory council's ECFS district.

b. Provide feedback to the department while the department is developing ECFS system policies.

c. Advise the department on how to best provide families access to primary prevention strategies, early intervention strategies, and ongoing family and community resources throughout the ECFS district advisory council's ECFS district.

4. An ECFS district advisory council shall perform the duties required under this section regardless of whether any seat on the ECFS district advisory council is vacant.

2026 Acts, ch 1164, §3
Referred to in §234A.1, 234A.2
NEW section

234A.4 Data collection and use.

1. The department shall perform all of the following actions related to ECFS system data:

a. (1) Collect, maintain, monitor, analyze, and utilize data, including but not limited to child welfare data, Medicaid data, ECFS system data, and other data depicting the status of children and families in the state, as necessary to issue cost estimates for serving populations, make and receive payments, conduct operations, and perform ECFS system activities.

(2) When performing duties under this paragraph, the department shall maintain compliance with applicable federal and state privacy laws to ensure the confidentiality and integrity of individually identifiable data.

(3) The department shall periodically assess the status of the department's compliance with subparagraph (2) to ensure that data collected and maintained by the department under this paragraph is protected.

b. To the extent possible, establish a record for each individual receiving publicly funded ECFS system services. Each record established under this paragraph shall include a unique client identifier for the purposes of identifying and tracking the individual's record.

c. Consult with department contractors and other ECFS system stakeholders on an ongoing basis relating to the administration of the ECFS system, including but not limited to reviewing trends and outcomes as indicators for improving or modifying administration of the ECFS system.

d. Engage with entities that maintain information the department is required to collect pursuant to this section to integrate data relating to individuals receiving ECFS system services.

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e. Engage with entities that maintain general population data relating to the ECFS system to develop action plans, create projections relating to a population's ECFS system needs, develop ECFS system policies, and otherwise perform activities as necessary to support families in achieving a healthy, successful future.

2. The department shall ensure that public and private agencies, organizations, and individuals that operate within the ECFS system use uniform methods to maintain statistical information relating to ECFS system outcomes and performance.

2026 Acts, ch 1164, §4
NEW section

234A.5 Healthy families programs — HOPES-HFI program.

1. The department may establish the HOPES-HFI program to provide services to families and children during a child's prenatal through preschool years. If established, the HOPES-HFI program shall do all of the following:

a. Promote optimal child health and development.

b. Improve family coping skills and functioning.

c. Promote positive parenting skills and intrafamilial interaction.

d. Prevent child abuse, child neglect, infant mortality, and infant morbidity.

2. The department shall administer the HOPES-HFI program, in whole or in part, by contracting with local organizations that use evidence-based home visiting models.

2026 Acts, ch 1164, §5
Referred to in §232.69, 234A.1
Similar program previously under §135.106
NEW section

234A.6 Early childhood and family services system fund.

1. An early childhood and family services system fund is created in the state treasury under the control of the department and consisting of any moneys appropriated to the department for the ECFS system fund's purposes by the general assembly and any other moneys available and obtained or accepted by the department for deposit in the ECFS system fund. The ECFS system fund shall be used to implement and administer the ECFS system.

2. Moneys in the ECFS system fund are appropriated to the department for the purposes of implementing and administering the ECFS system.

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the ECFS system fund shall be credited to the ECFS system fund.

2026 Acts, ch 1164, §6, 8
Referred to in §234A.1, 422.12K
NEW section

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CHAPTER 235

CHILD WELFARE

Referred to in §8.98, 135B.17

235.1	Definitions.	235.5	Inspections.
235.2	Powers and duties of department.	235.6	Short title. Repealed by 2020 Acts, ch 1063, §389.
235.3	Powers and duties of director.		
235.4	Licenses.	235.7	Transition committees.

235.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Child"* means the same as defined in section 234.1.

2. *"Child welfare services"* means social welfare services for the protection and care of

children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or an intellectual disability or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.

3. *"Department"* means the department of health and human services.

4. *"Director"* means the director of health and human services.

[C39, §**3661.016;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.1]

83 Acts, ch 101, §44; 92 Acts, ch 1229, §28; 94 Acts, ch 1023, §88; 2009 Acts, ch 133, §86; 2012 Acts, ch 1019, §93; 2023 Acts, ch 19, §690

235.2 Powers and duties of department.

The department, in addition to all other powers and duties given the department by law, shall:

1. Administer and enforce the provisions of this chapter.

2. Join and cooperate with the government of the United States through its appropriate agency or instrumentality or with any other officer or agency of the federal government in planning, establishing, extending and strengthening public and private child welfare services within the state.

3. Investigate and obtain information to permit the director to determine the need for public child welfare services within the state and within the county departments.

4. Apply for and receive any funds which are or may be allotted to the state by the United States or any agency of the United States for the purpose of developing child welfare services.

5. Make reports and budget estimates to the governor and to the general assembly as required by law or as necessary and proper to obtain the appropriation of state funds for child welfare services within the state and for all the purposes of this chapter.

6. Cooperate with the county departments within the state, and all county boards of supervisors and other public or private agencies charged with the protection and care of children, in the development of child welfare services.

7. Aid in the enforcement of all laws of the state for the protection and care of children.

8. Cooperate with the juvenile courts of the state and subunits within the department regarding the management and control of state institutions and the inmates of the institutions.

9. Upon implementation by the department of a uniform cost report for shelter care and qualified residential treatment providers, biennially conduct a review of shelter care and qualified residential treatment provider costs compared to current shelter care and qualified residential treatment provider rates. On or before October 1 of the calendar year immediately succeeding the calendar year in which the review is conducted, the department shall submit a report to the governor and the general assembly detailing the results of the department's review and recommendations for rate adjustments.

[C39, §**3661.017;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.2]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §691; 2026 Acts, ch 1195, §28

NEW subsection 9

235.3 Powers and duties of director.

The director shall:

1. Plan and supervise all public child welfare services and activities within the state as provided by this chapter.

2. Make reports and obtain and furnish information as necessary to permit cooperation by the director with the United States children's bureau, the social security administration, or any other federal agency which is charged with any duty regarding child care or child welfare services.

3. Adopt rules as necessary or advisable for the supervision of the private child-caring agencies or their officers which the department is empowered to license and supervise.

4. Supervise private institutions for the care of dependent, neglected, and delinquent children, and make reports regarding the institutions.

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5. Designate and approve the private and county institutions within the state to which neglected, dependent, and delinquent children may be legally committed, supervise the care of children committed to these institutions, and have the right to visit and inspect these institutions at all times.

6. Receive and keep on file annual reports from all institutions to which children subject to the jurisdiction of the juvenile court are committed, compile statistics regarding juvenile delinquency, make reports regarding juvenile delinquency, and study prevention and cure of juvenile delinquency.

7. Require and receive from the clerks of the courts of record within the state duplicates of the findings of the courts upon petitions for adoption, and keep records and compile statistics regarding adoptions.

8. License private child-placing agencies, make reports regarding the agencies, and revoke licenses.

9. Make rules and regulations as necessary for the distribution and use of funds appropriated for child welfare services.

[C27, 31, 35, §3661-a1, -a2; C39, §**3661.018;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.3; 82 Acts, ch 1100, §8]

88 Acts, ch 1158, §52; 89 Acts, ch 19, §1; 90 Acts, ch 1204, §49; 2013 Acts, ch 30, §45; 2023 Acts, ch 19, §692

Referred to in §602.8102(43)

235.4 Licenses.

Licenses issued to private boarding homes for children and private child-placing agencies by the department shall remain in effect for the period for which issued, unless sooner revoked according to law. Thereafter the agencies shall apply to the department for a new license, and shall submit to rules regarding licensing as prescribed by the department.

[C39, §**3661.020;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.5]

90 Acts, ch 1204, §50

C91, §235.4

2023 Acts, ch 19, §693

235.5 Inspections.

The department of inspections, appeals, and licensing shall conduct inspections of private institutions for the care of dependent, neglected, and delinquent children in accordance with procedures established pursuant to chapters 10A and 17A.

90 Acts, ch 1204, §51; 2023 Acts, ch 19, §1934

235.6 Short title. Repealed by 2020 Acts, ch 1063, §389.

235.7 Transition committees.

1. *Committees established.* The department shall establish and maintain local transition committees to address the transition needs of children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in section 232.2. The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt protocols and other procedures appropriate for the geographic area addressed by the committee.

2. *Membership.* A committee's membership may include but is not limited to department staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general assistance or emergency relief under chapter 251 or 252, school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

3. *Duties.* A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with section 232.2, subsection 6, paragraph "*g*", which, based upon an assessment of the child's needs, would assist the child in

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preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals for whom service plans are approved.

2003 Acts, ch 117, §10; 2004 Acts, ch 1090, §33; 2005 Acts, ch 95, §3; 2015 Acts, ch 69, §73; 2023 Acts, ch 19, §694; 2024 Acts, ch 1161, §99, 137; 2026 Acts, ch 1164, §9

Referred to in §232.2
Subsection 2 amended

CHAPTER 235A

CHILD ABUSE

Referred to in §135.43, 232.2, 232.71D, 232.96, 256.146

SUBCHAPTER I

CHILD ABUSE PREVENTION

235A.1 Child abuse prevention program. Repealed by 2026 Acts, ch 1164, §19.
235A.2 Child abuse prevention program fund. Repealed by 2026 Acts, ch 1164, §19.
235A.3 Child abuse prevention program advisory committee. Repealed by 2026 Acts, ch 1164, §19.
235A.4 through 235A.11 Reserved.

SUBCHAPTER II

CHILD ABUSE INFORMATION REGISTRY

235A.12 Legislative findings and purposes.
235A.13 Definitions.
235A.14 Creation and maintenance of a central registry.
235A.15 Authorized access — procedures involving other states.
235A.16 Requests for child abuse information.
235A.17 Redissemination of child abuse information.
235A.18 Sealing and expungement of founded child abuse information.
235A.19 Examination, requests for correction or expungement and appeal.
235A.20 Civil remedy.
235A.21 Criminal penalties.
235A.22 Education program.
235A.23 Reports.
235A.24 Order for disclosure or release of child abuse information.

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SUBCHAPTER I

CHILD ABUSE PREVENTION

235A.1 Child abuse prevention program. Repealed by 2026 Acts, ch 1164, §19.

235A.2 Child abuse prevention program fund. Repealed by 2026 Acts, ch 1164, §19.

235A.3 Child abuse prevention program advisory committee. Repealed by 2026 Acts, ch 1164, §19.

235A.4 through 235A.11 Reserved.

SUBCHAPTER II

CHILD ABUSE INFORMATION REGISTRY

Referred to in §232.68

235A.12 Legislative findings and purposes.

1. The general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance, and dissemination of child abuse information. The existence of the central registry is imperative for increased effectiveness in dealing with the problem of child abuse. The general assembly also finds that vigorous

protection of rights of individual privacy is an indispensable element of a fair and effective system of collecting, maintaining, and disseminating child abuse information.

2. The purposes of this section and sections 235A.13 through 235A.24 are to facilitate the identification of victims or potential victims of child abuse by making available a single, statewide source of child abuse data; to facilitate research on child abuse by making available a single, statewide source of child abuse data; and to provide maximum safeguards against the unwarranted invasions of privacy which such a registry might otherwise entail.

[C75, 77, 79, 81, §235A.12]

84 Acts, ch 1035, §1; 2004 Acts, ch 1153, §2

235A.13 Definitions.

The definitions in section 232.68 are applicable to this subchapter unless the context otherwise requires. As used in chapter 232, subchapter III, part 2, and this subchapter, unless the context otherwise requires:

1. *"Assessment data"* means any of the following information pertaining to the department's evaluation of a family:

a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.

b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

2. *"Child abuse information"* means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

a. Report data.

b. Assessment data.

c. Disposition data.

3. *"Confidentiality"* means the withholding of information from any manner of communication, public or private.

4. *"Department"* means the department of health and human services.

5. *"Director"* means the director of health and human services.

6. *"Disposition data"* means information pertaining to an opinion or decision as to the occurrence of child abuse, including:

a. Any intermediate or ultimate opinion or decision reached by assessment personnel.

b. Any opinion or decision reached in the course of judicial proceedings.

c. The present status of any case.

7. *"Expungement"* means the process of destroying child abuse information.

8. *"Individually identified"* means any report, assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.

9. *"Multidisciplinary team"* means a group of individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of child abuse cases and who are professionals practicing in the disciplines of medicine, nursing, public health, substance use disorder, domestic violence, mental health, social work, child development, education, law, juvenile probation, or law enforcement, or a group established pursuant to section 235B.1, subsection 1.

10. *"Near fatality"* means an injury to a child that, as certified by a physician or physician associate, placed the child in serious or critical condition.

11. *"Report data"* means any of the following information pertaining to an assessment of an allegation of child abuse in which the department has determined the alleged child abuse meets the definition of child abuse:

a. The name and address of the child and the child's parents or other persons responsible for the child's care.

b. The age of the child.

c. The nature and extent of the injury, including evidence of any previous injury.

d. Additional information as to the nature, extent, and cause of the injury, and the identity of the person or persons alleged to be responsible for the injury.

e. The names and conditions of other children in the child's home.

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f. A recording made of an interview conducted under chapter 232 in association with a child abuse assessment.

g. Any other information believed to be helpful in establishing the information in paragraph *"d"*.

12. *"Sealing"* means the process of removing child abuse information from authorized access as provided by this chapter.

[C75, 77, 79, 81, §235A.13; 82 Acts, ch 1066, §1]

84 Acts, ch 1035, §2; 87 Acts, ch 153, §9; 87 Acts, ch 182, §1; 92 Acts, ch 1143, §2; 97 Acts, ch 35, §13, 25; 97 Acts, ch 176, §6, 7, 27 – 31, 43; 99 Acts, ch 96, §26; 2000 Acts, ch 1137, §5, 14; 2002 Acts, ch 1074, §2; 2003 Acts, ch 44, §51; 2003 Acts, ch 62, §1; 2004 Acts, ch 1153, §3; 2018 Acts, ch 1041, §122; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1066, §38; 2023 Acts, ch 19, §698; 2026 Acts, ch 1008, §3

Referred to in §135.43, 217.30, 232.68, 232.71B, 235A.12, 331.909
Code editor directive applied

235A.14 Creation and maintenance of a central registry.

1. There is created within the department a central registry for certain child abuse information. The department shall organize and staff the registry and adopt rules for its operation.

2. The registry shall collect, maintain and disseminate child abuse information as provided for by this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four-hour-a-day, seven-day-a-week basis and which the department and all other persons may use to report cases of suspected child abuse and that all persons authorized by this chapter may use for obtaining child abuse information.

4. An oral report of suspected child abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of human services or law enforcement agency, or both.

5. The registry, upon receipt of a report of suspected child abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of child abuse involving the same child or any other child in the same family, or if the records reveal any other pertinent information with respect to the same child or any other child in the same family, the appropriate office of the department or law enforcement agency shall be immediately notified of that fact.

6. The central registry shall include report data and disposition data which is subject to placement in the central registry under section 232.71D. The central registry shall not include assessment data.

[C75, 77, 79, 81, §235A.14]

83 Acts, ch 96, §157, 159; 97 Acts, ch 176, §8; 2013 Acts, ch 115, §11, 19; 2023 Acts, ch 19, §699

Referred to in §232.68, 235A.12, 279.13, 279.69, 321.375

235A.15 Authorized access — procedures involving other states.

1. Child abuse information shall be confidential and shall not be a public record under chapter 22. The confidentiality of all child abuse information shall be maintained, except as specifically provided by this section.

2. Access to report data and disposition data subject to placement in the central registry pursuant to section 232.71D is authorized only to the following persons or entities:

a. Subjects of a report as follows:

(1) To a child named in a report as a victim of abuse or to the child's attorney or guardian ad litem.

(2) To a parent or to the attorney for the parent of a child named in a report as a victim of abuse.

(3) To a guardian or legal custodian, or that person's attorney, of a child named in a report as a victim of abuse.

(4) To a person or the attorney for the person named in a report as having abused a child.

b. Persons involved in an assessment of child abuse as follows:

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(1) To a health practitioner or mental health professional who is examining, attending, or treating a child whom such practitioner or professional believes or has reason to believe has been the victim of abuse or to a health practitioner or mental health professional whose consultation with respect to a child believed to have been the victim of abuse is requested by the department.

(2) To an employee or agent of the department responsible for the assessment of a child abuse report.

(3) To a law enforcement officer responsible for assisting in an assessment of a child abuse allegation or for the temporary emergency removal of a child from the child's home.

(4) To a multidisciplinary team, or to parties to an interagency agreement entered into pursuant to section 280.25, if the department approves the composition of the multidisciplinary team or the relevant provisions of the interagency agreement and determines that access to the team or to the parties to the interagency agreement is necessary to assist the department in the diagnosis, assessment, and disposition of a child abuse case.

(5) In an individual case, to each mandatory reporter who reported the child abuse.

(6) To the county attorney.

(7) To the juvenile court.

(8) To a licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the alleged child abuse under section 232.71B.

(9) To the child protection assistance team established in accordance with section 915.35 for the county in which the report was made.

c. Individuals, agencies, or facilities providing care to a child, but only with respect to disposition data and, if authorized in law to the extent necessary for purposes of an employment evaluation, report data, for cases of founded child abuse placed in the central registry in accordance with section 232.71D as follows:

(1) To an administrator of a psychiatric medical institution for children licensed under chapter 135H.

(2) To an administrator of a facility as defined in section 237.1 if the data concerns a person employed or being considered for employment by the facility.

(3) To an administrator of a child care facility registered or licensed under chapter 237A if the data concerns a person employed or being considered for employment by or living in the facility.

(4) To the superintendent of the Iowa school for the deaf if the data concerns a person employed or being considered for employment or living in the school.

(5) To an administrator of a facility or program operated by the state, a city, or a county which provides services or care directly to children, if the data concerns a person employed by or being considered for employment by the facility or program.

(6) To an administrator of an agency certified by the department to provide services under a medical assistance home and community-based services waiver, if the data concerns a person employed by or being considered by the agency for employment.

(7) To an administrator of a child care resource and referral agency which has entered into an agreement authorized by the department to provide child care resource and referral services. Access is authorized if the data concerns a person providing child care services or a person employed by a provider of such services and the agency includes the provider as a referral or the provider has requested to be included as a referral.

(8) To an administrator of a hospital licensed under chapter 135B if the data concerns a person employed or being considered for employment by the hospital.

(9) To an area education agency or other person responsible for providing early intervention services to children that is funded under part C of the federal Individuals with Disabilities Education Act.

(10) To a federal, state, or local governmental unit, or agent of the unit, that has a need for the information in order to carry out its responsibilities under law to protect children from abuse and neglect.

(11) To a nursing program that is approved by the state board of nursing under section 152.5, if the data relates to a record check performed pursuant to section 152.5A.

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d. Report data and disposition data, and assessment data to the extent necessary for resolution of the proceeding, relating to judicial and administrative proceedings as follows:

(1) To a juvenile court involved in an adjudication or disposition of a child named in a report or a child that is the subject of a guardianship proceeding under chapter 232D.

(2) To a district court upon a finding that data is necessary for the resolution of an issue arising in any phase of a case involving child abuse or guardianship proceedings for a child under chapter 232D.

(3) To a court or the department hearing an appeal for correction of report data and disposition data as provided in section 235A.19.

(4) To an expert witness at any stage of an appeal necessary for correction of report data and disposition data as provided in section 235A.19.

(5) To a probation or parole officer, juvenile court officer, court appointed special advocate as defined in section 232.2, or adult correctional officer having custody or supervision of, or conducting an investigation for a court or the board of parole regarding, a person named in a report as a victim of child abuse or as having abused a child.

(6) To the department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

(7) Each licensing board specified under chapter 147 and the department of inspections, appeals, and licensing for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

e. Others as follows, but only with respect to report data and disposition data for cases of founded child abuse subject to placement in the registry pursuant to section 232.71D:

(1) To a person conducting bona fide research on child abuse, but without data identifying individuals named in a child abuse report, unless having that data open to review is essential to the research or evaluation and the authorized registry officials give prior written approval and the child, the child's guardian or guardian ad litem and the person named in a report as having abused a child give permission to release the data.

(2) To registry or department personnel when necessary to the performance of their official duties or to a person or agency under contract with the department to carry out official duties and functions of the department.

(3) To the department of justice for the sole purpose of the filing of a claim for restitution or compensation pursuant to sections 915.21 and 915.84. Data provided pursuant to this subparagraph is subject to the provisions of section 915.90.

(4) To a legally constituted child protection agency of another state which is investigating or assessing or treating a child named in a report as having been abused or which is investigating or assessing or treating a person named as having abused a child.

(5) To a public or licensed child-placing agency of another state responsible for an adoptive or foster care preplacement or placement evaluation.

(6) To the attorney for the department who is responsible for representing the department.

(7) To the child advocacy and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

(8) To an employee or agent of the department regarding a person who is providing child care if the person is not registered or licensed to operate a child care facility.

(9) To the board of educational examiners created under chapter 256 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

(10) To a legally constituted child protection agency in another state if the agency is conducting a records check of a person who is providing care or has applied to provide care to a child in the other state.

(11) To the legally authorized protection and advocacy agency recognized in section 135C.2, if a person identified in the information as a victim or a perpetrator of abuse resides in or receives services from a facility or agency because the person is diagnosed as having a developmental disability or a mental illness.

(12) To the department for a record check relating to employment or residence pursuant to section 218.13.

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(13) To the Iowa board for the treatment of sexual abusers for purposes of certifying sex offender treatment providers.

(14) To an employee or agent of the department responsible for registering or licensing or approving the registration or licensing of an agency or facility, or to an individual providing care to a child and regulated by the department.

(15) To an employee of the department responsible for an adoptive placement, a certified adoption investigator, or licensed child-placing agency responsible for an adoptive placement.

(16) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

(17) To the department of inspections, appeals, and licensing for purposes of record checks of applicants for employment with the department of inspections, appeals, and licensing.

(18) To a person or agency responsible for the care or supervision of a child named in a report as an alleged victim of abuse or a person named in a report as having allegedly abused a child, if the juvenile court or department deems access to report data and disposition data by the person or agency to be necessary.

(19) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

(20) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

(21) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

(22) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

(23) To the administrator of a family support program receiving public funds, if the data relates to a record check of an employee working directly with families.

(24) To an intake officer making a preliminary inquiry pursuant to section 232.28, subsection 3.

(25) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

f. Only with respect to disposition data for cases of founded child abuse subject to placement in the central registry pursuant to section 232.71D, to a person who submits written authorization from an individual allowing the person access to data pursuant to this subsection on behalf of the individual in order to verify whether the individual is named in a founded child abuse report as having abused a child.

3. Access to report data and disposition data for a case of child abuse determined to meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following persons:

a. Subjects of a report identified in subsection 2, paragraph "*a*".

b. Persons involved in an assessment of child abuse identified in subsection 2, paragraph "*b*", subparagraphs (2), (3), (4), (6), and (7).

c. Others identified in subsection 2, paragraph "*e*", subparagraphs (2), (3), (6), and (18).

d. The department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

4. Access to report data for a case of child abuse determined to not meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following:

a. Subjects of a report identified in subsection 2, paragraph "*a*".

b. Persons involved in an assessment of child abuse identified in subsection 2, paragraph "*b*", subparagraphs (2), (6), and (7).

c. Others identified in subsection 2, paragraph "*e*", subparagraphs (2) and (18).

d. The department of justice for purposes of review by the prosecutor's review committee or the commitment of sexually violent predators as provided in chapter 229A.

5. Access to disposition data subject to placement in the central registry pursuant to

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section 232.71D is authorized to the department of administrative services or to the personnel office of a public employer, as defined in section 20.3, as necessary for presentation in grievance or arbitration procedures provided for in sections 8A.415 and 20.18. Disposition data introduced into a grievance or arbitration proceeding shall not be considered a part of the public record of a case.

6. *a.* If a child who is a legal resident of another state is present in this state and a report of child abuse is made concerning the child, the department shall act to ensure the safety of the child. The department shall contact the child's state of legal residency to coordinate the assessment of the report. If the child's state of residency refuses to conduct an assessment, the department shall commence an appropriate assessment.

b. If a report of child abuse is made concerning an alleged perpetrator who resides in this state and a child who resides in another state, the department shall assist the child's state of residency in conducting an assessment of the report. The assistance shall include but is not limited to an offer to interview the alleged perpetrator and any other relevant source. If the child's state of residency refuses to conduct an assessment of the report, the department shall commence an appropriate assessment. The department shall seek to develop protocols with states contiguous to this state for coordination in the assessment of a report of child abuse when a person involved with the report is a resident of another state.

7. If the director receives a written request for information regarding a specific case of child abuse involving a fatality or near fatality to a child from the majority or minority leader of the senate or the speaker or the minority leader of the house of representatives, the director or the director's designee shall arrange for a confidential meeting with the requestor or the requestor's designee. In the confidential meeting the director or the director's designee shall share all pertinent information concerning the case, including but not limited to child abuse information. Any written document distributed by the director or the director's designee at the confidential meeting shall not be removed from the meeting and a participant in the meeting shall be subject to the restriction on redissemination of confidential information applicable to a person under section 235A.17, subsection 3, for confidential information disclosed to the participant at the meeting. A participant in the meeting may issue a report to the governor or make general public statements concerning the department's handling of the case of child abuse.

8. Upon the request of the governor, the department shall disclose child abuse information to the governor or the governor's designee relating to a specific case of child abuse reported to the department.

9. If, apart from a request made pursuant to subsection 7 or 8, the department receives from a member of the public a request for information relating to a case of founded child abuse involving a fatality or near fatality to a child, the response to the request shall be made in accordance with this subsection and subsections 10 and 11. If the request is received before or during performance of an assessment of the case in accordance with section 232.71B, the director or the director's designee shall initially disclose whether or not the assessment will be or is being performed. Otherwise, within five business days of receiving the request or completing the assessment, whichever is later, the director or the director's designee shall consult with the county attorney responsible for prosecution of any alleged perpetrator of the fatality or near fatality and shall disclose information, including but not limited to child abuse information, relating to the case, except for the following:

a. The substance or content of any mental health or psychological information that is confidential under chapter 228.

b. Information that constitutes the substance or contains the content of an attorney work product or is a privileged communication under section 622.10.

c. Information that would reveal the identity of any individual who provided information relating to a report of child abuse or an assessment of such a report involving the child.

d. Information that the director or the director's designee reasonably believes is likely to cause mental or physical harm to a sibling of the child or to another child residing in the child's household.

e. Information that the director or the director's designee reasonably believes is likely to jeopardize the prosecution of any alleged perpetrator of the fatality or near fatality.

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f. Information that the director or the director's designee reasonably believes is likely to jeopardize the rights of any alleged perpetrator of the fatality or near fatality to a fair trial.

g. Information that the director or the director's designee reasonably believes is likely to undermine an ongoing or future criminal investigation.

h. Information, the release of which is a violation of federal law or regulation.

10. The information released by the director or the director's designee pursuant to a request made under subsection 9 relating to a case of founded child abuse involving a fatality or near fatality to a child shall include all of the following, unless such information is excepted from disclosure under subsection 9:

a. Any relevant child abuse information concerning the cause of and circumstances surrounding the child fatality or near fatality, including the age and gender of the child and the department's response and findings.

b. Information describing any previous child abuse or neglect investigations of the caregivers responsible for the child abuse or neglect that are pertinent to the child abuse or neglect that led to the child fatality or near fatality, and the results of any such investigations.

c. A summary of information, that would otherwise be confidential under section 217.30, as to whether or not the child or a member of the child's family was utilizing social services provided by the department at the time of the child fatality or near fatality or within the five-year period preceding the fatality or near fatality.

d. Any recommendations made by the department to the county attorney or the juvenile court.

e. The services provided by and actions of the state on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality.

11. *a.* If a person who made a request for information under subsection 9 does not believe the department has substantially complied with the request, the person may apply to the juvenile court under section 235A.24 for an order for disclosure of additional information.

b. If release of social services information in addition to that released under subsection 10, paragraph "*c*", is believed to be in the public's interest and right to know, the director or the director's designee may apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information. A release of information that would otherwise be confidential under section 217.30 concerning social services provided to the child or the child's family shall not include information concerning financial or medical assistance provided to the child or the child's family.

12. If an individual who is the subject of a child abuse report listed in subsection 2, paragraph "*a*", or another party involved in an assessment under section 232.71B releases in a public forum or to the media information concerning a case of child abuse including but not limited to child abuse information which would otherwise be confidential, the director or the director's designee may respond with relevant information concerning the case of child abuse that was the subject of the release. Prior to releasing the response, the director or the director's designee shall consult with the child's parent or guardian, or the child's guardian ad litem, and apply to the court under section 235A.24 requesting a review of the information proposed for release and an order authorizing release of the information.

[C75, 77, 79, 81, §235A.15; 82 Acts, ch 1066, §2]

83 Acts, ch 96, §157, 159; 85 Acts, ch 173, §16; 85 Acts, ch 174, §1; 86 Acts, ch 1177, §2; 87 Acts, ch 153, §10, 11; 88 Acts, ch 1158, §53; 89 Acts, ch 65, §1; 89 Acts, ch 283, §25; 90 Acts, ch 1221, §3, 4; 90 Acts, ch 1248, §1; 90 Acts, ch 1249, §1; 91 Acts, ch 97, §30; 91 Acts, ch 138, §5, 6; 92 Acts, ch 1141, §4; 92 Acts, ch 1143, §3, 4; 93 Acts, ch 76, §3, 4; 94 Acts, ch 1023, §43; 94 Acts, ch 1156, §1; 95 Acts, ch 93, §1 – 3; 95 Acts, ch 182, §15, 16; 96 Acts, ch 1175, §4; 96 Acts, ch 1183, §28; 97 Acts, ch 176, §9, 32 – 37, 43; 98 Acts, ch 1090, §64, 84; 98 Acts, ch 1100, §97; 98 Acts, ch 1115, §3; 99 Acts, ch 61, §10 – 12, 14; 99 Acts, ch 111, §8; 99 Acts, ch 141, §31; 99 Acts, ch 192, §33; 2000 Acts, ch 1123, §3; 2000 Acts, ch 1137, §6 – 9, 14; 2000 Acts, ch 1153, §1; 2001 Acts, ch 8, §2; 2002 Acts, ch 1034, §2; 2002 Acts, ch 1162, §19; 2003 Acts, ch 107, §2; 2003 Acts, ch 145, §217, 286; 2004 Acts, ch 1116, §27; 2004 Acts, ch 1153, §4 – 7; 2005 Acts, ch 19, §37; 2005 Acts, ch 121, §4 – 8; 2006 Acts, ch 1008, §2; 2006 Acts, ch 1152, §1; 2007 Acts, ch 10, §166; 2007 Acts, ch 22, §55; 2009 Acts, ch 93, §2; 2011 Acts, ch 98, §8; 2012 Acts, ch 1019, §94; 2012 Acts, ch 1047, §1; 2012 Acts, ch 1132, §7; 2013 Acts, ch 42, §13;

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2013 Acts, ch 115, §12, 19; 2015 Acts, ch 56, §21; 2015 Acts, ch 69, §74; 2017 Acts, ch 104, §1, 2; 2018 Acts, ch 1104, §2, 5; 2019 Acts, ch 56, §32, 44, 45; 2020 Acts, ch 1102, §10; 2023 Acts, ch 19, §700 – 707, 1643, 1935, 2478, 2540, 2605; 2024 Acts, ch 1161, §100, 137; 2025 Acts, ch 135, §11, 40

Referred to in §8.98, 135.43, 217.30, 232.28, 232.71B, 232.71D, 235A.12, 235A.16, 235A.17, 235A.19, 235A.21, 235A.24, 237.21, 600.16A

235A.16 Requests for child abuse information.

1. Requests for child abuse information shall be in writing on forms prescribed by the department, except as otherwise provided by subsection 2. Request forms shall require information sufficient to demonstrate authorized access.

2. *a.* Requests for child abuse information may be made orally by telephone where a person making such a request believes that the information is needed immediately and where information sufficient to demonstrate authorized access is provided. In the event that a request is made orally by telephone, a written request form shall nevertheless be filed within seventy-two hours.

b. The department of inspections, appeals, and licensing may provide access to the single contact repository established under section 135C.33, subsection 7, for criminal and abuse history checks made by those employers, agencies, and other persons that are authorized access to child abuse information under section 235A.15 and are required by law to perform such checks.

3. Subsections 1 and 2 do not apply to child abuse information that is disseminated to an employee of the department, to a juvenile court, or to the attorney representing the department as authorized by section 235A.15.

[C75, 77, 79, 81, §235A.16]

87 Acts, ch 153, §12; 2001 Acts, ch 191, §40; 2023 Acts, ch 19, §708, 1936

Referred to in §8.98, 235A.12

235A.17 Redissemination of child abuse information.

1. A person, agency, or other recipient of child abuse information authorized to receive such information shall not redisseminate such information, except that redissemination shall be permitted when all of the following conditions apply:

a. The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.

b. The person to whom such information would be redisseminated would have independent access to the same information under section 235A.15.

c. A written record is made of the redissemination, including the name of the recipient and the date and purpose of the redissemination.

d. The written record is forwarded to the registry within thirty days of the redissemination.

2. The department may notify orally the mandatory reporter in an individual child abuse case of the results of the case assessment and of the confidentiality provisions of sections 235A.15 and 235A.21. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. If the report data and disposition data have been placed in the registry as founded child abuse pursuant to section 232.71D, a copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18. Otherwise, a copy of the written notice shall be retained by the department with the case file.

3. *a.* For the purposes of this subsection, *"subject of a child abuse report"* means any individual listed in section 235A.15, subsection 2, paragraph *"a"*, other than the attorney or guardian ad litem of such individual.

b. An individual who is the subject of a child abuse report may redisseminate to the governor or the governor's designee or to a member of the general assembly or an employee of the general assembly designated by the member, child abuse information that was disseminated to the individual by the department or other official source. The child abuse information may also include the following related information that the individual is allowed under law to possess:

(1) Department information described in section 217.30, subsection 2.

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(2) Mental health information as defined in section 228.1.

(3) Juvenile court social records and other information in official juvenile court records described in section 232.147.

c. A person who receives confidential child abuse information and related information redisseminated under this subsection shall not further disseminate, communicate, or attempt to communicate the information to a person who is not authorized by this section or other provision of law to have access to the information.

[C75, 77, 79, 81, §235A.17]

84 Acts, ch 1279, §23; 87 Acts, ch 153, §13; 97 Acts, ch 35, §17, 25; 97 Acts, ch 176, §10, 38, 43; 2000 Acts, ch 1137, §10, 14; 2015 Acts, ch 29, §35; 2019 Acts, ch 125, §3; 2023 Acts, ch 19, §709, 710

Referred to in §8.98, 235A.12, 235A.15, 235A.21

235A.18 Sealing and expungement of founded child abuse information.

1. Report data and disposition data relating to a particular case of alleged abuse which has been determined to be founded child abuse and placed in the central registry in accordance with section 232.71D shall be maintained in the registry as follows:

a. (1) Report and disposition data relating to a particular case of alleged child abuse shall be sealed ten years after the initial placement of the data in the registry unless good cause be shown why the data should remain open to authorized access. If a subsequent report of an alleged case of child abuse involving the child named in the initial data placed in the registry as the victim of abuse or a person named in the data as having abused a child is received by the department within this ten-year period, or within the period in which the person's name is in the central registry, the data shall be sealed ten years after receipt of the subsequent report unless good cause be shown why the data should remain open to authorized access. Report and disposition data shall be made available to the department of justice if the department requests access to the alleged child abuse records for purposes of review by the prosecutor's review committee or commitment of sexually violent predators under chapter 229A.

(2) Notwithstanding subparagraph (1), a person named in the initial data placed in the registry as having abused a child shall have the person's name removed from the registry after ten years, if not previously removed from the registry pursuant to the other provisions of this subsection, if that person has not had a subsequent case of alleged abuse which resulted in the person's name being placed in the registry as the person responsible for the abuse within the ten-year period.

(3) (a) A person named in the initial data placed in the registry as having abused a child shall have the person's name removed from the registry after five years if the department determined in the report and disposition data that the person committed child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (1), (4), or (6).

(b) Subparagraph division (a) shall not apply, and the name of a person named in the initial data as having abused a child shall remain in the registry as described in subparagraph (1), if the department determined in the initial report and disposition data that the person committed child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (1), (4), or (6), and the child abuse resulted in the child's death or a serious injury.

b. Data sealed in accordance with this section shall be expunged eight years after the date the data was sealed. However, if the report data and the disposition data involve child abuse as defined in section 232.68, subsection 2, paragraph "*a*", subparagraph (3) or (5), the data shall not be expunged for a period of thirty years. Sealed data shall be made available to the department of justice upon request if the prosecutor's review committee is reviewing records or if a prosecuting attorney has filed a petition to commit a sexually violent predator under chapter 229A.

2. The juvenile or district court and county attorney shall expunge child abuse information upon notice from the registry. The supreme court shall prescribe rules establishing the period of time child abuse information is retained by the juvenile and district courts. A county attorney shall not retain child abuse information in excess of the time period the information would be retained under the rules prescribed by the supreme court. Child abuse information

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relating to a particular case of child abuse placed in the central registry that a juvenile or district court determines is unfounded in a written finding based upon a preponderance of evidence shall be expunged from the central registry.

3. The department shall adopt rules establishing the period of time child abuse information which is not maintained in the central registry is retained by the department.

[C75, 77, 79, 81, §235A.18]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §24; 85 Acts, ch 173, §17; 89 Acts, ch 230, §20; 90 Acts, ch 1221, §5, 6; 93 Acts, ch 76, §5, 6; 97 Acts, ch 176, §11; 99 Acts, ch 61, §13, 14; 2000 Acts, ch 1137, §11, 14; 2000 Acts, ch 1154, §18; 2011 Acts, ch 28, §5; 2012 Acts, ch 1082, §2; 2013 Acts, ch 115, §13, 19, 20; 2014 Acts, ch 1026, §52; 2023 Acts, ch 19, §711

Referred to in §8.98, 235A.12, 235A.17, 235A.20, 235A.21

235A.19 Examination, requests for correction or expungement and appeal.

1. A subject of a child abuse report, as identified in section 235A.15, subsection 2, paragraph *"a"*, shall have the right to examine report data and disposition data which refers to the subject. The department may prescribe reasonable hours and places of examination. A subject of a child abuse report may provide additional information to the department that is relevant to the report data and disposition data and may request that the department revise the report data and disposition data.

2. At the time the notice of the results of a child abuse assessment performed in accordance with section 232.71B is issued, the department shall provide notice to a person named in the report as having abused a child of the right to a contested case hearing and shall provide notice to subjects other than the person named in the report as having abused a child of the right to intervene in a contested case proceeding, as provided in subsection 3.

3. *a.* A subject of a child abuse report may file with the department within ninety days of the date of the notice of the results of a child abuse assessment performed in accordance with section 232.71B, a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the child abuse assessment report.

b. The department shall provide a person named in a child abuse report as having abused a child, who has been adversely affected by a founded child abuse disposition, notwithstanding the placement of the report data in the central registry pursuant to section 232.71D, with an opportunity for a contested case hearing pursuant to chapter 17A to correct the data or the findings, unless the department corrects the data or findings as requested.

c. The department shall provide a subject of a child abuse report, other than the person named in the report as having abused a child, with an opportunity to file a motion to intervene in the contested case proceeding.

d. The department may defer the hearing until the conclusion of the adjudicatory phase of a pending juvenile or district court case relating to the data or findings. Upon request of any party to the contested case proceeding, the presiding officer may stay the hearing until the conclusion of the adjudicatory phase of a pending juvenile or district court case relating to the data or findings. An adjudication of a child in need of assistance or a criminal conviction in a district court case relating to the child abuse data or findings may be determinative in a contested case proceeding.

e. A party to a contested case proceeding shall file an appeal of the presiding officer's proposed decision to the director within ten days of the presiding officer's proposed decision. If an appeal is not filed within ten days from the date of a proposed decision, the proposed decision shall be the final agency action. If a party files an appeal within ten days from the date of the proposed decision, the director has forty-five days from the date of the proposed decision to issue a ruling. Upon the director's failure to issue a ruling within forty-five days of the date of the proposed decision, the proposed decision shall be the final agency action.

f. The department shall not disclose any report data or disposition data until the conclusion of the proceeding to correct the data or findings, except as follows:

(1) As necessary for the proceeding itself.

(2) To the parties and attorneys involved in a judicial proceeding.

(3) For the regulation of child care or child placement.

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(4) Pursuant to court order.
(5) To the subject of an assessment or a report.
(6) For the care or treatment of a child named in a report as a victim of abuse.
(7) To persons involved in an assessment of child abuse.
(8) For statutorily authorized record checks for employment of an individual by a provider of adult home care, adult health facility care, or other adult placement facility care.
(9) For others identified in section 235A.15, subsection 2, paragraph *"d"*, subparagraph (7), and section 235A.15, subsection 2, paragraph *"e"*, subparagraphs (9) and (16).

4. A person named in a child abuse report as having abused a child, who has been adversely affected by a founded child abuse disposition, notwithstanding the placement of the report data in the central registry pursuant to section 232.71D, may appeal the decision resulting from a hearing held pursuant to subsection 3 to the district court of Polk county or to the district court of the district in which the person named in the report as having abused a child resides. Immediately upon appeal the court shall order the department to file with the court a certified copy of the report data or disposition data. Appeal shall be taken in accordance with chapter 17A.

5. Upon the request of the appellant, the record and evidence in such cases shall be closed to all but the court and its officers, and access to the record and evidence shall be prohibited unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. A person other than the appellant shall not permit a copy of any of the testimony or pleadings or the substance of the testimony or pleadings to be made available to any person other than a party to the action or the party's attorney. Violation of the provisions of this subsection shall be a public offense punishable under section 235A.21.

6. Whenever the department corrects or eliminates data as requested or as ordered by the court, the department shall advise all persons who have received the incorrect data of such fact. Upon application to the court and service of notice on the department, any subject of a child abuse report may request and obtain a list of all persons who have received report data or disposition data referring to the subject.

7. In the course of any proceeding provided for by this section, the identity of the person who reported the disputed data and the identity of any person who has been reported as having abused a child may be withheld upon a determination by the department that disclosure of their identities would be detrimental to their interests.

[C75, 77, 79, 81, §235A.19]
85 Acts, ch 173, §18; 89 Acts, ch 230, §21; 92 Acts, ch 1143, §5; 94 Acts, ch 1130, §10; 95 Acts, ch 49, §3; 97 Acts, ch 35, §21, 25; 97 Acts, ch 176, §12, 39, 40, 43; 98 Acts, ch 1100, §98; 2000 Acts, ch 1067, §2; 2005 Acts, ch 121, §9; 2011 Acts, ch 28, §6; 2012 Acts, ch 1082, §3 – 5; 2013 Acts, ch 115, §14, 15, 19
Referred to in §8.98, 232.71B, 232.71D, 235A.12, 235A.15

235A.20 Civil remedy.

Any aggrieved person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of child abuse information in violation of this chapter, and any person, agency or other recipient proven to have disseminated or to have requested and received child abuse information in violation of this chapter, or any employee of the department who knowingly destroys assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney's fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

[C75, 77, 79, 81, §235A.20]
97 Acts, ch 176, §13, 41, 43
Referred to in §235A.12

235A.21 Criminal penalties.

1. Any person who willfully requests, obtains, or seeks to obtain child abuse information under false pretenses, or who willfully communicates or seeks to communicate child

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abuse information to any agency or person except in accordance with sections 235A.15 and 235A.17, or any person connected with any research authorized pursuant to section 235A.15 who willfully falsifies child abuse information or any records relating to child abuse information, or any employee of the department who knowingly destroys assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 is guilty of a serious misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate child abuse information except in accordance with sections 235A.15 and 235A.17 shall be guilty of a simple misdemeanor.

2. Any reasonable grounds for belief that a person has violated any provision of this chapter shall be grounds for the immediate withdrawal of any authorized access such person might otherwise have to child abuse information.

[C75, 77, 79, 81, §235A.21]
97 Acts, ch 176, §14, 42, 43
Referred to in §235A.12, 235A.17, 235A.19

235A.22 Education program.

The department shall require an educational program for employees of the department with access to child abuse information on the proper use and control of child abuse information.

[C75, 77, 79, 81, §235A.22]
97 Acts, ch 176, §15; 2023 Acts, ch 19, §712
Referred to in §235A.12

235A.23 Reports.

The department may compile statistics, conduct research, and issue reports on child abuse, provided identifying details of the subject of child abuse reports are deleted from any report issued pursuant to section 217.22.

[C75, 77, 79, 81, §235A.23]
87 Acts, ch 153, §14; 97 Acts, ch 176, §16; 2023 Acts, ch 19, §713; 2024 Acts, ch 1018, §8, 13, 14
Referred to in §235A.12
2024 amendment applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

235A.24 Order for disclosure or release of child abuse information.

1. *a.* If a person's request for information relating to a case of founded child abuse under section 235A.15, subsection 9, is denied or such person does not believe the department has substantially complied with the request and seeks additional information, the person may apply to the juvenile court for an order compelling disclosure of the information.

b. The director or the director's designee may apply, if the conditions under section 235A.15, subsection 11 or 12, are met, to the court requesting a review of confidential information proposed for release and an order authorizing the release of information. A release of information that would otherwise be confidential under section 217.30 concerning social services provided to the child or the child's family shall not include information concerning financial or medical assistance provided to the child or the child's family.

2. The application shall state in reasonable detail the factors in support of the application. The juvenile court shall have jurisdiction to issue the order. A hearing shall be set immediately upon filing of an application under this section and subsequent proceedings shall be accorded priority by other courts.

3. In considering the application, the court shall weigh the public's interest and right to know the information against the privacy rights of the victim of the child abuse and other individuals who may be affected by the release of the information relating to the case of child abuse.

4. After the court has reviewed the information relating to the case in camera, unless the court finds that a restriction listed in section 235A.15, subsection 9, is applicable, the court may issue an order compelling disclosure or authorizing release of the information relating to the case.

2000 Acts, ch 1137, §12, 14; 2004 Acts, ch 1153, §8; 2023 Acts, ch 19, §714
Referred to in §235A.12, 235A.15

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CHAPTER 235B

DEPENDENT ADULT ABUSE SERVICES — INFORMATION REGISTRY

Referred to in §8.98, 235E.2, 256.146

Dependent adult abuse in facilities and programs, see chapter 235E
Legislative services agency to monitor reporting of dependent adult abuse, investigations, and workload and performance of personnel, and report annually by February 1; department of health and human services and department of inspections, appeals, and licensing to cooperate; 87 Acts, ch 182, §11; 2003 Acts, ch 35, §46, 49; 2009 Acts, ch 182, §137; 2023 Acts, ch 19, §1358

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SUBCHAPTER I

GENERAL PROVISIONS

235B.1 Dependent adult abuse services.

The department shall establish and operate a dependent adult abuse services program. The program shall emphasize the reporting and evaluation of cases of abuse of a dependent adult who is unable to protect the adult's own interests or unable to perform activities necessary to meet essential human needs. The program shall include but is not limited to:

1. The establishment of local or regional multidisciplinary teams to assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to victims of dependent adult abuse. The membership of a team shall include individuals who possess knowledge and skills related to the diagnosis, assessment, and disposition of dependent adult abuse cases and who are professionals practicing in the disciplines of medicine, public health, mental health, social work, law, law enforcement, or other disciplines relative to dependent adults. Members of a team shall include but are not limited to persons representing the area agencies on aging, county attorneys, health care providers, and other persons involved in advocating or providing services to dependent adults.

2. Provisions for information sharing and case consultation among service providers, care providers, and victims of dependent adult abuse.

3. Procedures for referral of cases among service providers, including the referral of victims of dependent adult abuse residing in licensed health care facilities.

83 Acts, ch 96, §159, 160; 83 Acts, ch 153, §4; 84 Acts, ch 1178, §3; 85 Acts, ch 180, §1; 87 Acts, ch 182, §2 – 8; 88 Acts, ch 1238, §2; 89 Acts, ch 24, §2, 3; 90 Acts, ch 1204, §52; 90 Acts, ch 1271, §1509; 91 Acts, ch 231, §1; 96 Acts, ch 1130, §1; 2004 Acts, ch 1116, §16; 2008 Acts, ch 1093, §1, 2; 2009 Acts, ch 23, §50; 2010 Acts, ch 1069, §28; 2011 Acts, ch 34, §62; 2013 Acts, ch 30, §46; 2023 Acts, ch 19, §715, 1937, 1938; 2024 Acts, ch 1004, §29; 2024 Acts, ch 1170, §276

Referred to in §235A.13

235B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Caretaker"* means a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.

2. *"Court"* means the district court.

3. *"Department"* means the department of health and human services.

4. *"Dependent adult"* means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.

5. *a. "Dependent adult abuse"* means:

(1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.

(b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(c) Exploitation of a dependent adult which means a fraudulent or otherwise illegal, unauthorized, or improper attempt, act, or process by a caretaker or fiduciary to use the physical or financial resources of a dependent adult for any of the following purposes:

(i) Monetary or personal benefit, profit, or gain.

(ii) To deprive the dependent adult of the use of the dependent adult's physical or financial resources, including any benefits, belongings, or assets.

(d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or health.

(2) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

(3) (a) Sexual exploitation of a dependent adult by a caretaker.

(b) *"Sexual exploitation"* means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. *"Sexual exploitation"* includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing assessment, evaluation, or investigation. Sexual exploitation does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses.

(4) (a) Personal degradation of a dependent adult by a caretaker.

(b) (i) *"Personal degradation"* means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.

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"*Personal degradation*" includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person.

(ii) "*Personal degradation*" does not include any of the following:

(A) The taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or any other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing investigation.

(B) The taking, transmission, or display of an electronic image by a caretaker who takes, transmits, or displays the electronic image in accordance with the confidentiality policy and release of information or consent policies of a contractor, employer, or facility or program not covered under section 235E.1, subsection 5, paragraph "*a*", subparagraph (3).

(C) A statement by a caretaker who is the spouse of a dependent adult that is not intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult spouse.

b. "*Dependent adult abuse*" does not include any of the following:

(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

6. "*Director*" means the director of health and human services.

7. "*Emergency shelter services*" means and includes, but is not limited to, secure crisis shelters or housing for victims of dependent adult abuse.

8. "*Family or household member*" means a spouse, a person cohabiting with the dependent adult, a parent, or a person related to the dependent adult by consanguinity or affinity, but does not include children of the dependent adult who are less than eighteen years of age.

9. "*Immediate danger to health or safety*" means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.

10. "*Individual employed as an outreach person*" means a natural person who, in the course of employment, makes regular contacts with dependent adults regarding available community resources.

11. "*Legal holiday*" means a legal public holiday as defined in section 1C.1.

12. "*Person*" means person as defined in section 4.1.

13. "*Recklessly*" means that a person acts or fails to act with respect to a material element of a public offense, when the person is aware of and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the act or omission. The risk must be of such a nature and degree that disregard of the risk constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation.

14. "*Serious injury*" means the same as defined in section 702.18.

15. "*Support services*" includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day services, respite services, legal services, and advocacy services.

87 Acts, ch 182, §9; 88 Acts, ch 1238, §3; 91 Acts, ch 231, §2; 92 Acts, ch 1143, §6, 7; 93 Acts, ch 76, §7; 95 Acts, ch 51, §3; 96 Acts, ch 1130, §2; 2001 Acts, ch 64, §7; 2006 Acts, ch 1030,

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§26; 2008 Acts, ch 1093, §3; 2009 Acts, ch 107, §1; 2010 Acts, ch 1073, §1; 2019 Acts, ch 39, §1; 2019 Acts, ch 122, §1; 2023 Acts, ch 19, §716; 2025 Acts, ch 135, §41
Referred to in §152C.10, 235B.3, 235B.16A, 249A.4, 502.801, 633B.116, 633B.118, 692A.102, 726.26, 726.28, 915.84

235B.3 Dependent adult abuse reports.

1. *a.* (1) The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports by establishing a central registry for dependent adult abuse information. The department shall evaluate the reports expeditiously.

(2) However, the department of inspections, appeals, and licensing is solely responsible for the evaluation and disposition of dependent adult abuse cases within facilities and programs pursuant to chapter 235E and shall inform the department of such evaluations and dispositions pursuant to section 235E.2.

(3) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department determines the case involves wages, workplace safety, or other labor and employment matters under the jurisdiction of the department of inspections, appeals, and licensing or the division of labor services of the department of inspections, appeals, and licensing, the relevant portions of the case shall be referred to the department of inspections, appeals, and licensing or the division, as applicable.

(4) If, in the course of an assessment or evaluation of a report of dependent adult abuse, the department or the department of inspections, appeals, and licensing determines that the case involves discrimination under the jurisdiction of the Iowa office of civil rights, the relevant portions of the case shall be referred to the office.

b. Reports of dependent adult abuse which is the result of the acts or omissions of the dependent adult shall be collected and maintained in the files of the dependent adult as assessments only and shall not be included in the central registry.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. However, a subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235B.2, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235B.2, subsection 5, paragraph *"a"*, subparagraph (4), that occurs within the five-year period and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur shall not be considered minor, isolated, and unlikely to reoccur.

2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department. Persons required to report include all of the following:

a. A member of the staff of a community mental health center.

b. A peace officer.

c. An in-home homemaker-home health aide.

d. An individual employed as an outreach person.

e. A health practitioner, as defined in section 232.68.

f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.

g. A social worker.

h. A certified psychologist.

i. A massage therapist licensed pursuant to chapter 152C.

3. *a.* If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the department and shall also immediately notify the person in charge or the person's designated agent.

b. The employer or supervisor of a person who is required to or may make a report

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pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

4. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

5. Any other person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department.

6. Following the reporting of suspected dependent adult abuse, the department or an agency approved by the department shall complete an assessment of necessary services and shall make appropriate referrals for receipt of these services. The assessment shall include interviews with the dependent adult, and, if appropriate, with the alleged perpetrator of the dependent adult abuse and with any person believed to have knowledge of the circumstances of the case. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.

7. *a.* Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult.

b. Upon a showing of probable cause that there has been exploitation of a dependent adult, a court may authorize a person, also authorized by the department, to make an evaluation, and to gain access to the financial records that the department reasonably believes are related to the resources of the dependent adult.

8. If the department determines that disclosure is necessary for the protection of a dependent adult, the department may disclose to a subject of a dependent adult abuse report referred to in section 235B.6, subsection 2, paragraph "*a*", that an individual is listed in the child or dependent adult abuse registry or is required to register with the sex offender registry in accordance with chapter 692A.

9. If, in the course of assessment, evaluation, or investigation of a report of dependent adult abuse, the department determines that disclosure is necessary for the protection of a dependent adult's resources, the department may disclose the initiation and status of the dependent adult abuse evaluation to the dependent adult's bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4, investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution, or the administrator as defined in section 502.102, subsection 1.

10. The department shall inform the appropriate county attorneys of any reports of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

a. If, upon completion of the evaluation or upon referral from the department of inspections, appeals, and licensing, the department determines that the best interests of the dependent adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

b. The department shall assist the court during all stages of court proceedings involving a suspected case of dependent adult abuse.

c. In every case involving abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be

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appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

11. A person participating in good faith in reporting or cooperating with or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participating in good faith in a judicial proceeding resulting from the report or cooperation or assistance or relating to the subject matter of the report, cooperation, or assistance.

12. It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 2 or 5, or cooperating with, or assisting the department in evaluating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or cooperation or assistance based solely upon the person's reporting or assistance relative to the instance of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.

13. A person required by this section to report a suspected case of dependent adult abuse who knowingly and willfully fails to do so commits a simple misdemeanor. A person required by this section to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly, in violation of subsection 3, interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.

14. The department of inspections, appeals, and licensing shall adopt rules which require facilities or programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of abuse and prior to the completion of an investigation of the allegation.

91 Acts, ch 231, §3; 92 Acts, ch 1143, §8, 9; 93 Acts, ch 72, §6; 95 Acts, ch 51, §4; 96 Acts, ch 1130, §3 – 5; 98 Acts, ch 1181, §13; 99 Acts, ch 129, §17; 2001 Acts, ch 122, §7 – 10; 2003 Acts, ch 98, §2; 2003 Acts, ch 123, §2; 2003 Acts, ch 166, §27; 2003 Acts, ch 179, §69; 2004 Acts, ch 1116, §17, 18; 2006 Acts, ch 1030, §27; 2007 Acts, ch 159, §15; 2008 Acts, ch 1093, §4 – 6; 2009 Acts, ch 41, §263; 2009 Acts, ch 136, §7; 2019 Acts, ch 122, §2; 2022 Acts, ch 1078, §3; 2022 Acts, ch 1096, §11; 2023 Acts, ch 19, §717, 1939 – 1941; 2024 Acts, ch 1170, §277; 2025 Acts, ch 135, §42

Referred to in §235B.16

235B.3A Prevention of additional abuse — notification of rights.

If a peace officer has reason to believe that dependent adult abuse, which is criminal in nature, has occurred, the officer shall use all reasonable means to prevent further abuse, including but not limited to any of the following:

1. If requested, remaining on the scene as long as there is a danger to the dependent adult's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain at the scene, assisting the dependent adult in leaving the residence and securing support services or emergency shelter services.

2. Assisting the dependent adult in obtaining medical treatment necessitated by the dependent adult abuse, including providing assistance to the dependent adult in obtaining transportation to the emergency room of the nearest hospital.

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that

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includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following written statement of rights; requesting the dependent adult to read the document; and asking the dependent adult whether the dependent adult understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping the alleged perpetrator away from you, your home, and your place of work.

[b] The right to stay at your home without interference from the alleged perpetrator.

[c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.

[2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

96 Acts, ch 1130, §6; 2009 Acts, ch 133, §87, 88; 2017 Acts, ch 54, §32; 2018 Acts, ch 1026, §71

Similar provisions, §235E.3, 236.12, 236A.13, 709.22

SUBCHAPTER II

DEPENDENT ADULT ABUSE INFORMATION REGISTRY

235B.4 Legislative findings and purposes.

1. The general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance, and dissemination of dependent adult abuse information. Such a registry is imperative for increased effectiveness in dealing with the problem of dependent adult abuse. The general assembly also finds that vigorous protection of rights of individual privacy is an indispensable element of a fair and effective system of collecting, maintaining, and disseminating dependent adult abuse information.

2. The purposes of this section and sections 235B.5 through 235B.13 are to facilitate the identification of victims or potential victims of dependent adult abuse by making available a single, statewide source of dependent adult abuse data; to facilitate research on dependent adult abuse by making available a single, statewide source of dependent adult abuse data; and to provide maximum safeguards against the unwarranted invasions of privacy which such a registry might otherwise entail.

91 Acts, ch 231, §4; 2015 Acts, ch 30, §80

Referred to in §235E.4

235B.5 Creation and maintenance of a central registry.

1. There is created within the department a central registry for dependent adult abuse information. The department shall organize and staff the registry and adopt rules for its operation.

2. The registry shall collect, maintain, and disseminate dependent adult abuse information as provided in this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four-hour-a-day, seven-day-a-week basis and which the department and all other persons may use to report cases of suspected dependent adult abuse and that all persons authorized by this chapter may use for obtaining dependent adult abuse information.

4. An oral report of suspected dependent adult abuse initially made to the central registry

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shall be immediately transmitted by the department to the appropriate county department of human services or law enforcement agency, or both.

5. An oral report of suspected dependent adult abuse initially made to the central registry regarding a facility or program as defined in section 235E.1 shall be transmitted by the department to the department of inspections, appeals, and licensing on the first working day following the submitting of the report.

6. The registry, upon receipt of a report of suspected dependent adult abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of dependent adult abuse involving the same adult or if the records reveal any other pertinent information with respect to the same adult, the department or the appropriate law enforcement agency shall be immediately notified of that fact.

7. The central registry shall include but not be limited to report data, investigation data, and disposition data.

91 Acts, ch 231, §5; 2008 Acts, ch 1093, §7; 2023 Acts, ch 19, §718, 1942
Referred to in §235B.4, 235E.4, 279.13, 279.69, 321.375

235B.6 Authorized access.

1. Dependent adult abuse information shall be confidential and shall not be a public record under chapter 22. The confidentiality of all dependent adult abuse information shall be maintained, except as specifically provided by subsections 2 and 3.

2. Access to dependent adult abuse information other than unfounded dependent adult abuse information is authorized only to the following persons:

a. A subject of a report including all of the following:

(1) To an adult named in a report as a victim of abuse or to the adult's attorney or guardian ad litem.

(2) To a guardian or legal custodian, or that person's attorney, of an adult named in a report as a victim of abuse.

(3) To the person or the attorney for the person named in a report as having abused an adult.

b. A person involved in an investigation of dependent adult abuse including all of the following:

(1) A health practitioner or mental health professional who is examining, attending, or treating an adult whom such practitioner or professional believes or has reason to believe has been the victim of abuse or to a health practitioner or mental health professional whose consultation with respect to an adult believed to have been the victim of abuse is requested by the department.

(2) An employee or agent of the department responsible for the investigation of a dependent adult abuse report or for the purpose of performing record checks as required under section 135C.33.

(3) A representative of the department involved in the certification or accreditation of an agency or program providing care or services to a dependent adult believed to have been a victim of abuse.

(4) A law enforcement officer responsible for assisting in an investigation of a dependent adult abuse allegation.

(5) A multidisciplinary team, if the department approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the investigation, diagnosis, assessment, and disposition of a case of dependent adult abuse.

(6) The mandatory reporter who reported the dependent adult abuse in an individual case.

(7) Each board specified under chapter 147 and the department of inspections, appeals, and licensing for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

c. A person providing care to an adult including all of the following:

(1) A licensing authority for a facility, including a facility or program defined in section 235E.1, providing care to an adult named in a report.

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(2) A person authorized as responsible for the care or supervision of an adult named in a report as a victim of abuse or a person named in a report as having abused an adult if the court or registry deems access to dependent adult abuse information by such person to be necessary.

(3) An employee or agent of the department responsible for registering or licensing or approving the registration or licensing of a person, or to an individual providing care to an adult and regulated by the department.

(4) The legally authorized protection and advocacy agency recognized pursuant to section 135C.2 if a person identified in the information as a victim or a perpetrator of abuse resided in or receives services from a facility, including a facility or program defined in section 235E.1, or agency because the person is diagnosed as having a developmental disability or a mental illness.

(5) To an administrator of an agency certified by the department to provide services under a medical assistance home and community-based services waiver, if the information concerns a person employed by or being considered by the agency for employment.

(6) To the administrator of an agency providing mental health, intellectual disability, or developmental disability services under a regional service system management plan implemented in accordance with section 225C.60,* if the information concerns a person employed by or being considered by the agency for employment.

(7) To an administrator of a hospital licensed under chapter 135B if the data concerns a person employed or being considered for employment by the hospital.

(8) An employee of an agency requested by the department to provide case management or other services to the dependent adult.

d. Relating to judicial and administrative proceedings, persons including all of the following:

(1) A court upon a finding that information is necessary for the resolution of an issue arising in any phase of a case involving dependent adult abuse.

(2) A court or agency hearing an appeal for correction of dependent adult abuse information as provided in section 235B.10.

(3) An expert witness or a witness who testifies at any stage of an appeal necessary for correction of dependent adult abuse information as provided in section 235B.10.

(4) A court or administrative agency making a determination regarding an unemployment compensation claim pursuant to section 96.6.

(5) To a juvenile court involved in an adjudication or disposition of a child that is the subject of a guardianship proceeding under chapter 232D.

(6) To a district court upon a finding that data is necessary for the resolution of an issue arising in any phase of a case involving proceedings for a child guardianship under chapter 232D.

(7) To a district court conducting checks of the dependent adult abuse registry for all proposed guardians and conservators pursuant to section 633.564.

(8) To a tribal court as defined in section 626D.2, a tribal prosecutor, or tribal services provided that the dependent adult is an Indian as defined in section 232B.3.

e. Other persons including all of the following:

(1) A person conducting bona fide research on dependent adult abuse, but without information identifying individuals named in a dependent adult abuse report, unless having that information open to review is essential to the research or evaluation and the authorized registry officials give prior written approval and the adult, the adult's guardian or guardian ad litem, and the person named in a report as having abused an adult give permission to release the information.

(2) Registry or department personnel when necessary to the performance of their official duties, or a person, an instrumentality of the state, or an agency under contract with the department to carry out official duties and functions.

(3) The department of justice for the sole purpose of the filing of a claim for reparation pursuant to sections 915.21 and 915.84.

(4) A legally constituted adult protection agency of another state which is investigating or treating an adult named in a report as having been abused.

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(5) The office of the attorney general.

(6) A health care facility administrator or the administrator's designee, following the appeals process, for the purpose of hiring staff or continued employment of staff.

(7) To the administrator of an agency providing care to a dependent adult in another state, for the purpose of performing an employment background check.

(8) To the superintendent, or the superintendent's designee, of a school district or to the authorities in charge of an accredited nonpublic school for purposes of a volunteer or employment record check.

(9) The department of inspections, appeals, and licensing for purposes of record checks of applicants for employment with the department of inspections, appeals, and licensing.

(10) The state or a local long-term care ombudsman if the victim resides in or the alleged perpetrator is an employee of a long-term care facility as defined in section 231.4.

(11) The state office or local office of public guardian as defined in section 231E.3, if the information relates to the provision of legal services for a client served by the state or local office of public guardian.

(12) A nursing program that is approved by the state board of nursing under section 152.5, if the information relates to a record check performed pursuant to section 152.5A.

(13) To the board of educational examiners created under chapter 256 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

(14) The department for the purposes of conducting background checks of applicants for employment with the department.

(15) To the Iowa veterans home for purposes of record checks of potential volunteers and volunteers in the Iowa veterans home.

(16) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

(17) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

(18) To the employer or prospective employer of a school bus driver for purposes of an employment record check.

(19) To a free clinic as defined in section 135.24A for purposes of record checks of potential volunteers and existing volunteers at the free clinic.

(20) To a bank, savings association, credit union, broker-dealer as defined in section 502.102, subsection 4, investment advisor as defined in section 502.102, subsection 15, financial advisor, or other financial institution as deemed necessary by the department to protect the dependent adult's resources.

(21) To the social security administration.

(22) To the administrator as defined in section 502.102, subsection 1.

f. To a person who submits written authorization from an individual allowing the person access to information on the determination only on whether or not the individual who authorized the access is named in a founded dependent adult abuse report as having abused a dependent adult.

3. Access to unfounded dependent adult abuse information is authorized only to those persons identified in any of the following:

a. Subsection 2, paragraph "*a*".

b. Subsection 2, paragraph "*b*", subparagraphs (2), (5), and (6).

c. Subsection 2, paragraph "*d*", subparagraph (8).

d. Subsection 2, paragraph "*e*", subparagraphs (2), (5), (10), (20), (21), and (22).

91 Acts, ch 231, §6; 92 Acts, ch 1163, §50; 95 Acts, ch 50, §1; 95 Acts, ch 93, §4; 96 Acts, ch 1183, §29; 97 Acts, ch 42, §2; 98 Acts, ch 1090, §65, 84; 99 Acts, ch 141, §32; 2000 Acts, ch 1067, §3; 2000 Acts, ch 1153, §2; 2001 Acts, ch 8, §3; 2001 Acts, ch 20, §4, 5; 2002 Acts, ch 1034, §3; 2003 Acts, ch 98, §3 – 5; 2005 Acts, ch 46, §1; 2005 Acts, ch 175, §143; 2006 Acts, ch 1008, §3; 2006 Acts, ch 1030, §28; 2006 Acts, ch 1152, §2; 2007 Acts, ch 10, §167; 2008 Acts, ch 1093, §8, 9; 2008 Acts, ch 1187, §116; 2009 Acts, ch 23, §51, 52; 2009 Acts, ch 93, §3; 2010 Acts, ch 1062, §9; 2011 Acts, ch 98, §9; 2012 Acts, ch 1019, §95; 2012 Acts, ch 1047, §2; 2013

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Acts, ch 18, §32; 2014 Acts, ch 1107, §11, 12; 2015 Acts, ch 56, §22; 2015 Acts, ch 69, §75; 2018 Acts, ch 1048, §13; 2018 Acts, ch 1104, §3, 5; 2019 Acts, ch 56, §33, 44, 45; 2022 Acts, ch 1096, §12, 13; 2023 Acts, ch 19, §719, 1943, 2541; 2024 Acts, ch 1009, §12; 2024 Acts, ch 1043, §70; 2024 Acts, ch 1075, §2, 3; 2025 Acts, ch 135, §43, 44

Referred to in §235B.3, 235B.4, 235B.7, 235B.8, 235B.12, 235E.2, 235E.4, 331.909

*Chapter 225C repealed by 2024 Acts, ch 1161, §134; corrective legislation is pending

235B.7 Requests for dependent adult abuse information.

1. Requests for dependent adult abuse information shall be in writing on forms prescribed by the department, except as otherwise provided by subsection 2. Request forms shall require information sufficient to demonstrate authorized access.

2. *a.* Requests for dependent adult abuse information may be made orally by telephone if a person making the request believes that the information is needed immediately and if information sufficient to demonstrate authorized access is provided. If a request is made orally by telephone, a written request form shall be filed within seventy-two hours of the oral request.

b. The department of inspections, appeals, and licensing may provide access to the single contact repository established under section 135C.33, subsection 7, for criminal and abuse history checks made by those employers, agencies, and other persons that are authorized access to dependent adult abuse information under section 235B.6 and are required by law to perform such checks.

3. Subsections 1 and 2 do not apply to dependent adult abuse information that is disseminated to an employee of the department or to the office of the attorney general as authorized by section 235B.6.

91 Acts, ch 231, §7; 2014 Acts, ch 1107, §13; 2018 Acts, ch 1104, §4, 5; 2023 Acts, ch 19, §1944

Referred to in §235B.4, 235B.12, 235E.4

235B.8 Redissemination of dependent adult abuse information.

1. A recipient of dependent adult abuse information authorized to receive the information shall not redisseminate the information, except that redissemination shall be permitted when all of the following conditions apply:

a. The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.

b. The person to whom such information would be redisseminated would have independent access to the same information under section 235B.6.

c. A written record is made of the redissemination, including the name of the recipient and the date and purpose of the redissemination.

d. The written record is forwarded to the registry within thirty days of the redissemination.

2. The department may notify, orally, the mandatory reporter in an individual dependent adult abuse case of the results of the case investigation and of the confidentiality provisions of sections 235B.6 and 235B.12. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235B.9.

91 Acts, ch 231, §8

Referred to in §235B.4, 235B.12, 235E.4

235B.9 Sealing and expungement of dependent adult abuse information.

1. Dependent adult abuse information which is determined by a preponderance of the evidence to be founded, shall be sealed ten years after the receipt of the initial report of such abuse by the registry unless good cause is shown why the information should remain open to authorized access. If a subsequent report of founded dependent adult abuse involving the adult named in the initial report as the victim of abuse or a person named in such report as having abused an adult is received by the registry within the ten-year period, the information shall be sealed ten years after receipt of the subsequent report unless good cause is shown why the information should remain open to authorized access.

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2. *a.* Dependent adult abuse reports that are rejected for evaluation, assessment, or disposition for failure to meet the definition of dependent adult abuse shall be expunged three years from the rejection date.

b. Dependent adult abuse information which is determined by a preponderance of the evidence to be unfounded shall be expunged five years from the date it is determined to be unfounded.

3. However, if a correction of dependent adult abuse information is requested under section 235B.10 and the issue is not resolved at the end of one year the information shall be retained until the issue is resolved and if the dependent adult abuse information is not determined to be founded, the information shall be expunged one year from the date it is determined to be unfounded.

4. The registry, at least annually, shall review and determine the current status of dependent adult abuse reports which are at least one year old and in connection with which no investigatory report has been filed by the department. If no investigatory report has been filed, the registry shall request the department to file a report. If a report is not filed within ninety days subsequent to a request, the report and relative information shall be sealed and remain sealed unless good cause is shown why the information should remain open to authorized access.

5. Dependent adult abuse information which is determined to be minor, isolated, and unlikely to reoccur shall be expunged five years after the receipt of the initial report by the department. If a subsequent report of dependent adult abuse committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur is received by the department within the five-year period, the information shall be sealed ten years after receipt of the subsequent report unless good cause can be shown why the information should remain open to authorized access.

91 Acts, ch 231, §9; 2003 Acts, ch 98, §6; 2007 Acts, ch 159, §16; 2009 Acts, ch 136, §8
Referred to in §235B.4, 235B.8, 235E.4

235B.10 Examination, requests for correction or expungement, and appeal.

1. Any person or that person's attorney shall have the right to examine dependent adult abuse information in the registry which refers to that person. The registry may prescribe reasonable hours and places of examination.

2. A person may file with the department within six months of the date of the notice of the results of an investigation, a written statement to the effect that dependent adult abuse information referring to the person is in whole or in part erroneous, and may request a correction of that information or of the findings of the investigation report. The department shall provide the person with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the information or the findings, unless the department corrects the information or findings as requested. The department shall delay the expungement of information which is not determined to be founded until the conclusion of a proceeding to correct the information or findings. The department may defer the hearing until the conclusion of a court case relating to the information or findings.

3. The decision resulting from the hearing may be appealed to the court of Polk county by the person requesting the correction or to the court of the district in which the person resides. Immediately upon appeal the court shall order the department to file with the court a certified copy of the dependent adult abuse information. Appeal shall be taken in accordance with chapter 17A.

4. Upon the request of the appellant, the record and evidence in such cases shall be closed to all but the court and its officers, and access to the record and evidence shall be prohibited unless otherwise ordered by the court. The clerk shall maintain a separate docket for such actions. A person other than the appellant shall not permit a copy of the testimony or pleadings or the substance of the testimony or pleadings to be made available to any person other than a party to the action or the party's attorney. Violation of the provisions of this subsection shall be a public offense punishable under section 235B.12.

5. If the registry corrects or eliminates information as requested or as ordered by the

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court, the registry shall advise all persons who have received the incorrect information of the fact. Upon application to the court and service of notice on the registry, an individual may request and obtain a list of all persons who have received dependent adult abuse information referring to the individual.

6. In the course of any proceeding provided for by this section, the identity of the person who reported the disputed information and the identity of any person who has been reported as having abused an adult may be withheld upon a determination by the registry that disclosure of the person's identity would be detrimental to the person's interest.

91 Acts, ch 231, §10
Referred to in §235B.4, 235B.6, 235B.9, 235E.4

235B.11 Civil remedy.

Any aggrieved person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of dependent adult abuse information in violation of this chapter, and any person proven to have disseminated or to have requested and received dependent adult abuse information in violation of this chapter shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney's fees incurred by the party bringing the action. In no case shall the award for damages be less than five hundred dollars.

91 Acts, ch 231, §11
Referred to in §235B.4, 235E.4

235B.12 Criminal penalties.

1. Any person who willfully requests, obtains, or seeks to obtain dependent adult abuse information under false pretenses, or who willfully communicates or seeks to communicate dependent adult abuse information to any person except in accordance with sections 235B.6 through 235B.8, or any person connected with any research authorized pursuant to section 235B.6 who willfully falsifies dependent adult abuse information or any records relating to the information is guilty of a serious misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate dependent adult abuse information except in accordance with sections 235B.6 through 235B.8 is guilty of a simple misdemeanor.

2. Any reasonable grounds for belief that a person has violated any provision of this chapter is grounds for the immediate withdrawal of any authorized access the person might otherwise have to dependent adult abuse information.

91 Acts, ch 231, §12
Referred to in §235B.4, 235B.8, 235B.10, 235E.2, 235E.4

235B.13 Registry reports.

The registry may compile statistics, conduct research, and issue reports on dependent adult abuse, provided identifying details of the subjects of dependent adult abuse reports are deleted from any report issued, pursuant to section 217.22.

91 Acts, ch 231, §13; 2024 Acts, ch 1018, §9, 13, 14
Referred to in §235B.4, 235E.4
2024 amendment applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

235B.14 and 235B.15 Reserved.

SUBCHAPTER III

MISCELLANEOUS PROVISIONS

235B.16 Information, education, and training requirements.

1. The department shall conduct a public information and education program. The elements and goals of the program include but are not limited to:

a. Informing the public regarding the laws governing dependent adult abuse and the reporting requirements for dependent adult abuse.

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b. Providing caretakers with information regarding services to alleviate the emotional, psychological, physical, or financial stress associated with the caretaker and dependent adult relationship.

c. Affecting public attitudes regarding the role of a dependent adult in society.

2. The department, in cooperation with the department of inspections, appeals, and licensing, shall institute a program of education and training for persons, including members of provider groups and family members, who may come in contact with dependent adult abuse. The program shall include but is not limited to instruction regarding recognition of dependent adult abuse and the procedure for the reporting of suspected abuse.

3. The content of the continuing education required pursuant to chapter 272C for a licensed professional providing care or service to a dependent adult shall include, but is not limited to, the responsibilities, obligations, powers, and duties of a person regarding the reporting of suspected dependent adult abuse, and training to aid the professional in identifying instances of dependent adult abuse.

4. The department of inspections, appeals, and licensing shall provide training to investigators regarding the collection and preservation of evidence in the case of suspected dependent adult abuse.

5. *a.* For the purposes of this subsection, *"licensing board"* means a board designated in section 147.13, the board of educational examiners created in section 256.146, or a licensing board as defined in section 272C.1.

b. A person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, other than a physician whose professional practice does not regularly involve providing primary health care to adults, shall complete the core training curriculum relating to the identification and reporting of dependent adult abuse within six months of initial employment or self-employment which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete the core training curriculum relating to the identification and reporting of dependent adult abuse every three years.

c. The core training curriculum relating to the identification and reporting of dependent adult abuse, as provided in paragraph *"b"*, shall be developed by the department pursuant to subsection 2 and provided by the department.

d. An employer of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 may provide supplemental training, specific to the identification and reporting of dependent adult abuse as it relates to the person's professional practice, in addition to the core training provided by the department.

e. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 shall require as a condition of licensure that the person is in compliance with the requirements for the core training curriculum relating to the identification and reporting of dependent adult abuse under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.

f. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2, who are not engaged in a licensed profession that is subject to the authority of a licensing board but are employed by a facility or program subject to licensure, registration, or approval by a state agency, the agency shall require as a condition of the renewal of the facility's or program's licensure, registration, or approval, that such persons

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employed by the facility or program are in compliance with the training requirements of this subsection.

g. For peace officers, the elected or appointed official designated as the head of the agency employing the peace officer shall ensure compliance with the training requirements of this subsection.

h. For persons required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 who are employees of state departments and political subdivisions of the state, the department director or the chief administrator of the political subdivision shall ensure the persons' compliance with the training requirements of this subsection.

6. The department shall require an educational program for employees of the registry on the proper use and control of dependent adult abuse information.

91 Acts, ch 231, §14; 92 Acts, ch 1143, §10; 92 Acts, ch 1163, §51; 2001 Acts, ch 122, §11; 2002 Acts, ch 1119, §35; 2007 Acts, ch 10, §168 – 170; 2008 Acts, ch 1093, §10; 2009 Acts, ch 23, §53, 54; 2013 Acts, ch 129, §55, 56; 2019 Acts, ch 91, §4 – 6; 2023 Acts, ch 19, §720, 1945; 2024 Acts, ch 1075, §6

Referred to in §152C.3, 235E.4, 256.165

235B.16A Dependent adults — dependency assessments — interagency training.

1. The department shall adopt a uniform assessment instrument and process for adoption and use by the department and other agencies involved with assessing a dependent adult's degree of dependency and determining whether dependent adult abuse has occurred. However, this section shall not apply to dependent adult abuse assessments and determinations made under chapter 235E.

2. The instrument and process design under subsection 1 shall address but is not limited to all of the following:

a. Evaluation of conformity with applicable federal law and regulations on the part of the persons employing, housing, or providing services to the dependent adult.

b. Provision for the final step in the dependency assessment of a dependent adult to be a formal assessment of the existence of risk to the health or safety of the individual or of the degree of the individual's impairment in ability under the definition of dependent adult in section 235B.2.

c. If the assessment under paragraph "*b*" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, and the individual being assessed agrees, provision for a case manager to be assigned to assist in preparing and implementing a safety plan which includes protective services for the individual.

d. If the assessment under paragraph "*b*" determines that a risk to the health or safety of the individual exists or the individual has a significant impairment in ability, the individual being assessed does not agree to the safety plan provisions under paragraph "c" or accept other services, and the options available under sections 235B.17, 235B.18, and 235B.19 are not utilized, provision for the department to maintain periodic contact with the individual in accordance with rules adopted for this purpose. The purpose of the contact is to assess any increased risk or impairment and to monitor the individual's goals, feelings, and concerns so that the department can intervene when necessary or offer services and other support to maintain or sustain the individual's safety and independence when the individual is ready to agree to a safety plan or accept services.

3. The department and other agencies involved with assessing a dependent adult's degree of dependency and whether dependent adult abuse has occurred shall adopt rules and take other steps necessary to implement the uniform assessment instrument and process addressed by this section on or before July 1, 2010.

4. The department shall cooperate with the departments of inspections, appeals, and licensing, public safety, and workforce development, the Iowa office of civil rights, and other state and local agencies performing inspections or otherwise visiting residential settings where dependent adults live, to regularly provide training to the appropriate staff in the

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agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

2009 Acts, ch 136, §9; 2013 Acts, ch 30, §47; 2023 Acts, ch 19, §721, 1946; 2024 Acts, ch 1170, §278

Referred to in §235E.4

235B.17 Provision of protective services with the consent of dependent adult — caretaker refusal.

1. If a caretaker of a dependent adult, who consents to the receipt of protective services, refuses to allow provision of the services, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an order enjoining the caretaker from interfering with the provision of services.

2. The petition shall be verified and shall allege specific facts sufficient to demonstrate that the dependent adult is in need of protective services and consents to the provision of services and that the caretaker refuses to allow provision of the services. The petition shall include all of the following:

a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.

b. The protective services required.

c. The name and address of the caretaker refusing to allow the provision of services.

3. The court shall set the case for hearing within fourteen days of the filing of the petition. The dependent adult and the caretaker refusing to allow the provision of services shall receive at least five days' notice of the hearing.

4. If the judge finds by clear and convincing evidence that the dependent adult is in need of protective services and consents to the services and that the caretaker refuses to allow the services, the judge may issue an order enjoining the caretaker from interfering with the provision of the protective services.

96 Acts, ch 1130, §7; 2009 Acts, ch 107, §2

Referred to in §235B.16A, 235E.4

235B.18 Provision of services to dependent adult who lacks capacity to consent — hearing — findings.

1. If the department reasonably determines that a dependent adult is a victim of dependent adult abuse and lacks capacity to consent to the receipt of protective services, the department may petition the district court in the county in which the dependent adult resides for an order authorizing the provision of protective services. The petition shall allege specific facts sufficient to demonstrate that the dependent adult is in need of protective services and lacks capacity to consent to the receipt of services.

2. The petition specified in subsection 1 shall be verified and shall include all of the following:

a. The name, date of birth, and address of the dependent adult alleged to be in need of protective services.

b. The nature of the dependent adult abuse.

c. The protective services required.

3. The court shall set the case for hearing within fourteen days of the filing of the petition. The dependent adult shall receive at least five days' notice of the hearing. The dependent adult has the right to be present and represented by counsel at the hearing. If the dependent adult, in the determination of the judge, lacks the capacity to waive the right of counsel, the court may appoint a guardian ad litem for the dependent adult.

4. If, at the hearing, the judge finds by clear and convincing evidence that the dependent adult is in need of protective services and lacks the capacity to consent to the receipt of protective services, the judge may issue an order authorizing the provision of protective services. The order may include the designation of a person to be responsible for performing or obtaining protective services on behalf of the dependent adult or otherwise consenting to the receipt of protective services on behalf of the dependent adult. Within sixty days of the appointment of such a person the court shall conduct a review to determine if a petition shall

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be initiated in accordance with section 633.556 for good cause shown. The court may extend the sixty-day period for an additional sixty days, at the end of which the court shall conduct a review to determine if a petition shall be initiated in accordance with section 633.556. A dependent adult shall not be committed to a mental health facility under this section.

5. A determination by the court that a dependent adult lacks the capacity to consent to the receipt of protective services under this chapter shall not affect incompetency proceedings under sections 633.552, 633.556, 633.558, and 633.560 or any other proceedings, and incompetency proceedings under sections 633.552, 633.556, 633.558, and 633.560 shall not have a conclusive effect on the question of capacity to consent to the receipt of protective services under this chapter. A person previously adjudicated as incompetent under the relevant provisions of chapter 633 is entitled to the care, protection, and services under this chapter.

6. This section shall not be construed and is not intended as and shall not imply a grant of entitlement for services to persons who are not otherwise eligible for the services or for utilization of services which do not currently exist or are not otherwise available.

96 Acts, ch 1130, §8; 2005 Acts, ch 50, §1; 2009 Acts, ch 107, §3; 2019 Acts, ch 57, §3, 43, 44
Referred to in §235B.16A, 235E.4, 633.701

235B.19 Emergency order for protective services.

1. If the department determines that a dependent adult is suffering from dependent adult abuse which presents an immediate danger to the health or safety of the dependent adult or which results in irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to receive protective services and that no consent can be obtained, the department may petition the court with probate jurisdiction in the county in which the dependent adult resides for an emergency order authorizing protective services.

2. The petition shall be verified and shall include all of the following:

a. The name, date of birth, and address of the dependent adult who needs protective services.

b. The nature of the dependent adult abuse.

c. The services required.

3. *a.* The department shall serve a copy of the petition and any order authorizing protective services, if issued, on the dependent adult and on persons who are competent adults and reasonably ascertainable at the time the petition is filed in accordance with the following priority:

(1) An attorney in fact named by the dependent adult in a durable power of attorney for health care pursuant to chapter 144B.
(2) The dependent adult's spouse, if not legally separated from the dependent adult.
(3) The dependent adult's children.
(4) The dependent adult's parents.
(5) The dependent adult's grandchildren.
(6) The dependent adult's siblings.
(7) The dependent adult's grandparents.
(8) The dependent adult's aunts and uncles.
(9) The dependent adult's nieces and nephews.
(10) The dependent adult's cousins.

b. When the department has served a person in one of the categories specified in paragraph "*a*", the department shall not be required to serve a person in any other category.

c. The department shall serve the dependent adult's copy of the petition and order personally upon the dependent adult. Service of the petition and all other orders and notices shall be in a sealed envelope with the proper postage on the envelope, addressed to the person being served at the person's last known post office address, and deposited in a mail receptacle provided by the United States postal service. The department shall serve such copies of emergency orders authorizing protective services and notices within three days after filing the petition and receiving such orders.

d. The department and all persons served by the department with notices under this

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subsection shall be prohibited from all of the following without prior court approval after the department's petition has been filed:

(1) Selling, removing, or otherwise disposing of the dependent adult's personal property.

(2) Withdrawing funds from any bank, savings association, credit union, or other financial institution, or from an account containing securities in which the dependent adult has an interest.

4. Upon finding that there is probable cause to believe that the dependent adult abuse presents an immediate threat to the health or safety of the dependent adult or which results in irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may do any of the following:

a. Order removal of the dependent adult to safer surroundings.

b. Order the provision of medical services.

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 5 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

5. *a.* Notwithstanding sections 633.556 and 633.569, upon a finding that there is probable cause to believe that the dependent adult abuse presents an immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that a dependent adult's decision-making capacity is so impaired that the dependent adult is unable to care for the dependent adult's personal safety or to attend to or provide for the dependent adult's basic necessities or that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary guardian or temporary conservator entered by the court under paragraph "*a*" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary guardian or temporary conservator shall be held within the time specified in paragraph "*b*". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition.

6. The emergency order expires at the end of seventy-two hours from the time of the order unless the seventy-two-hour period ends on a Saturday, Sunday, or legal holiday in which event the order is automatically extended to 4:00 p.m. on the first succeeding business day. An order may be renewed for not more than fourteen additional days. A renewal order that ends on a Saturday, Sunday, or legal holiday is automatically extended to 4:00 p.m. on the first succeeding business day. The court may modify or terminate the emergency order on the petition of the department, the dependent adult, or any person interested in the dependent adult's welfare.

7. If the department cannot obtain an emergency order under this section due to

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inaccessibility of the court, the department may contact law enforcement to remove the dependent adult to safer surroundings, authorize the provision of medical treatment, and order the provision of or provide other available services necessary to remove conditions creating the immediate danger to the health or safety of the dependent adult or which are producing irreparable harm to the physical or financial resources or property of the dependent adult. The department shall obtain an emergency order under this section not later than 4:00 p.m. on the first succeeding business day after the date on which protective or other services are provided. If the department does not obtain an emergency order within the prescribed time period, the department shall cease providing protective services and, if necessary, make arrangements for the immediate return of the person to the place from which the person was removed, to the person's place of residence in the state, or to another suitable place. A person, agency, or institution acting in good faith in removing a dependent adult or in providing services under this subsection, and an employer of or person under the direction of such a person, agency, or institution, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as the result of the removal or provision of services.

8. Upon a finding of probable cause to believe that dependent adult abuse has occurred and is either ongoing or is likely to reoccur, the court may also enter orders as may be appropriate to third persons enjoining them from specific conduct. The orders may include temporary restraining orders which impose criminal sanctions if violated. The court may enjoin third persons from any of the following:

a. Removing the dependent adult from the care or custody of another.

b. Committing dependent adult abuse on the dependent adult.

c. Living at the dependent adult's residence.

d. Contacting the dependent adult in person or by telephone.

e. Selling, removing, or otherwise disposing of the dependent adult's personal property.

f. Withdrawing funds from any bank, savings association, credit union, or other financial institution, or from a stock account in which the dependent adult has an interest.

g. Negotiating any instruments payable to the dependent adult.

h. Selling, mortgaging, or otherwise encumbering any interest that the dependent adult has in real property.

i. Exercising any powers on behalf of the dependent adult through representatives of the department, any court-appointed guardian or guardian ad litem, or any official acting on the dependent adult's behalf.

j. Engaging in any other specified act which, based upon the facts alleged, would constitute harm or a threat of imminent harm to the dependent adult or would cause damage to or the loss of the dependent adult's property.

9. This section shall not be construed and is not intended as and shall not imply a grant of entitlement for services to persons who are not otherwise eligible for the services or for utilization of services which do not currently exist or are not otherwise available.

96 Acts, ch 1130, §9; 2005 Acts, ch 50, §2 – 5; 2006 Acts, ch 1080, §1; 2008 Acts, ch 1187, §117, 118; 2011 Acts, ch 129, §91, 156; 2012 Acts, ch 1017, §59, 60; 2015 Acts, ch 29, §36; 2017 Acts, ch 44, §1; 2019 Acts, ch 57, §4, 43, 44

Referred to in §235B.16A, 235E.4, 633.701

235B.20 Dependent adult abuse — initiation of charges — penalty. Repealed by 2022 Acts, ch 1132, §7. See §726.26.

CHAPTER 235C

COUNCIL ON CHEMICALLY EXPOSED INFANTS AND CHILDREN

Repealed by 2008 Acts, ch 1058, §25

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CHAPTER 235D

DOMESTIC AND SEXUAL VIOLENCE CENTER EMPLOYMENT — CRIMINAL HISTORY CHECKS

235D.1 Criminal history check — applicants at domestic abuse or sexual assault centers.

235D.1 Criminal history check — applicants at domestic abuse or sexual assault centers.

An applicant for employment at a domestic abuse or sexual assault center shall be subject to a national criminal history check through the federal bureau of investigation. The domestic abuse or sexual assault center shall request the criminal history check and shall provide the applicant's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The applicant shall authorize release of the results of the criminal history check to the domestic abuse or sexual assault center. The applicant shall pay the actual cost of the fingerprinting and criminal history check, if any. Unless the criminal history check was completed within the ninety calendar days prior to the date the application is received by the domestic abuse or sexual assault center, the center shall reject and return the application to the applicant. The results of a criminal history check conducted pursuant to this section shall not be considered a public record under chapter 22. For purposes of this section, *"domestic abuse or sexual assault center"* means a crime victim center as defined in section 915.20A.

2005 Acts, ch 158, §44; 2019 Acts, ch 24, §27

CHAPTER 235E

DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS

Referred to in §235B.3, 235B.16A, 235F.1

235E.1 Definitions.
235E.2 Dependent adult abuse reports in facilities and programs.
235E.3 Prevention of additional dependent adult abuse — notification of rights.
235E.4 Chapter 235B and section 726.26 application.
235E.5 Rulemaking authority.
235E.6 Dependent adult abuse finding — notification to employer and employee.
235E.7 Appeal process — dependent adult abuse.

235E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Caretaker"* means a person who is a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment, or by order of the court.

2. *"Court"* means the district court.

3. *"Department"* means the department of inspections, appeals, and licensing.

4. *"Dependent adult"* means a person eighteen years of age or older whose ability to perform the normal activities of daily living or to provide for the person's own care or protection is impaired, either temporarily or permanently.

5. *a. "Dependent adult abuse"* means:

(1) Any of the following as a result of the willful misconduct or gross negligence or reckless acts or omissions of a caretaker, taking into account the totality of the circumstances:

(a) A physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult which involves a breach of skill, care, and learning ordinarily exercised by a caretaker in similar circumstances. *"Assault of a dependent adult"* means the commission of any act

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which is generally intended to cause pain or injury to a dependent adult, or which is generally intended to result in physical contact which would be considered by a reasonable person to be insulting or offensive or any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(c) Exploitation of a dependent adult. *"Exploitation"* means a caretaker who knowingly obtains, uses, endeavors to obtain to use, or who misappropriates, a dependent adult's funds, assets, medications, or property with the intent to temporarily or permanently deprive a dependent adult of the use, benefit, or possession of the funds, assets, medication, or property for the benefit of someone other than the dependent adult.

(d) Neglect of a dependent adult. *"Neglect of a dependent adult"* means the deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult's life or physical or mental health.

(2) Sexual exploitation of a dependent adult by a caretaker whether within a facility or program or at a location outside of a facility or program. *"Sexual exploitation"* means any consensual or nonconsensual sexual conduct with a dependent adult which includes but is not limited to kissing; touching of the clothed or unclothed breast, groin, buttock, anus, pubes, or genitals; or a sex act, as defined in section 702.17. *"Sexual exploitation"* includes the transmission, display, taking of electronic images of the unclothed breast, groin, buttock, anus, pubes, or genitals of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing evaluation or investigation. "*Sexual exploitation*" does not include touching which is part of a necessary examination, treatment, or care by a caretaker acting within the scope of the practice or employment of the caretaker; the exchange of a brief touch or hug between the dependent adult and a caretaker for the purpose of reassurance, comfort, or casual friendship; or touching between spouses or domestic partners in an intimate relationship.

(3) Personal degradation of a dependent adult. "*Personal degradation*" means a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "*Personal degradation*" includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "*Personal degradation*" does not include the taking, transmission, or display of an electronic image of a dependent adult for the purpose of reporting dependent adult abuse to law enforcement, the department, or other regulatory agency that oversees caretakers or enforces abuse or neglect provisions, or for the purpose of treatment or diagnosis or as part of an ongoing evaluation or investigation. "*Personal degradation*" also does not include the taking, transmission, or display of an electronic image by a caretaker in accordance with the facility's or program's confidentiality policy and release of information or consent policies.

b. *"Dependent adult abuse"* does not include any of the following:

(1) Circumstances in which the dependent adult declines medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the dependent adult's caretaker, acting in accordance with the dependent adult's stated or implied consent, declines medical treatment or care.

(3) The withholding or withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

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6. *"Facility"* means a health care facility as defined in section 135C.1 or a hospital as defined in section 135B.1.

7. *"Intimate relationship"* means a significant romantic involvement between two persons that need not include sexual involvement, but does not include a casual social relationship or association in a business or professional capacity. In determining whether persons are in an intimate relationship, the court may consider the following nonexclusive list of factors:

a. The duration of the relationship.

b. The frequency of interaction.

c. Whether the relationship has been terminated.

d. The nature of the relationship, characterized by either person's expectation of sexual or romantic involvement.

8. *"Person"* means person as defined in section 4.1.

9. *"Program"* means an elder group home as defined in section 231B.1, an assisted living program certified under section 231C.3, or an adult day services program as defined in section 231D.1.

10. *"Recklessly"* means that a person acts or fails to act with respect to a material element of a public offense, when the person is aware of and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from the act or omission. The risk must be of such a nature and degree that disregard of the risk constitutes a gross deviation from the standard conduct that a reasonable person would observe in the situation.

11. *"Support services"* includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day services, respite services, legal services, and advocacy services.

2008 Acts, ch 1093, §11; 2017 Acts, ch 25, §1, 2; 2023 Acts, ch 19, §1947; 2024 Acts, ch 1073, §2

Referred to in §231B.10, 231C.10, 231D.5, 235B.2, 235B.5, 235B.6, 235E.2, 235F.1, 633B.116, 633B.118, 726.26

235E.2 Dependent adult abuse reports in facilities and programs.

1. *a.* The department shall receive and evaluate reports of dependent adult abuse in facilities and programs. The department shall inform the department of health and human services of such evaluations and dispositions and those individuals who should be placed on the central registry for dependent adult abuse pursuant to section 235E.7. If the department believes the situation involves an immediate danger to the public health, safety, or welfare requiring immediate agency action to seek emergency placement on the central registry, the department may utilize emergency adjudicative proceedings pursuant to section 17A.18A.

b. Reports of dependent adult abuse which is the result of the acts or omissions of the dependent adult shall be collected and maintained in the files of the dependent adult as assessments only and shall not be included in the central registry.

c. A report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph *"a"*, subparagraph (3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of health and human services as an assessment only for a five-year period and shall not be included in the central registry and shall not be considered to be founded dependent adult abuse. A subsequent report of dependent adult abuse that meets the definition of dependent adult abuse under section 235E.1, subsection 5, paragraph *"a"*, subparagraph (1), subparagraph division (a) or (d), or section 235E.1, subsection 5, paragraph *"a"*, subparagraph (3), that occurs within the five-year period, and that is committed by the caretaker responsible for the act or omission which was the subject of the previous report of dependent adult abuse which the department determined was minor, isolated, and unlikely to reoccur, may be considered minor, isolated, and unlikely to reoccur depending on the circumstances of the report.

2. A staff member or employee of a facility or program who, in the course of employment, examines, attends, counsels, or treats a dependent adult in a facility or program and

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reasonably believes the dependent adult has suffered dependent adult abuse, shall report the suspected dependent adult abuse to the department.

3. *a.* If a staff member or employee is required to make a report pursuant to this section, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within twenty-four hours of such notification. If the person in charge is the alleged perpetrator of dependent adult abuse, the staff member shall directly report the abuse to the department within twenty-four hours.

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

4. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

5. Any other person who believes that a dependent adult has suffered dependent adult abuse may report the suspected dependent adult abuse to the department. The department shall transfer any reports received of dependent adult abuse in the community to the department of health and human services. The department of health and human services shall transfer any reports received of dependent adult abuse in facilities or programs to the department.

6. The department shall inform the appropriate county attorney of any report of dependent adult abuse. The department may provide the county attorney, other appropriate law enforcement agencies, and appropriate licensing boards with the department's evaluation materials and findings related to a report of dependent adult abuse. The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, a social services agency in the state, or any person who is required pursuant to subsection 2 to report dependent adult abuse, whether or not the person made the specific dependent adult abuse report, shall cooperate and assist in the evaluation upon the request of the department. If the department's assessment reveals that dependent adult abuse exists which might constitute a criminal offense, a report shall be made to the appropriate law enforcement agency. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

a. If, upon completion of an investigation of a report of dependent adult abuse, the department determines that the best interests of the dependent adult require court action, the department shall notify the department of health and human services of the potential need for a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633, or shall pursue other remedies provided by law. The appropriate county attorney shall assist the department of health and human services in the preparation of the necessary papers to initiate the action and shall appear and represent the department of health and human services at all district court proceedings.

b. Inspectors within the department shall be specially trained to investigate cases of dependent adult abuse including but not limited to cases involving gerontological, dementia, and wound care issues.

c. The department shall assist the court during all stages of court proceedings involving a suspected case of dependent adult abuse.

d. In every case involving dependent adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney shall not be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this paragraph, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems

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that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

7. A person participating in good faith in reporting or cooperating with or assisting the department in evaluating a report or investigating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the same immunity with respect to participating in good faith in a judicial proceeding resulting from the report, cooperation, or assistance or relating to the subject matter of the report, cooperation, or assistance.

8. It shall be unlawful for any person or employer to discharge, suspend, or otherwise discipline a person required to report or voluntarily reporting an instance of suspected dependent adult abuse pursuant to subsection 2 or 5, or cooperating with, or assisting the department in evaluating a report or investigating a case of dependent adult abuse, or participating in judicial proceedings relating to the reporting or cooperation or assistance based solely upon the person's reporting or assistance relative to the instance of dependent adult abuse. A person or employer found in violation of this subsection is guilty of a simple misdemeanor.

9. A person required by this section to report a suspected case of dependent adult abuse pursuant to subsection 2 who knowingly and willfully fails to do so within twenty-four hours commits a simple misdemeanor. A person required by subsection 2 to report a suspected case of dependent adult abuse who knowingly fails to do so or who knowingly interferes with the making of such a report or applies a requirement that results in such a failure is civilly liable for the damages proximately caused by the failure.

10. *a.* The department shall adopt rules which require facilities and programs to separate an alleged perpetrator of dependent adult abuse from a victim following the report of an allegation of perpetration of dependent adult abuse and prior to the completion of an investigation of the report by the department.

b. Independent of the department's investigation of the report, the facility or program employing the alleged perpetrator of dependent adult abuse shall conduct an investigation of the alleged dependent adult abuse and determine what, if any, employment action should be taken including but not limited to placing the alleged perpetrator of dependent adult abuse on administrative leave or reassigning or terminating the alleged perpetrator of dependent adult abuse as a result of the investigation by the facility or program.

c. If the facility or program terminates the alleged perpetrator of dependent adult abuse as a result of the investigation by the facility or program, the alleged perpetrator of dependent adult abuse shall disclose such termination or investigation to any prospective facility or program employer. An alleged perpetrator of dependent adult abuse who fails to disclose such termination or investigation is guilty of a simple misdemeanor.

11. Upon receiving notice from a credible source, the department shall notify a facility or program that subsequently employs a perpetrator of founded dependent adult abuse when the notice of investigative findings has been issued.

12. *a.* An inspector of the department may enter any facility or program without a warrant and may examine all records pertaining to residents, employees, former employees, and the alleged perpetrator of dependent adult abuse.

b. If upon entry the inspector has knowledge of or learns during the course of an investigation of a report that alleged dependent adult abuse is suspected or is being investigated by the facility or program, the inspector shall inform the facility or program that the inspector is investigating a report of an alleged case of dependent adult abuse.

c. An inspector of the department may contact or interview any resident, employee, former employee, or any other person who may have knowledge about the alleged dependent adult abuse. Prior to the interview, the department shall provide written notification to the alleged perpetrator of dependent adult abuse. The notification shall include all of the following information:

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(1) That the person is the subject of a report of dependent adult abuse being investigated by the department.

(2) The nature of the abuse being investigated.

(3) The possible civil administrative consequences of founded abuse.

(4) The requirement that the department forward a report to law enforcement if the department's investigation reveals a potential criminal offense.

(5) That the person has the right to retain legal counsel at the person's expense and may choose to have legal counsel, union representation, or any other desired representative employed by the facility present during the interview.

(6) That the person has the right to decline to be interviewed or to terminate an interview at any time.

d. The person who is the subject of the report shall inform the department of the representatives the person wants to have present during the interview and not delay the interview by more than five working days to make arrangements for the person's representatives to be present at the interview.

e. Any employer representative shall be informed of the requirement to maintain strict confidentiality and of the prohibition against redissemination of such information pursuant to chapter 235B.

f. During the interview, the department shall request and the alleged perpetrator of dependent adult abuse shall provide the alleged perpetrator's most current contact information to facilitate provision of the findings of the investigation to the alleged perpetrator.

g. An inspector may take or cause to be taken photographs of the dependent adult abuse victim and the vicinity involved. The department shall obtain consent from the dependent adult abuse victim or guardian or other person with a power of attorney over the dependent adult abuse victim prior to taking photographs of the dependent adult abuse victim.

13. *a.* Notwithstanding section 235B.6 and chapter 22, an employee organization or union representative may observe an interview conducted by the department of an alleged perpetrator of dependent adult abuse if all of the following conditions are met:

(1) The alleged perpetrator of dependent adult abuse is part of a bargaining unit that is party to a collective bargaining agreement under chapter 20 or any other applicable state or federal law.

(2) The alleged perpetrator of dependent adult abuse requests the presence of an employee organization or union representative.

(3) The employee organization or union representative maintains the confidentiality of all information from the interview subject to the penalties provided in section 235B.12 if such confidentiality is breached.

b. This subsection shall only apply to interviews conducted pursuant to this chapter. This subsection does not apply to interviews conducted pursuant to the regulatory activities of chapter 135B, 135C, 231B, 231C, or 231D, or any other state or federal law.

2008 Acts, ch 1093, §12; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §89; 2010 Acts, ch 1177, §2 – 4; 2015 Acts, ch 80, §16; 2019 Acts, ch 69, §1; 2023 Acts, ch 19, §722 – 724, 1948; 2024 Acts, ch 1073, §3 – 7

Referred to in §235B.3, 235B.16

235E.3 Prevention of additional dependent adult abuse — notification of rights.

If a peace officer has reason to believe that dependent adult abuse, which is criminal in nature, has occurred in a facility or program, the officer shall use all reasonable means to prevent further dependent adult abuse, including but not limited to any of the following:

1. If requested, remaining on the scene as long as there is a danger to the dependent adult's physical safety without the presence of a peace officer, including but not limited to staying in the facility or program, or if unable to remain at the scene, assisting the dependent adult in leaving the facility or program and securing support services or emergency shelter services.

2. Assisting the dependent adult in obtaining medical treatment necessitated by the

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dependent adult abuse, including providing assistance to the dependent adult in obtaining transportation to the emergency room of the nearest hospital.

3. Providing a dependent adult with immediate and adequate notice of the dependent adult's rights. The notice shall consist of handing the dependent adult a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following written statement of rights; requesting the dependent adult to read the document; and asking the dependent adult whether the dependent adult understands the rights:

> [1] You have the right to ask the court for the following help on a temporary basis:
>
> [a] Keeping the alleged perpetrator away from you, your home, your facility, and your place of work.
>
> [b] The right to stay at your home or facility without interference from the alleged perpetrator.
>
> [c] Professional counseling for you, your family, or household members, and the alleged perpetrator of the dependent adult abuse.
>
> [2] If you are in need of medical treatment, you have the right to request that the peace officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.
>
> [3] If you believe that police protection is needed for your physical safety, you have the right to request that the peace officer present remain at the scene until you and other affected parties can leave or safety is otherwise ensured.

2008 Acts, ch 1093, §13; 2009 Acts, ch 133, §90, 91; 2017 Acts, ch 54, §33; 2018 Acts, ch 1026, §72

Similar provisions, §235B.3A, 236.12, 236A.13, 709.22

235E.4 Chapter 235B and section 726.26 application.

Sections 235B.4 through 235B.19 and section 726.26, where not inconsistent with this chapter, shall apply to this chapter.

2008 Acts, ch 1093, §14; 2009 Acts, ch 41, §97; 2009 Acts, ch 133, §92; 2022 Acts, ch 1132, §10

235E.5 Rulemaking authority.

The department, in cooperation and consultation with affected industry representatives and professional and consumer groups, may adopt rules pursuant to chapter 17A to administer this chapter.

2008 Acts, ch 1093, §15; 2024 Acts, ch 1170, §279

235E.6 Dependent adult abuse finding — notification to employer and employee.

Upon a determination that an allegation of perpetration of dependent adult abuse by a caretaker is founded, the department shall provide written notification of the department's findings to the caretaker and the caretaker's employer. In addition, the written notification shall detail the consequences of placement on the central abuse registry, the caretaker's appeal rights, and include a separate appeal request form. The written appeal request form shall clearly set forth that the caretaker shall not be placed on the central abuse registry until final agency action is taken if an appeal is filed within fifteen days.

2010 Acts, ch 1177, §5; 2013 Acts, ch 90, §61

235E.7 Appeal process — dependent adult abuse.

1. If a request for an appeal is filed within fifteen days of the issuance of the written notification of a finding of dependent adult abuse, the department shall not place the caretaker on the central abuse registry until final agency action is taken. For a request for an appeal filed within fifteen days of the issuance of the written notification of the finding, the contested case hearing shall be held within sixty days of the request. The caretaker may extend the hearing timeframe by thirty days one time. Additional requests for an

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extension must be agreed upon by all parties or for good cause. The administrative law judge's proposed decision shall be issued within thirty days of the contested case hearing. If further review of the decision is not requested before the proposed decision becomes final, the proposed decision shall be deemed final agency action. If further review is requested, the department's final agency action shall occur within thirty days of the issuance of the administrative law judge's proposed decision. Upon final agency action, further appeal rights shall be governed by chapter 17A.

2. If a caretaker fails to request an appeal within fifteen days, the caretaker shall have sixty days from the issuance of the written notification of the abuse findings to file an appeal pursuant to chapter 17A. However, the caretaker's name shall be placed on the central abuse registry pending the outcome of the appeal.

3. If the caretaker requests an appeal within fifteen days, the caretaker may waive the expedited hearing under subsection 1 to proceed under chapter 17A, but the caretaker's name shall be placed on the central abuse registry pending the outcome of the appeal.

2010 Acts, ch 1177, §6
Referred to in §235E.2

CHAPTER 235F

ELDER ABUSE

Referred to in §13.2, 562A.27A, 562B.25A, 598.7, 602.6306, 633.560A, 664A.1, 664A.2, 664A.5, 664A.7, 708.2D, 726.24, 726.25, 915.23, 915.50A

235F.1 Definitions.
235F.2 Commencement of actions — waiver to juvenile court.
235F.3 Plaintiffs proceeding pro se — provision of forms and assistance.
235F.4 Appointment of guardian ad litem.
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235F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Attorney in fact"* means an agent under a power of attorney pursuant to chapter 633B or an attorney in fact under a durable power of attorney for health care pursuant to chapter 144B.

2. *"Caretaker"* means a related or nonrelated person who has the responsibility for the protection, care, or custody of a vulnerable elder as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. *"Caretaker"* does not include a caretaker as defined in section 235E.1.

3. *"Coercion"* means communication or conduct which unduly compels a vulnerable elder to act or refrain from acting against the vulnerable elder's will and against the vulnerable elder's best interests.

4. *"Conservator"* means the same as defined in section 633.3.

5. *a. "Elder abuse"* means any of the following:

(1) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a vulnerable elder by a person not otherwise governed by chapter 235E.

(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a vulnerable elder.

(3) Neglect which is the deprivation of the minimum food, shelter, clothing, supervision, or physical or mental health care, or other care necessary to maintain a vulnerable elder's life or health by a caretaker.

(4) Financial exploitation.

b. "Elder abuse" does not include any of the following:

(1) Circumstances in which the vulnerable elder declines medical treatment if the

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vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the vulnerable elder's caretaker, acting in accordance with the vulnerable elder's stated or implied consent, declines medical treatment if the vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from a vulnerable elder who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the vulnerable elder or at the request of the vulnerable elder's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

(4) Good faith assistance by a family or household member or other person in managing the financial affairs of a vulnerable elder at the request of the vulnerable elder or at the request of a family member, guardian, or conservator of the vulnerable elder.

6. *"Family or household member"* means a spouse, a person cohabiting with the vulnerable elder, a parent, or a person related to the vulnerable elder by consanguinity or affinity, but does not include children of the vulnerable elder who are less than eighteen years of age.

7. *"Fiduciary"* means a person or entity with the legal responsibility to make decisions on behalf of and for the benefit of a vulnerable elder and to act in good faith and with fairness. *"Fiduciary"* includes but is not limited to an attorney in fact, a guardian, or a conservator.

8. *"Financial exploitation"* relative to a vulnerable elder means when a person stands in a position of trust or confidence with the vulnerable elder and knowingly and by undue influence, deception, coercion, fraud, or extortion, obtains control over or otherwise uses or diverts the benefits, property, resources, belongings, or assets of the vulnerable elder.

9. *"Guardian"* means the same as defined in section 633.3.

10. *"Peace officer"* means the same as defined in section 801.4.

11. *"Plaintiff"* means a vulnerable elder who files a petition under this chapter and includes a substitute petitioner who files a petition on behalf of a vulnerable elder under this chapter.

12. *"Present danger of elder abuse"* means a situation in which the defendant has recently threatened the vulnerable elder with initial or additional elder abuse, or the potential exists for misappropriation, misuse, or removal of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder combined with reasonable grounds to believe that elder abuse is likely to occur.

13. *"Pro se"* means a person proceeding on the person's own behalf without legal representation.

14. *"Stands in a position of trust or confidence"* means the person has any of the following relationships relative to the vulnerable elder:

a. Is a parent, spouse, adult child, or other relative by consanguinity or affinity of the vulnerable elder.

b. Is a caretaker for the vulnerable elder.

c. Is a person who is in a confidential relationship with the vulnerable elder. For the purposes of this paragraph "*c*", a confidential relationship does not include a legal, fiduciary, or ordinary commercial or transactional relationship the vulnerable elder may have with a bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, any credit union organized under the provisions of any state or federal law, any attorney licensed to practice law in this state, or any agent, agency, or company regulated under chapter 505, 508, 515, or 543B.

15. *"Substitute petitioner"* means a family or household member, guardian, conservator, attorney in fact, or guardian ad litem for a vulnerable elder, or other interested person who files a petition under this chapter.

16. *"Undue influence"* means taking advantage of a person's role, relationship, or authority to improperly change or obtain control over the actions or decision making of a vulnerable elder against the vulnerable elder's best interests.

17. *"Vulnerable elder"* means a person sixty years of age or older who is unable to protect

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himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person.

2014 Acts, ch 1107, §1; 2015 Acts, ch 30, §81; 2019 Acts, ch 118, §1
Referred to in §135B.7, 611.23

235F.2 Commencement of actions — waiver to juvenile court.

1. A vulnerable elder or a substitute petitioner may seek relief from elder abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state all of the following:

a. The name of the vulnerable elder and the name and address of the vulnerable elder's attorney, if any. If the vulnerable elder is proceeding pro se, the petition shall state a mailing address for the vulnerable elder.

b. The name of the substitute petitioner if the petition is being filed on behalf of a vulnerable elder, and the name and address of the attorney of the substitute petitioner. If the substitute petitioner is proceeding pro se, the petition shall state a mailing address for the substitute petitioner.

c. The name and address, if known, of the defendant.

d. The relationship of the vulnerable elder to the defendant.

e. The nature of the alleged elder abuse.

f. The name and age of any other individual whose welfare may be affected.

g. The desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order may be based on a showing of a prima facie case of elder abuse. If the factual basis for the alleged elder abuse is contested, the court shall issue a protective order based upon a finding of elder abuse by a preponderance of the evidence.

3. *a.* The filing fee and court costs for an order for protection and in a contempt action resulting from an order granted under this chapter or chapter 664A shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff.

c. When a permanent order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.

d. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in the state, and any other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from elder abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

5. If a substitute petitioner files a petition under this section on behalf of a vulnerable elder, the vulnerable elder shall retain the right to all of the following:

a. To contact and retain counsel.

b. To have access to personal records.

c. To file objections to the protective order.

d. To request a hearing on the petition.

e. To present evidence and cross-examine witnesses at the hearing.

2014 Acts, ch 1107, §2
Referred to in §235F.7

235F.3 Plaintiffs proceeding pro se — provision of forms and assistance.

1. By July 1, 2015, the judicial branch shall prescribe standard forms to be used by vulnerable elders or substitute petitioners seeking protective orders by proceeding pro se in actions under this chapter. Beginning July 1, 2015, the standard forms prescribed by the judicial branch shall be the exclusive forms used by plaintiffs proceeding pro se under this chapter. The judicial branch shall distribute the forms to the clerks of the district courts.

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2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

2014 Acts, ch 1107, §3

235F.4 Appointment of guardian ad litem.

The court may on its own motion or on the motion of a party appoint a guardian ad litem for a vulnerable elder if justice requires. The vulnerable elder's attorney shall not also serve as the guardian ad litem.

2014 Acts, ch 1107, §4

235F.5 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of elder abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the vulnerable elder from elder abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of elder abuse constitutes good cause for purposes of this subsection.

3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 that it deems necessary.

4. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

5. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

6. At the hearing, the allegation of elder abuse may be proven as required under subsection 1 by but is not limited to the testimony from any of the following:

a. The vulnerable elder.

b. The guardian, conservator, attorney in fact, or guardian ad litem of the vulnerable elder.

c. Witnesses to the elder abuse.

d. Adult protective services workers who have conducted an investigation.

7. The court shall exercise its discretion in a manner that protects the vulnerable elder from traumatic confrontation with the defendant.

8. Hearings shall be recorded.

2014 Acts, ch 1107, §5; 2015 Acts, ch 30, §82

Referred to in §235F.7

235F.6 Disposition.

1. Upon a finding that the defendant has engaged in elder abuse, the court may, if requested by the plaintiff, order any of the following:

a. That the defendant be required to move from the residence of the vulnerable elder if both the vulnerable elder and the defendant are titleholders or contract holders of record of the real property, are named as tenants in the rental agreement concerning the use and occupancy of the dwelling unit, are living in the same residence, or are married to each other.

b. That the defendant provide suitable alternative housing for the vulnerable elder.

c. That a peace officer accompany the party who is leaving or has left the party's residence to remove essential personal effects of the party.

d. That the defendant be restrained from abusing, harassing, intimidating, molesting, interfering with, or menacing the vulnerable elder, or attempting to abuse, harass, intimidate, molest, interfere with, or menace the vulnerable elder.

e. That the defendant be restrained from entering or attempting to enter on any premises when it appears to the court that such restraint is necessary to prevent the defendant from abusing, harassing, intimidating, molesting, interfering with, or menacing the vulnerable elder.

f. That the defendant be restrained from exercising any powers on behalf of the vulnerable elder through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.

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g. In addition to the relief provided in subsection 2, other relief that the court considers necessary to provide for the safety and welfare of the vulnerable elder.

2. If the court finds that the vulnerable elder has been the victim of financial exploitation, the court may order the relief the court considers necessary to prevent or remedy the financial exploitation, including but not limited to any of the following:

a. Directing the defendant to refrain from exercising control over the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. Requiring the defendant to return custody or control of the funds, benefits, property, resources, belongings, or assets to the vulnerable elder.

c. Requiring the defendant to follow the instructions of the guardian, conservator, or attorney in fact of the vulnerable elder.

d. Prohibiting the defendant from transferring the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to any person other than the vulnerable elder.

3. The court shall not issue an order under this section that does any of the following:

a. Allows any person other than the vulnerable elder to assume responsibility for the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. Grants relief that is more appropriately obtained in a protective proceeding filed under chapter 633 including but not limited to giving control and management of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to a guardian, conservator, or attorney in fact for any purpose other than the relief granted under subsection 2.

4. The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

a. A provision that prohibits any party to the action from contacting or cooperating with any government agency including the department of health and human services, the department of inspections, appeals, and licensing, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer if the defendant's professional responsibilities include contact with vulnerable elders, dependent adults, or minors, if the party contacting or cooperating has a good-faith belief that the information is relevant to the duties or responsibilities of the entity.

b. A provision that prohibits any party to the action from filing a complaint with or reporting a violation of law to any government agency including the department of health and human services, the department of inspections, appeals, and licensing, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

c. A provision that requires any party to the action to withdraw a complaint filed with or a violation reported to any government agency including the department of health and human services, the department of inspections, appeals, and licensing, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

5. A protective order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the vulnerable elder, persons residing with the vulnerable elder, or members of the vulnerable elder's immediate family, or continues to present a risk of financial exploitation of the vulnerable elder. The number of extensions that may be granted by the court is not limited.

6. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

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7. The court may order that the defendant pay the attorney fees and court costs of the vulnerable elder or substitute petitioner.

8. An order or approved consent agreement under this section shall not affect title to real property.

9. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals previously notified.

10. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

11. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

2014 Acts, ch 1107, §6; 2015 Acts, ch 29, §37; 2015 Acts, ch 30, §83; 2023 Acts, ch 19, §725, 1949

Referred to in §235F.7, 331.424, 598.42, 664A.4, 915.22

235F.7 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 235F.6, subsection 1 or 2, if the district judge or district associate judge deems it necessary to protect the vulnerable elder from elder abuse, upon good cause shown in an ex parte proceeding. Present danger of elder abuse constitutes good cause for purposes of this subsection.

2. An emergency order issued under subsection 1 shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section 235F.5.

3. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section 235F.2.

2014 Acts, ch 1107, §7

235F.8 Procedure.

1. A proceeding under this chapter shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this chapter and in chapter 664A, and is in addition to any other civil or criminal remedy.

2. The plaintiff's right to relief under this chapter is not affected by the vulnerable elder leaving the vulnerable elder's home to avoid elder abuse.

2014 Acts, ch 1107, §8; 2015 Acts, ch 30, §84

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CHAPTER 236

DOMESTIC ABUSE

Referred to in §13.2, 13.31, 135.108, 232.22, 232.52, 562A.27A, 562B.25A, 598.7, 602.6111, 602.6306, 664A.1, 664A.2, 664A.5, 664A.7, 708.2E, 716.7, 726.25, 911.2B, 915.23, 915.52, 915.94

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236.1 Short title.

This chapter may be cited as the *"Domestic Abuse Act"*.

[C81, §236.1]

236.2 Definitions.

For purposes of this chapter, unless a different meaning is clearly indicated by the context:

1. *"Department"* means the department of justice.

2. *"Domestic abuse"* means committing assault as defined in section 708.1 under any of the following circumstances:

a. The assault is between family or household members who resided together at the time of the assault.

b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.

c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.

d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:

(a) The duration of the relationship.

(b) The frequency of interaction.

(c) Whether the relationship has been terminated.

(d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

(2) A person may be involved in an intimate relationship with more than one person at a time.

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3. *"Emergency shelter services"* include but are not limited to secure crisis shelters or housing for victims of domestic abuse.

4. *a. "Family or household members"* means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity.

b. "Family or household members" does not include children under age eighteen of persons listed in paragraph *"a"*.

5. *"Intimate relationship"* means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

6. *"Plaintiff"* includes a person filing an action on behalf of an unemancipated minor.

7. *"Pro se"* means a person proceeding on the person's own behalf without legal representation.

8. *"Support services"* include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.

[C81, §236.2]

85 Acts, ch 175, §2; 87 Acts, ch 154, §1; 89 Acts, ch 279, §2, 3; 91 Acts, ch 218, §4; 93 Acts, ch 157, §1; 95 Acts, ch 180, §7; 2002 Acts, ch 1004, §1, 2; 2003 Acts, ch 44, §52; 2009 Acts, ch 41, §263

Referred to in §9E.2, 135B.7, 236.5, 236.13, 507B.4, 598.41, 598C.305, 611.23, 708.2A, 708.2B, 804.7

236.3 Commencement of actions — waiver to juvenile court.

1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:

a. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236.10.

b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236.10.

c. Name and address, if known, of the defendant.

d. Relationship of the plaintiff to the defendant.

e. Nature of the alleged domestic abuse.

f. Name and age of each child under eighteen whose welfare may be affected by the controversy.

g. Name or description of any pet or companion animal owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. However, this paragraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.

h. Desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order shall be based on a showing of a prima facie case of domestic abuse. If the factual basis for the alleged domestic abuse is contested, the court shall issue a protective order based upon a finding of domestic abuse by a preponderance of the evidence.

3. *a.* The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state, and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from domestic abuse is being sought is seventeen

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years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

[C81, §236.3]

85 Acts, ch 175, §3; 86 Acts, ch 1237, §12; 91 Acts, ch 218, §5; 95 Acts, ch 180, §8 – 10; 96 Acts, ch 1034, §12; 2000 Acts, ch 1119, §1; 2001 Acts, ch 43, §1; 2002 Acts, ch 1004, §3; 2002 Acts, ch 1119, §36; 2003 Acts, ch 44, §53; 2003 Acts, ch 151, §7; 2009 Acts, ch 41, §263; 2013 Acts, ch 16, §1, 3; 2014 Acts, ch 1098, §1

Referred to in §9E.2, 232.8, 236.6, 236.19, 598.41, 598C.305, 915.50

236.3A Plaintiffs proceeding pro se — provision of forms and assistance.

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under this chapter. The standard forms shall include language in fourteen point boldface type. Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district courts.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

91 Acts, ch 218, §6; 2004 Acts, ch 1131, §1

Referred to in §232.8, 915.50

236.3B Assistance by county attorney.

A county attorney's office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the individual does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney's office. The assistance provided may include, but is not limited to, assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.

93 Acts, ch 157, §2

Referred to in §232.8, 915.50

236.4 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of domestic abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, including temporary custody or visitation orders pursuant to subsection 3, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection. A temporary order issued pursuant to this subsection shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent order pursuant to section 236.5.

3. The court may award temporary custody of or establish temporary visitation rights with regard to children under eighteen years of age. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the alleged victim and the children. If the court finds that the safety of the alleged victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall set conditions or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court shall also determine whether any other existing orders awarding custody or visitation should be modified.

4. The court may include in the temporary order issued pursuant to this section a grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The court may

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forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. This subsection shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.

5. If a hearing is continued, the court may make or extend any temporary order under subsection 2, 3, or 4 that it deems necessary.

6. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

7. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

8. Prior to the entry of a temporary order under this section that involves a child-custody determination as defined in section 598B.102, the plaintiff shall furnish information to the court in compliance with section 598B.209.

9. Hearings shall be recorded.

[C81, §236.4]

93 Acts, ch 157, §3; 2010 Acts, ch 1083, §1; 2010 Acts, ch 1159, §1 – 4; 2014 Acts, ch 1098, §2, 3

Referred to in §232.8, 236.6, 915.50

236.5 Disposition.

1. Upon a finding that the defendant has engaged in domestic abuse:

a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

b. The court may grant a protective order which may contain but is not limited to any of the following provisions:

(1) That the defendant cease domestic abuse of the plaintiff.

(2) That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of section 724.26, subsection 2.

(3) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.

(4) That the defendant stay away from the plaintiff's residence, school, or place of employment.

(5) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.

(a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.

(b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

(c) The court shall also determine whether any other existing orders awarding custody or visitation rights should be modified.

(d) Prior to entry of an order or agreement under this section that involves a child-custody determination as defined in section 598B.102, the parties shall furnish information to the court in compliance with section 598B.209.

(6) Unless prohibited pursuant to 28 U.S.C. §1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.

(7) A grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of

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the pet or companion animal. This subparagraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.

2. The court may approve a consent agreement which may contain but is not limited to any of the provisions specified in subsection 1, paragraph *"b"*, without a finding the defendant has engaged in domestic abuse.

3. An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph *"d"*, that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph *"d"*, at the time of the original order. The number of extensions that can be granted by the court is not limited.

4. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

5. The court may order that the defendant pay the plaintiff's attorney fees and court costs.

6. An order or consent agreement under this section shall not affect title to real property.

7. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.

8. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

9. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

[C81, §236.5]

83 Acts, ch 123, §93, 209; 86 Acts, ch 1179, §1; 87 Acts, ch 154, §2, 3; 89 Acts, ch 85, §1; 91 Acts, ch 218, §7, 8; 91 Acts, ch 219, §3; 93 Acts, ch 157, §4; 95 Acts, ch 180, §11; 96 Acts, ch 1019, §1; 97 Acts, ch 175, §228; 99 Acts, ch 57, §1; 2006 Acts, ch 1129, §2; 2008 Acts, ch 1032, §39, 40; 2009 Acts, ch 133, §222; 2010 Acts, ch 1083, §2; 2010 Acts, ch 1159, §5, 6; 2014 Acts, ch 1098, §4; 2022 Acts, ch 1042, §1, 2

Referred to in §236.4, 236.6, 236.19, 331.424, 598.41, 598.42, 598C.305, 664A.4, 708.2A, 915.22, 915.50
For restrictions concerning issuance of mutual protective orders, see §236.20

236.6 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 236.5, subsection 1, paragraph *"b"*, if the district judge or district associate judge deems it necessary to protect the plaintiff from domestic abuse, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection.

2. A peace officer may file a petition under subsection 1 on behalf of a person if that person claims to be in present danger of domestic abuse and the person requests the peace officer to submit the petition.

3. An emergency order issued under subsection 1 shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section 236.4.

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4. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section 236.3.

[C81, §236.6]

2009 Acts, ch 133, §231; 2026 Acts, ch 1080, §1
Referred to in §232.8, 598.41, 598C.305, 915.50
NEW subsection 2 and former subsections 2 and 3 renumbered as 3 and 4

236.7 Procedure.

1. A proceeding under this chapter shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this chapter and in chapter 664A, and is in addition to any other civil or criminal remedy.

2. The plaintiff's right to relief under this chapter is not affected by leaving the residence or household to avoid domestic abuse.

[C81, §236.7]

2006 Acts, ch 1101, §1
Referred to in §915.50

236.8 Violation of order — contempt — penalties — hearings. Repealed by 2006 Acts, ch 1101, §21. See §664A.7.

236.9 Domestic abuse information.

1. Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving domestic abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

2. The department of public safety may compile statistics and issue reports on domestic abuse in Iowa, provided individual identifying details of the domestic abuse are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of domestic abuse to persons conducting bona fide research, including but not limited to personnel of the department of justice.

[C81, §236.9]

83 Acts, ch 96, §157, 159; 85 Acts, ch 175, §4; 89 Acts, ch 279, §4; 91 Acts, ch 19, §1; 96 Acts, ch 1034, §13
Referred to in §915.50

236.10 Plaintiff's address — confidentiality of records.

1. A person seeking relief from domestic abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:

a. The mailing address of a shelter or other agency.

b. A public or private post office box.

c. Any other mailing address, with the permission of the resident of that address.

2. A person shall report any change of address, whether designated according to subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.

3. The entire file or a portion of the file in a domestic abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.

4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

[C81, §236.10]

97 Acts, ch 175, §229; 98 Acts, ch 1170, §1; 2000 Acts, ch 1119, §2; 2000 Acts, ch 1132, §1
Referred to in §236.3, 915.50

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236.11 Duties of peace officer — magistrate.

1. A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under chapter 232. If a peace officer has reason to believe that domestic abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or, if the person is an adult, a violation of a protective order under chapter 232, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.

2. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a domestic abuse assault, or a protective order under chapter 232, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the county attorney.

3. If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under this section. The magistrate shall cause the original court to be notified of the contents of the magistrate's order.

4. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts in good faith, on probable cause, and the officer's acts do not constitute a willful and wanton disregard for the rights or safety of another.

[C81, §236.11]

86 Acts, ch 1179, §2; 87 Acts, ch 154, §5; 88 Acts, ch 1065, §2; 88 Acts, ch 1218, §17, 18; 91 Acts, ch 218, §10; 93 Acts, ch 157, §6; 96 Acts, ch 1134, §4; 2004 Acts, ch 1131, §3; 2017 Acts, ch 54, §76

Referred to in §664A.3, 664A.6, 664A.7

236.12 Prevention of further abuse — notification of rights — arrest — liability.

1. If a peace officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:

a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

b. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone

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numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the person to read the document; and asking whether the person understands the rights:

> [1] You have the right to ask the court for the following help on a temporary basis:
>
> [a] Keeping your attacker away from you, your home and your place of work.
>
> [b] The right to stay at your home without interference from your attacker.
>
> [c] Getting custody of children and obtaining support for yourself and your minor children if your attacker is legally required to provide such support.
>
> [d] Professional counseling for you, the children who are members of the household, and the defendant.
>
> [2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.
>
> [3] You have the right to file criminal charges for threats, assaults, or other related crimes.
>
> [4] You have the right to seek restitution against your attacker for harm to yourself or your property.
>
> [5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.
>
> [6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

2. *a.* A peace officer may, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph *"a"*, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.

b. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph *"b"*, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which resulted in the alleged victim's suffering a bodily injury.

c. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph *"c"*, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury.

d. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph *"c"*, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed and that the alleged abuser used or displayed a dangerous weapon in connection with the assault.

e. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2, paragraph *"d"*, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed

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by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.

f. Except as otherwise provided in subsection 3, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 5, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury.

3. As described in subsection 2, paragraph *"b"*, *"c"*, *"d"*, *"e"*, or *"f"*, the peace officer shall arrest the person whom the peace officer believes to be the primary physical aggressor. The duty of the officer to arrest extends only to those persons involved who are believed to have committed an assault. Persons acting with justification, as defined in section 704.3, are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between the persons involved. A peace officer's identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.

4. A peace officer is not civilly or criminally liable for actions pursuant to this section taken in good faith.

84 Acts, ch 1258, §1; 85 Acts, ch 175, §5; 86 Acts, ch 1179, §3; 87 Acts, ch 154, §6; 89 Acts, ch 85, §2; 90 Acts, ch 1056, §1, 2; 91 Acts, ch 218, §11; 92 Acts, ch 1163, §52; 2009 Acts, ch 133, §93, 94; 2012 Acts, ch 1002, §1, 2; 2017 Acts, ch 54, §34; 2018 Acts, ch 1026, §73

Referred to in §236.16, 236.17, 664A.3, 664A.6, 804.7, 915.50

Similar provisions for other abuse types, §235B.3A, 235E.3, 236A.13, 709.22

236.13 Prohibition against referral.

In a criminal action arising from domestic abuse, as defined in section 236.2, the prosecuting attorney or court shall not refer or order the parties involved to mediation or other nonjudicial procedures prior to judicial resolution of the action.

86 Acts, ch 1179, §4

236.14 Initial appearance required — contact to be prohibited — extension of no-contact order. Repealed by 2006 Acts, ch 1101, §21. See chapter 664A.

236.15 Application for designation and funding as a provider of services for victims of domestic abuse.

Upon receipt of state or federal funding designated for victims of domestic abuse by the department, a public or private nonprofit organization may apply to the department for designation and funding as a provider of emergency shelter services and support services to victims of domestic abuse or sexual assault. The application shall be submitted on a form prescribed by the department and shall include, but not be limited to, information regarding services to be provided, budget, and security measures.

85 Acts, ch 175, §6; 89 Acts, ch 279, §5; 91 Acts, ch 218, §13

236.15A Income tax checkoff for domestic abuse services. Repealed by 97 Acts, ch 158, §48; 97 Acts, ch 209, §13, 15.

236.15B Income tax checkoff for domestic abuse services. Repealed by 2003 Acts, ch 44, §111.

236.16 Department powers and duties.

1. The department shall:

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a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of domestic abuse.

b. Design and implement a uniform method of collecting data from domestic abuse organizations funded under this chapter.

c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of ombudsman, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse victim services providers, brochures explaining the rights of victims set forth under section 236.12 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of domestic abuse, including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

85 Acts, ch 175, §7; 89 Acts, ch 279, §6; 91 Acts, ch 218, §15; 2013 Acts, ch 10, §30

236.17 Domestic abuse training requirements.

The department, in cooperation with victim service providers, shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of domestic abuse prevention and services. Domestic abuse training may include, but is not limited to, the following areas:

1. The enforcement of both civil and criminal remedies in domestic abuse matters.
2. The nature, extent, and causes of domestic abuse.
3. The legal rights and remedies available to domestic abuse victims, including crime victim compensation.
4. Services available to domestic abuse victims and their children, including the domestic abuse telephone hotline.
5. The mandatory arrest provisions of section 236.12, and other duties of peace officers pursuant to this chapter.
6. Techniques for intervention in domestic abuse cases.

91 Acts, ch 218, §16; 91 Acts, ch 219, §33

236.18 Reference to certain criminal provisions.

In addition to the provisions contained in this chapter, certain criminal penalties and provisions pertaining to domestic abuse assaults are set forth in chapter 664A and sections 708.2A and 708.2B.

91 Acts, ch 218, §17; 2012 Acts, ch 1021, §52

236.19 Foreign protective orders — registration — enforcement — immunity.

1. As used in this section, *"foreign protective order"* means a protective order entered by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, a temporary or permanent

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protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by section 236.5, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. *a.* A valid foreign protective order has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected individual and the individual against whom enforcement is sought.

(2) The order has not expired.

(3) The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph *"b"* shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders are waived as provided in section 236.3.

95 Acts, ch 180, §13; 99 Acts, ch 57, §2; 2000 Acts, ch 1132, §2; 2001 Acts, ch 43, §2
Referred to in §664A.1

236.20 Mutual protective orders prohibited — exceptions.

A court in an action under this chapter shall not issue mutual protective orders against the victim and the abuser unless both file a petition requesting a protective order.

95 Acts, ch 180, §14

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CHAPTER 236A

SEXUAL ABUSE — PROTECTIVE ORDERS — SERVICES

Referred to in §13.31, 232.22, 664A.1, 664A.2, 664A.5, 664A.7, 915.52, 915.94

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236A.1 Short title.

This chapter may be cited as the *"Sexual Abuse Act"*.

2017 Acts, ch 121, §4

236A.2 Definitions.

For purposes of this chapter, unless a different meaning is clearly indicated by the context:

1. *"Department"* means the department of justice.

2. *"Emergency shelter services"* include but are not limited to secure crisis shelters or housing for victims of sexual abuse.

3. *"Plaintiff"* includes a person filing an action on behalf of an unemancipated minor.

4. *"Pro se"* means proceeding on one's own behalf without legal representation.

5. *"Sexual abuse"* means any commission of a crime defined in chapter 709 or section 726.2 or 728.12. *"Sexual abuse"* also means any commission of a crime in another jurisdiction under a statute that is substantially similar to any crime defined in chapter 709 or section 726.2 or 728.12.

6. *"Support services"* include but are not limited to legal services, counseling services, transportation services, child care services, and advocacy services.

2017 Acts, ch 121, §5

Referred to in §507B.4

236A.3 Commencement of actions — waiver to juvenile court.

1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from sexual abuse by filing a verified petition in the district court. Venue shall lie where either the plaintiff or defendant resides. The petition shall state the following:

a. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236A.11.

b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236A.11.

c. Name and address, if known, of the defendant.

d. Nature of the alleged sexual abuse.

e. Name and age of each child under eighteen whose welfare may be affected by the controversy.

f. Desired relief, including a request for temporary or emergency orders.

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2. A temporary or emergency order shall be based on a showing of a prima facie case of sexual abuse. If the factual basis for the alleged sexual abuse is contested, the court shall issue a protective order based upon a finding of sexual abuse by a preponderance of the evidence.

3. *a.* The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in this state and other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from sexual abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

2017 Acts, ch 121, §6
Referred to in §236A.8, 236A.19, 915.50

236A.4 Plaintiffs proceeding pro se — provision of forms and assistance.

1. The department shall prescribe standard forms to be used by plaintiffs seeking protective orders by proceeding pro se in actions under this chapter. The standard forms shall include language in fourteen point boldface type. Standard forms prescribed by the department shall be the exclusive forms used by plaintiffs proceeding pro se, and may be used by other plaintiffs. The department shall distribute the forms to the clerks of the district court.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

2017 Acts, ch 121, §7
Referred to in §915.50

236A.5 Assistance by county attorney.

A county attorney's office may provide assistance to a person wishing to initiate proceedings pursuant to this chapter or to a plaintiff at any stage of a proceeding under this chapter, if the person or plaintiff does not have sufficient funds to pay for legal assistance and if the assistance does not create a conflict of interest for the county attorney's office. The assistance provided may include but is not limited to assistance in obtaining or completing forms, filing a petition or other necessary pleading, presenting evidence to the court, and enforcing the orders of the court entered pursuant to this chapter. Providing assistance pursuant to this section shall not be considered the private practice of law for the purposes of section 331.752.

2017 Acts, ch 121, §8
Referred to in §915.50

236A.6 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the defendant, a hearing shall be held at which the plaintiff must prove the allegation of sexual abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from sexual abuse prior to the hearing upon good cause shown in an ex parte proceeding. Present danger of sexual abuse to the plaintiff constitutes good cause for purposes of this subsection.

3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 that it deems necessary.

4. Upon application of the plaintiff or defendant, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

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5. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

6. Hearings shall be recorded.

2017 Acts, ch 121, §9

Referred to in §232.8, 236A.8, 915.50

236A.7 Disposition.

1. Upon a finding that the defendant has engaged in sexual abuse, the court may grant a protective order which may contain but is not limited to any of the following provisions:

a. That the defendant cease sexual abuse of the plaintiff.

b. That the defendant stay away from the plaintiff's residence, school, or place of employment.

2. The court may approve a consent agreement without a finding that the defendant has engaged in sexual abuse, which may contain but is not limited to any of the provisions specified in subsection 1.

3. *a.* An order for a protective order or approved consent agreement shall be for a fixed period of time not to exceed one year except as provided in this section. The court may amend or extend its order or a consent agreement at any time upon a petition filed by the plaintiff or defendant and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the plaintiff, persons residing with the plaintiff, or members of the plaintiff's immediate family. The number of extensions that can be granted by the court is not limited.

b. Notwithstanding paragraph *"a"*, in the sentencing proceeding for a person convicted of a sexual offense as provided in section 709.8, 709.8A, 709.11, 709.12, 709.14, 709.15, 709.21, or 709.23, any violation of chapter 710A, or a violation of section 713.3, subsection 1, paragraph *"d"*, a prosecutor may request that the criminal court grant the victim an order of protection to remain in effect for the duration of the criminal court's jurisdiction over the person. At any time after the expiration of a criminal court's jurisdiction over a person against whom an order of protection was granted pursuant to a request under this paragraph, the victim may:

(1) File a petition for an order of protection against the person.

(2) Submit evidence of the person's conviction for a sexual offense as provided in this section as cause for the court to grant the order of protection.

c. Based on evidence submitted pursuant to paragraph *"b"*, a court may take judicial notice of the facts that led to a person's conviction for a sexual offense as provided in this section and a victim shall not be required to appear before the court on the victim's petition for an order of protection; provided, however, that another person may appear on the victim's behalf.

d. A court may grant an order of protection pursuant to this section for any length of time, including for a victim's lifetime.

e. An order of protection granted pursuant to this section shall continue until the expiration provided in the order, if any, or until modified or rescinded upon a motion by the victim.

4. The order shall state whether the defendant is to be taken into custody by a peace officer for a violation of the terms stated in the order.

5. The court may order that the defendant pay the plaintiff's attorney fees and court costs.

6. An order or consent agreement under this section shall not affect title to real property.

7. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all persons and the county sheriff previously notified.

8. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or

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other electronic transmission which reproduces the notice in writing within six hours of filing the order.

9. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

2017 Acts, ch 121, §10; 2022 Acts, ch 1042, §3, 4; 2026 Acts, ch 1079, §3
Referred to in §236A.8, 236A.19, 331.424, 664A.4, 915.22, 915.50
For restrictions concerning issuance of mutual protective orders, see §236A.20
Subsection 3 amended

236A.8 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 236A.7, subsection 1, paragraph *"b"*, if the district judge or district associate judge deems it necessary to protect the plaintiff from sexual abuse, upon good cause shown in an ex parte proceeding. Present danger of sexual abuse to the plaintiff constitutes good cause for purposes of this subsection.

2. An emergency order issued under subsection 1 shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section 236A.6.

3. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section 236A.3.

2017 Acts, ch 121, §11
Referred to in §232.8, 915.50

236A.9 Procedure.

A proceeding under this chapter shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this chapter and in chapter 664A, and is in addition to any other civil or criminal remedy.

2017 Acts, ch 121, §12
Referred to in §915.50

236A.10 Sexual abuse information.

1. Criminal or juvenile justice agencies, as defined in section 692.1, shall collect and maintain information on incidents involving sexual abuse and shall provide the information to the department of public safety in the manner prescribed by the department of public safety.

2. The department of public safety may compile statistics and issue reports on sexual abuse in Iowa, provided individual identifying details of the sexual abuse are deleted. The statistics and reports may include nonidentifying information on the personal characteristics of perpetrators and victims. The department of public safety may request the cooperation of the department of justice in compiling the statistics and issuing the reports. The department of public safety may provide nonidentifying information on individual incidents of sexual abuse to persons conducting bona fide research, including but not limited to personnel of the department of justice.

2017 Acts, ch 121, §13
Referred to in §915.50

236A.11 Plaintiff's address — confidentiality of records.

1. A plaintiff seeking relief from sexual abuse under this chapter may use any of the following addresses as a mailing address for purposes of filing a petition under this chapter, as well as for the purpose of obtaining any utility or other service:

a. The mailing address of a shelter or other agency.

b. A public or private post office box.

c. Any other mailing address, with the permission of the resident of that address.

2. A plaintiff shall report any change of address, whether designated according to

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subsection 1 or otherwise, to the clerk of court no more than five days after the previous address on record becomes invalid.

3. The entire file or a portion of the file in a sexual abuse case shall be sealed by the clerk of court as ordered by the court to protect the privacy interest or safety of any person.

4. Notwithstanding subsection 3, court orders and support payment records shall remain public records, although the court may order that address and location information be redacted from the public records.

2017 Acts, ch 121, §14
Referred to in §236A.3, 915.50

236A.12 Duties of peace officer — magistrate.

1. A peace officer shall use every reasonable means to enforce an order or court-approved consent agreement entered under this chapter, an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a sexual abuse, or a protective order under chapter 232. If a peace officer has reason to believe that sexual abuse has occurred, the peace officer shall ask the abused person if any prior orders exist, and shall contact the twenty-four-hour dispatcher to inquire if any prior orders exist. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from sexual abuse, or, if the person is an adult, a violation of a protective order under chapter 232, the peace officer shall take the person into custody and shall take the person without unnecessary delay before the nearest or most accessible magistrate in the judicial district in which the person was taken into custody. The magistrate shall make an initial preliminary determination whether there is probable cause to believe that an order or consent agreement existed and that the person taken into custody has violated its terms. The magistrate's decision shall be entered in the record.

2. If a peace officer has probable cause to believe that a person has violated an order or approved consent agreement entered under this chapter, an order establishing conditions of release or a protective or sentencing order in a criminal prosecution arising from a sexual abuse, or a protective order under chapter 232, and the peace officer is unable to take the person into custody within twenty-four hours of making the probable cause determination, the peace officer shall either request a magistrate to make a determination as to whether a rule to show cause or arrest warrant should be issued, or refer the matter to the county attorney.

3. If the magistrate finds probable cause, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation took place, at a specified time not less than five days nor more than fifteen days after the initial appearance under this section. The magistrate shall cause the original court to be notified of the contents of the magistrate's order.

4. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts reasonably and in good faith, on probable cause, and the officer's acts do not constitute a willful and wanton disregard for the rights or safety of another.

2017 Acts, ch 121, §15
Referred to in §664A.3, 664A.7

236A.13 Prevention of further abuse — notification of rights — liability.

1. If a peace officer has reason to believe that sexual abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to the following:

a. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of a peace officer, including but not limited to staying in the dwelling unit, or if unable to remain on the scene, assisting the person in leaving the residence.

b. Assisting an abused person in obtaining medical treatment necessitated by an assault,

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including providing assistance to the abused person in obtaining transportation to the emergency room of the nearest hospital.

c. Providing an abused person with immediate and adequate notice of the person's rights. The notice shall consist of handing the person a document that includes the telephone numbers of shelters, support groups, and crisis lines operating in the area and contains the following statement of rights written in English and Spanish; asking the person to read the document; and asking whether the person understands the rights:

[1] You have the right to ask the court for the following help on a temporary basis:

[a] Keeping your attacker away from you, your home, and your place of work.

[b] The right to stay at your home without interference from your attacker.

[2] You have the right to seek help from the court to seek a protective order with or without the assistance of legal representation. You have the right to seek help from the courts without the payment of court costs if you do not have sufficient funds to pay the costs.

[3] You have the right to file criminal complaints for threats, assaults, or other related crimes.

[4] You have the right to seek restitution against your attacker for harm to yourself or your property.

[5] If you are in need of medical treatment, you have the right to request that the officer present assist you in obtaining transportation to the nearest hospital or otherwise assist you.

[6] If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and other affected persons can leave or until safety is otherwise ensured.

2. A peace officer is not civilly or criminally liable for actions pursuant to this section taken reasonably and in good faith.

2017 Acts, ch 121, §16; 2018 Acts, ch 1026, §74

Referred to in §236A.16, 915.50

Similar provisions for other abuse types, §235B.3A, 235E.3, 236.12, 709.22

236A.14 Prohibition against referral.

In a criminal action arising from sexual abuse, the prosecuting attorney or court shall not refer or order the parties involved to participate in mediation or other nonjudicial procedures prior to judicial resolution of the action.

2017 Acts, ch 121, §17

236A.15 Application for designation and funding as a provider of services for victims of sexual abuse.

Upon receipt of state or federal funding designated for victims of sexual abuse by the department, a public or private nonprofit organization may apply to the department for designation and funding as a provider of emergency shelter services and support services to victims of sexual abuse. The application shall be submitted on a form prescribed by the department and shall include but not be limited to information regarding services to be provided, budget, and security measures.

2017 Acts, ch 121, §18

236A.16 Department powers and duties.

1. The department shall do all of the following:

a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of sexual abuse.

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b. Design and implement a uniform method of collecting data from sexual abuse organizations funded under this chapter.

c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of sexual abuse. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such complaints to the office of ombudsman, providing counseling services to victims over the telephone, and providing sexual abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other sexual abuse victim services providers, brochures explaining the rights of victims set forth under section 236A.13 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of sexual abuse.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of sexual abuse, including but not limited to legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

2017 Acts, ch 121, §19

236A.17 Sexual abuse training requirements.

The department, in cooperation with victim service providers, shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of sexual abuse prevention and services. Sexual abuse training may include but is not limited to the following areas:

1. The enforcement of both civil and criminal remedies in sexual abuse matters.
2. The nature, extent, and causes of sexual abuse.
3. The legal rights and remedies available to sexual abuse victims, including crime victim compensation.
4. Services available to sexual abuse victims including the sexual abuse telephone hotline.
5. The duties of peace officers pursuant to this chapter.
6. Techniques for intervention in sexual abuse cases.

2017 Acts, ch 121, §20

236A.18 Reference to certain criminal provisions.

In addition to the provisions contained in this chapter, certain criminal penalties and provisions pertaining to sexual abuse are set forth in chapters 664A and 709 and sections 726.2 and 728.12.

2017 Acts, ch 121, §21

236A.19 Foreign protective orders — registration — enforcement — immunity.

1. As used in this section, *"foreign protective order"* means a protective order entered by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, an order that establishes conditions of release, or a protective order or sentencing order in a criminal prosecution arising from a sexual abuse if it had been entered in Iowa.

2. A certified or authenticated copy of a permanent foreign protective order may be filed with the clerk of the district court in any county that would have venue if the original action

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was being commenced in this state or in which the person in whose favor the order was entered may be present.

a. The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

b. The clerk shall provide copies of the order as required by section 236A.7, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.

3. *a.* A valid foreign protective order has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.

b. A foreign protective order is valid if it meets all of the following:

(1) The order states the name of the protected person and the person against whom enforcement is sought.

(2) The order has not expired.

(3) The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.

(4) The order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.

c. Proof that a foreign protective order failed to meet all of the factors listed in paragraph *"b"* shall be an affirmative defense in any action seeking enforcement of the order.

4. A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

a. The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

b. A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

5. Filing and service costs in connection with foreign protective orders are waived as provided in section 236A.3.

2017 Acts, ch 121, §22
Referred to in §664A.1

236A.20 Mutual protective orders prohibited — exceptions.

A court in an action under this chapter shall not issue mutual protective orders against the victim and the abuser unless both file a petition requesting a protective order.

2017 Acts, ch 121, §23

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CHAPTER 237

CHILD FOSTER CARE FACILITIES

Referred to in §135H.4, 232.2, 232.69, 232.78, 232.95, 232.102, 234.1, 234.7, 234.39, 237A.1, 237A.3A, 237C.1, 237C.3, 256.177, 335.25, 414.22, 423.3, 441.21, 709.16

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SUBCHAPTER I

CHILD FOSTER CARE

237.1 Definitions.

As used in this chapter:

1. *"Agency"* means a person that does not meet the definition of an individual or a kinship caregiver.

2. *"Agency licensee"* means an agency issued a license under this chapter.

3. *"Approval"* means the authorization granted to a kinship caregiver by the department through an expedited process under this chapter to provide child foster care, and allows the kinship caregiver to receive maximum financial support and to obtain the information and resources necessary to meet the needs of a child under a court-ordered placement with the kinship caregiver.

4. *"Approved kinship caregiver"* means a kinship caregiver granted approval under this chapter.

5. *"Child"* means the same as defined in section 234.1.

6. *"Child foster care"* means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person, including a relative or fictive kin of the child if the relative or fictive kin is an individual licensee or an approved kinship caregiver, but not including a guardian of the child. *"Child foster care"* does not include any of the following care situations:

a. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual's home, free of charge and not as a business.

b. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of education pursuant to section 256.11.

d. Child care furnished by a child care center, a child development home, or a child care home as those terms are defined in section 237A.1.

e. Care furnished in a hospital licensed under chapter 135B or care furnished in a nursing facility licensed under chapter 135C.

f. Care furnished by a relative or fictive kin of a child when the child is not under the placement, care, or supervision of the department.

7. *"Department"* means the department of health and human services.

8. *"Director"* means the director of health and human services.

9. *"Facility"* means the personnel, program, physical plant, and equipment of a licensee or approved kinship caregiver. *"Facility"* includes a foster family home.

10. *"Fictive kin"* means the same as defined in section 232.2.

11. *"Foster family home"* means a single-family home environment in which child foster care is provided.

12. *"Individual"* means a natural person or a married couple.

13. *"Individual licensee"* means an individual, including an individual who is a relative or fictive kin, issued a license under this chapter.

14. *"Kinship caregiver"* means a relative or fictive kin of a child.

15. *"License"* means the authorization issued to an individual or an agency by the department under this chapter to provide child foster care.

16. *"Licensee"* means an individual or an agency licensed under this chapter.

17. *"Protective locked environment"* means a setting that prevents egress from a building or grounds as a protective measure to ensure safety and security.

18. *"Reasonable and prudent parent standard"* means the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caretaker shall use when determining whether to allow a child in child foster care under the placement, care, or supervision of the department to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of this subsection, *"caretaker"* means a licensee with which a child in child foster care has been placed, an approved kinship caregiver with whom a child in child foster care has been placed, or a juvenile shelter care home approved under chapter 232 in which a child in child foster care has been placed.

19. *"Relative"* means an individual related to a child within the fourth degree of consanguinity or affinity by marriage or through adoption.

[C27, 31, 35, §3661-a42, -a43; C39, §**3661.056, 3661.057;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.1, 237.2; C81, §237.1; 82 Acts, ch 1016, §1]

83 Acts, ch 96, §157, 159; 86 Acts, ch 1245, §1418; 87 Acts, ch 44, §1; 90 Acts, ch 1039, §14; 99 Acts, ch 192, §29; 2002 Acts, ch 1142, §2, 31; 2016 Acts, ch 1063, §20; 2017 Acts, ch 100, §1; 2019 Acts, ch 126, §4; 2023 Acts, ch 19, §726; 2024 Acts, ch 1170, §416; 2025 Acts, ch 86, §33; 2025 Acts, ch 135, §12

Referred to in §16.1, 232.2, 235A.15, 237D.1, 282.19

237.2 Purpose.

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, fictive kin, or guardians and, as a result, are subject to difficulty in achieving appropriate physical, mental, emotional, educational, or social development. This chapter shall be construed and administered to further that policy by assuring that child foster care is adequately provided by competently staffed and well-equipped child foster care facilities, including but not limited to residential treatment centers, group homes, and foster family homes.

[C81, §237.2]

2025 Acts, ch 135, §13

237.3 Rules.

1. Except as otherwise provided by subsections 3 and 4, the department shall adopt and enforce in accordance with chapter 17A, administrative rules necessary to implement this

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chapter. Formulation of the rules shall include consultation with representatives of child foster care providers and other persons affected by this chapter. The rules shall encourage the provision of child foster care in foster family homes, and shall exempt foster family homes from inappropriate rules.

2. Rules relating to individual licensees and agency licensees, as applicable, shall include but are not limited to all of the following:

a. Types of facilities which include but are not limited to group foster care facilities and foster family homes.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to all of the following:

(1) Provision of a child's health records, and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health, from the department to a licensee or an approved kinship caregiver at or before the time of a child's placement with the licensee or approved kinship caregiver.

(2) If the health records supplied to the licensee or approved kinship caregiver in accordance with the child's case permanency plan are incomplete, or the licensee or approved kinship caregiver requests specific health information, procedures for obtaining additional health information from the child's parent, or other source, and providing the additional information to the licensee or approved kinship caregiver.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary, out-of-state travel with the individual licensee or approved kinship caregiver.

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(a) Dietary services.

(b) Social services.

(c) Activity programs.

(d) Behavior management procedures.

(e) Educational programs, including, where appropriate, special education as defined in section 256B.2, which are approved by the state board of education.

(2) The department shall not adopt rules that regulate individual licensees or approved kinship caregivers in the subject areas enumerated in this paragraph.

h. Policies for involvement of biological parents.

i. Records a licensee or approved kinship caregiver is required to keep, and reports a licensee or approved kinship caregiver is required to make to the department.

j. Prior to the licensing of an individual, completion of a required, written social assessment of the quality of the living situation in an individual's prospective foster family home, and completion of a required compilation of personal references for the individual, other than references provided by the individual.

k. Elements of a foster care placement agreement outlining rights and responsibilities associated with an individual or kinship caregiver providing child foster care. The rights and responsibilities shall include but are not limited to all of the following:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

(2) Having regularly scheduled meetings with each case manager assigned to the child.

(3) Receiving access to any reports prepared by a service provider who is working with the child unless the access is prohibited by state or federal law.

3. Rules governing fire safety in a facility in which child foster care is provided by an agency shall be adopted by the director of the department of inspections, appeals, and licensing pursuant to section 10A.511, after consultation with the director.

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4. Rules governing sanitation, water, and waste disposal standards for facilities shall be adopted by the department pursuant to section 135.11.

5. In case of a conflict between rules adopted pursuant to subsections 3 and 4 and local ordinances, the more stringent requirement shall apply.

6. Rules adopted by the department shall not prohibit the licensing of a departmental employee not directly engaged in the administration of the child foster care program pursuant to this chapter, as an individual licensee.

7. If an agency is accredited by the joint commission under the joint commission's consolidated standards for residential settings, or by the council on accreditation, the department shall modify the facility licensure standards applied to the agency to avoid duplication of standards applied through accreditation.

8. The department, in consultation with the judicial branch, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the rules pertaining to licensing of residential treatment facilities, and determine if the rules allow residential treatment facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in residential treatment facilities.

9. The department shall adopt rules that specify the elements of a preadoptive care agreement outlining the rights and responsibilities associated with a person providing preadoptive care, as defined in section 232.2.

10. The department shall adopt rules to allow a child care facility to provide respite care in a foster family home for a period of twenty-four hours or more to a child who is placed with an individual licensee, as provided in section 237A.1, subsection 2, paragraph *"l"*.

11. The department shall adopt rules to require the department or a representative of the department to visit a child placed with an individual licensee or approved kinship caregiver within two weeks of the child being placed with the individual licensee or approved kinship caregiver, and at least once each calendar month thereafter.

12. The department shall adopt rules that allow each individual licensee and each approved kinship caregiver to apply the reasonable and prudent parent standard to create opportunities for a child to participate in age or developmentally appropriate activities.

13. The department shall adopt rules pursuant to chapter 17A relating to the application of a protective locked environment to child foster care licensees.

[C27, 31, 35, §3661-a52; C39, §**3661.066;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.11; C81, §237.3]

83 Acts, ch 96, §157, 159; 89 Acts, ch 283, §26; 90 Acts, ch 1023, §1; 92 Acts, ch 1231, §39; 93 Acts, ch 172, §40; 94 Acts, ch 1046, §5; 97 Acts, ch 164, §5, 6; 98 Acts, ch 1047, §25; 2001 Acts, ch 105, §1, 2, 4; 2002 Acts, ch 1102, §1, 2; 2006 Acts, ch 1160, §2; 2009 Acts, ch 41, §241; 2009 Acts, ch 133, §232; 2010 Acts, ch 1193, §115, 116; 2023 Acts, ch 19, §727, 1358, 1644; 2023 Acts, ch 80, §1; 2024 Acts, ch 1043, §71; 2024 Acts, ch 1170, §417; 2025 Acts, ch 86, §34, 64; 2025 Acts, ch 135, §14

237.4 License required — exceptions.

An individual or an agency shall not provide child foster care unless the individual or agency is a licensee. However, a license under this chapter is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A residential care facility licensed under chapter 135C which is approved for the care of children.

3. A hospital licensed under chapter 135B.

4. A health care facility licensed under chapter 135C.

5. A juvenile detention home or juvenile shelter care home approved under section 232.142.

6. An institution listed in section 218.1.

7. A facility licensed under chapter 125.

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8. An individual providing child care as a babysitter at the request of a parent, guardian, fictive kin, or relative having lawful custody of the child.

[C27, 31, 35, §3661-a49; C39, §**3661.063;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.8; C81, §237.4; 82 Acts, ch 1016, §2]

84 Acts, ch 1050, §1; 87 Acts, ch 44, §2; 2023 Acts, ch 19, §728; 2025 Acts, ch 135, §15, 16

237.5 License application and issuance — denial, suspension, or revocation — provisional licenses.

1. An individual or an agency shall apply for a license by completing an application to the department upon forms furnished by the department. The department shall issue or reissue a license if the department determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this chapter. An initial license for an individual is valid for one year from the date of issuance. After the first two years of licensure, a license for an individual is valid for two years from the most recent date of issuance except that the department, within the director's discretion and based upon the performance of the licensee, may require annual renewal of the license or may issue a provisional license pursuant to subsection 3. A license for an agency is valid for up to three years from the date of issuance for the period determined by the department in accordance with administrative rules providing criteria for making the determination. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The department, after notice and opportunity for an evidentiary hearing, may deny an application for a license, and may suspend or revoke a license, if the applicant or licensee violates this chapter or the rules promulgated pursuant to this chapter, or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the department.

3. The department may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of this chapter, if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the department. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

[C27, 31, 35, §3661-a44, -a46, -a51, -a53, -a54; C39, §**3661.058, 3661.060, 3661.065, 3661.067, 3661.068;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.3, 237.5, 237.10, 237.12, 237.13; C81, §237.5]

87 Acts, ch 153, §15; 2002 Acts, ch 1102, §3; 2012 Acts, ch 1039, §1; 2023 Acts, ch 19, §729

237.5A Foster parent training.

1. *a.* As a condition for initial licensure, each proposed individual licensee shall complete foster parent training offered or approved by the department. When determining the appropriate foster parent training for a proposed individual licensee, the department shall consider the proposed individual licensee's relevant training and experience. In addition, the department shall consider the circumstances of the child who will receive child foster care from the proposed individual licensee and the circumstances of the proposed individual licensee.

b. Prior to renewal of licensure, each individual licensee shall complete foster parent training as determined appropriate for the individual licensee by the department.

2. Training required under this section shall include but not be limited to all of the following:

a. An overview of child welfare.

b. Biological parent contact and supporting a child's family of origin.

c. Behavior management.

d. Trauma and the effect on child development.

e. Attachment, grief, and loss.

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3. A person may complete training required under this section as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas.

4. An individual licensee who is unable to complete foster parent training required under subsection 1, paragraph *"b"*, because the individual licensee is engaged in active duty in the military service shall be considered to be in compliance with the training requirement for licensure renewal.

5. The department or the department's agent shall notify an individual licensee within a reasonable amount of time of any training the department believes would benefit the individual licensee in the provision of child foster care.

6. The department shall adopt rules pursuant to chapter 17A to implement and enforce this section.

84 Acts, ch 1279, §25; 87 Acts, ch 117, §1; 2002 Acts, ch 1102, §4; 2004 Acts, ch 1116, §19; 2006 Acts, ch 1159, §6; 2012 Acts, ch 1039, §2; 2023 Acts, ch 80, §2; 2025 Acts, ch 135, §17; 2026 Acts, ch 1004, §1

Section amended

237.5B Approved kinship caregiver.

1. A kinship caregiver shall not provide child foster care unless the kinship caregiver has been granted approval under this section.

2. A kinship caregiver shall apply for approval by submitting a completed application to the department on a form furnished by the department.

3. The department, after notice and opportunity for an evidentiary hearing, may deny an application for approval or continued approval if the applicant or approved kinship caregiver violates this chapter or rules adopted pursuant to this chapter.

2025 Acts, ch 135, §18

237.6 Restricted use of facility.

1. A licensee or approved kinship caregiver shall not furnish child foster care in a building or on premises not designated in the licensee's license or the kinship caregiver's approval.

2. A licensee shall not furnish child foster care to a greater number of children than is designated in the licensee's license, unless authorized by the department.

3. The department may issue multiple licenses authorizing separate and distinct parts of an agency licensee's facility to provide different categories of child foster care.

[C27, 31, 35, §3661-a50; C39, §**3661.064;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.9; C81, §237.6]

2023 Acts, ch 19, §730; 2025 Acts, ch 135, §19

237.7 Reports and inspections.

The department may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, appeals, and licensing. The director of the department of inspections, appeals, and licensing may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

[C27, 31, 35, §3661-a55; C39, §**3661.069;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.14; C81, §237.7]

90 Acts, ch 1204, §53; 2023 Acts, ch 19, §731, 1950

237.8 Personnel.

1. A person shall not be allowed to provide services in an agency licensee's facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a

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substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. *a.* (1) If a person is being considered for licensure or approval under this chapter, or if a person is being considered for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department, and the agency licensee for a prospective employee of the agency licensee, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, approval, employment, or residence in the facility. The record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for a person being considered for licensure as an agency licensee under this chapter, or for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, have been completed and the person either does not have a record of crime or founded child abuse or the record check evaluation system's evaluation of the record has determined that prohibition of the licensure or employment is not warranted, the person may be provisionally licensed or employed pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) A person being considered for licensure as an agency licensee under this chapter, or a person being considered for employment by an agency licensee if the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, shall not be granted a license or be employed and an evaluation shall not be performed under this subsection, if the person has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.
(b) Child endangerment or neglect or abandonment of a dependent person.
(c) Domestic abuse.
(d) A crime against a child, including but not limited to sexual exploitation of a minor.
(e) A forcible felony.

(4) If a person is being considered for licensure or approval under this chapter, or if a person is being considered for employment by an agency licensee and the employment involves direct responsibility for a child, is in a facility where children reside, or requires the person to reside in a facility utilized by an agency licensee, in addition to the record checks conducted under subparagraph (1), the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph shall be the responsibility of the department.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for a person being considered for licensure as an individual licensee or for approval as an approved kinship caregiver have been completed and the person either does not have a record of crime or founded abuse, or the record check evaluation system's evaluation of the record has determined that prohibition of the person's licensure or approval is not warranted, the person may be provisionally licensed or approved pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An applicant for a license as an individual licensee or for approval as an approved kinship caregiver shall not be granted a license or approval, and an evaluation shall not be performed under this subsection, if the applicant has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.
(b) Child endangerment or neglect or abandonment of a dependent person.
(c) Domestic abuse.

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(d) A crime against a child, including but not limited to sexual exploitation of a minor.

(e) A forcible felony.

b. Except as otherwise provided in paragraph *"a"*, if the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, approved, employed by an agency licensee, or resides in a licensed facility, the record check evaluation system shall notify the licensee or approved kinship caregiver that an evaluation will be conducted to determine whether prohibition of the person's licensure, approval, employment, or residence is warranted.

c. In an evaluation, the record check evaluation system, and the agency licensee for an employee or prospective employee of the agency licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, approved, employed, or to reside in a facility, or to continue to be licensed, approved, employed, or to reside in a facility, if the person complies with the record check evaluation system's conditions relating to the person's licensure, approval, employment, or residence, which may include completion of additional training. For an employee or prospective employee of an agency licensee, these conditional requirements shall be developed with the agency licensee. The record check evaluation system shall have final authority in determining whether prohibition of the person's licensure, approval, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse that warrants prohibition of licensure, approval, employment, or residence, the person shall not be licensed or approved under this chapter and shall not be employed by an agency licensee or reside in a facility.

3. In addition to the record checks required under subsection 2, the record check evaluation system may conduct dependent adult abuse record checks in this state and in other states on a random basis. The provisions of subsection 2, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under this subsection.

4. An agency licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. An agency licensee shall include the following inquiry in an application for employment:

> Do you have a record of founded child or dependent adult abuse, or have you ever been convicted of a crime, in this state or any other state?

[C81, §237.8]

87 Acts, ch 153, §16; 88 Acts, ch 1134, §57; 89 Acts, ch 283, §27; 90 Acts, ch 1221, §7; 91 Acts, ch 138, §7; 94 Acts, ch 1130, §14; 98 Acts, ch 1190, §29; 2007 Acts, ch 172, §12; 2019 Acts, ch 126, §5, 6; 2023 Acts, ch 19, §732; 2025 Acts, ch 135, §20

Referred to in §232.142

237.9 Confidential information.

A person who receives information from or through the department shall not disclose that information directly or indirectly, except as authorized by section 217.30, or as authorized or required by section 232.69, if the information concerns any of the following:

1. A child who has received or is receiving child foster care.

2. A relative, fictive kin, or guardian of a child who has received or is receiving child foster care.

3. An individual licensee.

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4. An employee of a licensee.
5. An approved kinship caregiver.

[C81, §237.9]
2025 Acts, ch 135, §21; 2026 Acts, ch 1040, §42
Unnumbered paragraph 1 amended

237.10 Individual licensees and approved kinship caregivers.

1. *a.* The department shall notify an individual licensee or approved kinship caregiver of any appropriate meetings relating to the case permanency plan of a child in the care of the individual licensee or approved kinship caregiver.

b. The department shall notify an individual licensee or approved kinship caregiver of any meetings known to the department relating to the individualized education program of a child in the care of the individual licensee or approved kinship caregiver.

c. The department shall notify an individual licensee or approved kinship caregiver of any medical appointments required or scheduled in consultation with the department relating to a child in the care of the individual licensee or approved kinship caregiver.

d. (1) The department shall notify an individual licensee or an approved kinship caregiver, and the parents or guardians of a child, if the department delegates the department's right to consent to emergency medical care and routine medical care on behalf of the child under section 232.2, subsection 15, paragraph *"c"*, to the individual licensee or approved kinship caregiver.

(2) The department shall notify the department of education, an individual licensee or an approved kinship caregiver, and the parents or guardians of a child, if the department delegates the department's right to consent to participation in an individualized education program on behalf of the child under section 232.2, subsection 15, paragraph *"c"*, to the individual licensee or approved kinship caregiver.

2. The department or the department's agent may share otherwise confidential information about a child with an individual licensee or approved kinship caregiver being considered as a possible placement for the child to the extent such disclosure is relevant to the placement decision and the proper care of the child. The department or the department's agent may facilitate sharing the contact information of previous individual licensees and approved kinship caregivers for a child with the next individual licensee or approved kinship caregiver in an effort to support the continuity of care for a child.

3. Upon placement of a child with an individual licensee or approved kinship caregiver, the department shall provide the individual licensee or approved kinship caregiver with information that would allow the individual licensee or approved kinship caregiver to contact the department or an agent of the department for assistance relating to child foster care.

4. Prior to disclosing an individual licensee's or approved kinship caregiver's private address, work address, or contact information, the department shall evaluate possible safety concerns to determine whether such information may be released without posing a risk to the safety of the individual licensee, the approved kinship caregiver, the child, or any other person.

5. The department shall notify an individual licensee or approved kinship caregiver within a reasonable amount of time of any change in a law or rule that would have a substantive impact on the individual licensee's or approved kinship caregiver's obligations and responsibilities relating to child foster care.

6. *a.* The department shall provide written notice to an individual licensee, or an approved kinship caregiver, a minimum of ten days prior to the removal of a child from the care of the individual licensee or approved kinship caregiver. Such notice shall include the reasons for the child's removal.

b. This subsection shall not apply if the health or safety of the child or another person is threatened by the child's presence in the child's current placement, if the court orders the removal of a child from the individual licensee or the approved kinship caregiver, if the child is absent from the placement without authorization, if the child is being moved to the home of a biological parent or legal guardian, or if the individual licensee or approved kinship caregiver is alleged to have committed child abuse or neglect.

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7. *a.* An individual licensee or approved kinship caregiver shall provide written notice to the department a minimum of ten days prior to a request to remove a child from the individual licensee's care or the approved kinship caregiver's care.

b. This subsection shall not apply to a situation where the health or safety of the child or another person is threatened by the child's presence in the child's current placement.

8. At the conclusion of an investigation conducted by the department that may affect an individual licensee's ability, or an approved kinship caregiver's ability, to provide child foster care in the future, the department shall provide the individual licensee or approved kinship caregiver with a written report that details the conclusions of the investigation.

9. *a.* The department shall require an individual licensee or approved kinship caregiver to attempt, to the extent reasonably possible, to maintain a child's culture and beliefs.

b. An individual licensee or an approved kinship caregiver shall be allowed to provide child foster care, according to the individual licensee's or the approved kinship caregiver's own culture and beliefs, if such child foster care does not actively discourage a child to disregard the child's own culture and beliefs and a biological parent whose parental rights have not been terminated or a legal guardian for the child does not object to the practice or activity that is consistent with the individual licensee's or the approved kinship caregiver's own culture and beliefs.

10. *a.* The department shall not do any of the following:

(1) Require an individual licensee or approved kinship caregiver to affirm, accept, or support a policy related to sexual orientation or gender identity that conflicts with the person's sincerely held religious or moral beliefs.

(2) Preclude a person from being licensed as an individual licensee or approved as an approved kinship caregiver based on the person's sincerely held religious or moral beliefs related to sexual orientation or gender identity, including but not limited to the person's intent to guide, instruct, or raise a child in a manner consistent with the person's sincerely held religious or moral beliefs.

b. (1) The department, and the department's designees, shall not adopt a standard, policy, or rule that precludes an individual licensee or an approved kinship caregiver from being considered as a possible placement for a child based on the person's sincerely held religious or moral beliefs related to sexual orientation or gender identity.

(2) This paragraph shall not preclude the department, or the department's designee, from taking into account the sincerely held moral and religious beliefs, including but not limited to the sincerely held moral and religious beliefs related to sexual orientation and gender identity, of a child and the child's family of origin as compared to the sincerely held moral and religious beliefs of a potential individual licensee or approved kinship caregiver when determining the most appropriate placement for the child consistent with the best interests of the child.

c. (1) A current or prospective individual licensee or approved kinship caregiver may bring an action asserting a violation of this subsection. A court may provide the current or prospective individual licensee or approved kinship caregiver injunctive relief, declaratory relief, or other relief as the court deems appropriate, and may award reasonable attorney fees and costs.

(2) The attorney general may bring an action to enforce this subsection.

d. For purposes of this subsection, "*gender identity*" means the same as defined in section 279.78, and "*sexual orientation*" means the same as defined in section 216.2.

11. *a.* The department or the department's agent shall consider the needs and scheduling demands of a child, the child's parents, the child's siblings, and the individual licensee or approved kinship caregiver caring for the child when scheduling supervised or any other visitation between the child and the child's siblings, family members, or fictive kin.

b. The department shall not require an individual licensee or an approved kinship caregiver to conduct, or to be present during, supervised visits scheduled pursuant to paragraph "*a*".

12. The department shall accept information from an individual licensee or approved kinship caregiver relating to medical appointments, treatment needs, educational progress, and educational services for a child placed with the individual licensee or approved kinship caregiver. The department shall consider all such information when developing or modifying

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a child's case permanency plan, and in the coordination of care and decisions related to services and care necessary for the child. The information the department receives from an individual licensee or an approved kinship caregiver shall be reviewed and considered as decisions about the child's progress and needs are made.

13. The department shall maintain a process to allow each individual licensee and each approved kinship caregiver to file a complaint with the department electronically for an alleged violation relating to this section.

14. The department shall adopt rules pursuant to chapter 17A to implement this section.

2023 Acts, ch 80, §3; 2025 Acts, ch 135, §22; 2025 Acts, ch 159, §10; 2025 Acts, ch 165, §7, 8; 2026 Acts, ch 1149, §1

NEW subsection 10 and former subsections 10 – 13 renumbered as 11 – 14

237.11 Penalty.

An individual or an agency who provides child foster care without obtaining a license under this chapter or who knowingly violates this chapter or the rules promulgated pursuant to this chapter is guilty of a serious misdemeanor.

[C27, 31, 35, §3661-a57; C39, §**3661.071;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.16; C81, §237.11]

237.12 Injunctive relief.

An individual or an agency who provides child foster care without obtaining a license under this chapter or who knowingly violates this chapter or the rules promulgated pursuant to this chapter may be temporarily or permanently enjoined by a court in an action brought by the state, a political subdivision of the state or an interested person.

[C58, 62, 66, 71, 73, 75, 77, 79, §237.16; C81, §237.12]

237.13 Foster family home insurance fund.

1. The foster family home insurance fund shall be administered by the department. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster family home or to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out this section. The department may establish limitations of liability for individual claims as deemed reasonable by the department.

2. The department shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

88 Acts, ch 1223, §1; 89 Acts, ch 178, §4; 93 Acts, ch 172, §41; 99 Acts, ch 55, §1 – 5; 2001 Acts, ch 135, §1, 2; 2011 Acts, ch 98, §2, 3; 2020 Acts, ch 1121, §56; 2021 Acts, ch 182, §54; 2023 Acts, ch 19, §733; 2025 Acts, ch 135, §23

237.14 Enhanced child foster care services.

The department shall provide for enhanced child foster care services by establishing supplemental per diem or performance-based contracts that include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to section 16.57 with facilities that provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated for enhanced child foster care services for the forthcoming fiscal year in order to provide sufficient services.

90 Acts, ch 1239, §14; 2014 Acts, ch 1080, §84, 98; 2015 Acts, ch 29, §38; 2025 Acts, ch 135, §24

237.14A Reasonable and prudent parent standard — immunity from liability.

The department, or any individual, kinship caregiver, agency, or juvenile shelter care home that applies the reasonable and prudent parent standard reasonably and in good faith in

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regard to a child in child foster care shall have immunity from civil or criminal liability which might otherwise be incurred or imposed. This section shall not remove or limit any existing liability protection afforded under any other law.

2016 Acts, ch 1063, §21; 2025 Acts, ch 135, §25

SUBCHAPTER II

FOSTER CARE REVIEW

237.15 Definitions.

For the purposes of this subchapter unless otherwise defined:

1. *"Case permanency plan"* means the same as defined in section 232.2, subsection 6, except the plan shall also include the following:

a. The efforts to place the child with a relative or fictive kin.

b. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

c. Time frames to meet the stated permanency goal and short-term objectives.

2. *"Child receiving foster care"* means a child who is described by any of the following circumstances:

a. The child's foster care placement is the financial responsibility of the state pursuant to section 234.35.

b. The child is under the guardianship of the department.

c. The child has been involuntarily hospitalized for mental illness pursuant to chapter 229.

d. The child is at-risk of being placed outside the child's home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

3. *"Court appointed special advocate"* means the same as defined in section 232.2.

4. *"Family"* means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

5. *"Local board"* means a local citizen foster care review board created pursuant to section 237.19.

6. *"Person or court responsible for the child"* means the department, including but not limited to the department of health and human services, the agency, or the individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

7. *"State board"* means the child advocacy board created pursuant to section 237.16.

84 Acts, ch 1279, §26; 88 Acts, ch 1233, §1, 2; 89 Acts, ch 296, §22; 90 Acts, ch 1270, §46; 91 Acts, ch 232, §11; 92 Acts, ch 1141, §5; 92 Acts, ch 1231, §40; 94 Acts, ch 1046, §6; 95 Acts, ch 182, §18, 19; 2000 Acts, ch 1067, §13; 2002 Acts, ch 1162, §20, 21; 2016 Acts, ch 1011, §121; 2022 Acts, ch 1055, §2; 2022 Acts, ch 1096, §5; 2023 Acts, ch 19, §734; 2025 Acts, ch 135, §26, 27

Referred to in §232.97, 234.39

237.16 Child advocacy board — staff.

1. The child advocacy board is created within the department. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their

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duties, subject to available funding. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet as necessary.

3. An employee of the department, an employee of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with subsection 1 shall be eligible to serve on the state board.

4. The department shall develop written protocols detailing the responsibilities of the department with regard to children under the purview of the state board. The protocols shall be reviewed by the department on an annual basis.

5. The director shall employ appropriate staff for the state board in accordance with available funding.

84 Acts, ch 1279, §27; 86 Acts, ch 1245, §549; 88 Acts, ch 1233, §3; 89 Acts, ch 296, §23; 92 Acts, ch 1141, §6; 92 Acts, ch 1242, §27; 2002 Acts, ch 1162, §22; 2002 Acts, 2nd Ex, ch 1003, §239, 262; 2006 Acts, ch 1049, §1; 2022 Acts, ch 1055, §3; 2023 Acts, ch 19, §735; 2024 Acts, ch 1170, §103

Referred to in §232.2, 232.13, 232.147, 232.149A, 235A.15, 237.15, 237.17, 237.20
Confirmation, see §2.32

237.17 Foster care registry.

1. The state board shall establish a registry of the placements of all children receiving foster care. The agency responsible for the placement shall notify the state board of each placement in accordance with written protocols adopted pursuant to section 237.16, subsection 4. The notification shall include information identifying the child receiving foster care and placement information for that child.

2. The agency responsible for the placement shall submit the case permanency plan and all case permanency plan revisions to a local board in accordance with written protocols adopted pursuant to section 237.16, subsection 4.

84 Acts, ch 1279, §28; 88 Acts, ch 1233, §4; 2022 Acts, ch 1055, §4

237.18 Duties of state board.

The state board shall:

1. Review the activities and actions of local boards and the court appointed special advocate program.

2. Adopt rules pursuant to chapter 17A to:

a. Establish a recordkeeping system for the files of local boards including individual case reviews.

b. Accumulate data and develop an annual report regarding children served by the state board. The report shall include:

(1) Data regarding the total number of days of foster care provided and the characteristics of the children receiving foster care.

(2) The number of placements of children in foster care.

c. Evaluate the data collected by local boards and court appointed special advocates, and disseminate the data to the governor, the department, child-placing agencies, and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district.

d. Establish mandatory training programs for members of the state board. Training shall focus on but not be limited to the following:

(1) The duties of the state board.

(2) The duties of local boards.

(3) The duties of court appointed special advocates.

(4) Applicable child welfare laws and practices that influence the work of local boards and court appointed special advocates.

e. Establish a mandatory training program and procedures for local boards consistent with the provisions of section 237.20.

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f. Establish procedures and protocols for administering the court appointed special advocate program in accordance with subsection 5.

3. Assign the cases of children receiving foster care to the appropriate local boards.

4. Maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor and the general assembly.

5. Administer the court appointed special advocate program, including but not limited to performance of all of the following:

a. Establish standards for the program, including but not limited to standards for selection and screening of volunteers, preservice training, continuing education, and assignment and supervision of volunteers. Identifying information concerning a court appointed special advocate, other than the advocate's name, shall not be considered to be a public record under chapter 22.

b. Implement the court appointed special advocate program as deemed necessary to effectuate its purpose including but not limited to employing court appointed special advocate program staff as available funding provides.

c. Promote adherence to the national guidelines for state and local court appointed special advocate programs.

d. Issue an annual report of the court appointed special advocate program for submission to the general assembly, the governor, and the supreme court.

6. Receive gifts, grants, or donations made for any of the purposes of the state board's programs and disburse and administer the funds received in accordance with the terms of the donor and under the direction of program staff. The funds received shall be used according to any restrictions attached to the funds and any unrestricted funds shall be retained and applied to the applicable program budget for the next succeeding fiscal year.

7. Make recommendations to the general assembly, the department, child-placing agencies, the governor, and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district. The recommendations shall include but are not limited to identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph *"b"*.

84 Acts, ch 1279, §29; 88 Acts, ch 1233, §5 – 8; 92 Acts, ch 1141, §7; 92 Acts, ch 1242, §28; 98 Acts, ch 1047, §26; 2002 Acts, ch 1162, §23, 24; 2003 Acts, ch 35, §45, 49; 2009 Acts, ch 41, §98; 2009 Acts, ch 181, §113; 2022 Acts, ch 1055, §5; 2023 Acts, ch 19, §736; 2023 Acts, ch 64, §33

237.19 Local citizen foster care review boards.

1. The state board shall establish local citizen foster care review boards to review cases of children receiving foster care. The department shall discontinue its foster care review process for those children reviewed by local boards as local boards are established and operating. The state board shall select a minimum of five members and a maximum of seven members to serve on each local board. The actual number of local boards needed and established shall be determined by the state board. The members of each local board shall, to the extent possible, reflect the various racial and ethnic groups and various occupations of their district. A person employed by the state board, the department, or the district court, or an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board.

2. Vacancies on a local board shall be filled in the same manner as original appointments.

3. A local board member shall be required to pass a background check and complete requirements as established by the state board prior to taking an oath of confidentiality to serve on a local board.

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4. A local board member shall be required to receive periodic continuing education during each term of service as established by the state board.

84 Acts, ch 1279, §30; 88 Acts, ch 1233, §9; 92 Acts, ch 1141, §8; 2022 Acts, ch 1055, §6
Referred to in §232.13, 232.147, 232.149A, 235A.15, 237.15
Local boards to be established in additional judicial districts as moneys become available; 88 Acts, ch 1233, §21

237.20 Local board duties.

A local board shall, except in delinquency cases, do the following:

1. Review the case of each child receiving foster care assigned to a local board in accordance with written protocols adopted pursuant to section 237.16, subsection 4, to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

a. During each review, the agency responsible for the placement of or services provided to the child shall attend the review and the local board shall review all of the following:

(1) The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the child's biological or adoptive parents, legal guardians, or fictive kin providing the majority of a child's daily food, lodging, and support.

(3) The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

(4) Any problems, solutions, or alternatives which may be capable of investigation, or other matters with regard to the child which the agency responsible for the placement of the child or the board feels should be investigated with regard to the best interests of the state or of the child.

(5) The compliance of the interested parties with the decision-making rights and responsibilities contained in the family foster care or preadoptive care agreement applicable to a child.

b. A person notified pursuant to subsection 4 shall either attend the review or submit a statement as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department. Statements may, upon the request of an interested party or upon motion of the local board, be given in a private setting. Statements may be made in written, oral, or electronic form. Local board reviews shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

c. A person who gives an oral statement has the right to representation by counsel at the review.

d. An agency or individual providing services to the child shall submit statements as requested by the local board. Written or recorded statements from other interested parties may also be considered by the board in its review.

2. *a.* Submit to the appropriate court and the department within fifteen days after the review under subsection 1, the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. The report shall include information regarding the case permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the case permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in subsection 4 of the findings and recommendations.

b. If the person or agency responsible for services provided to the child disagrees with the review findings or recommendations, the person or agency shall respond during the review or submit a statement to the local board and the court within ten working days of receiving the

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local board's report. The response shall explain the reasons the person or agency disagrees with the board's findings or does not plan to implement the board's recommendations.

3. Encourage placement of the child in the most appropriate setting reflecting the provisions of chapter 232.

4. *a.* Notify the following persons at least ten days before the review of a case of a child receiving foster care:

(1) The person, court, or agency responsible for the child.

(2) The parent or parents of the child unless termination of parental rights has occurred pursuant to section 232.117.

(3) The foster care provider of the child.

(4) The child receiving foster care if the child is fourteen years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

(5) The guardian ad litem of the foster child. An attorney appointed as guardian ad litem shall be eligible for compensation under section 232.141, subsection 2.

(6) The department.

(7) The county attorney.

(8) The person providing services to the child or the child's family.

(9) An intervenor.

b. The notice shall include a statement that the person notified has the right to representation by counsel at the review.

84 Acts, ch 1279, §31; 88 Acts, ch 1233, §10 – 15; 89 Acts, ch 64, §1 – 3; 92 Acts, ch 1141, §9 – 12; 97 Acts, ch 164, §7; 99 Acts, ch 135, §22; 2003 Acts, ch 151, §8; 2009 Acts, ch 41, §263; 2009 Acts, ch 181, §114; 2022 Acts, ch 1055, §7 – 11

Referred to in §237.18, 237.21

237.21 Confidentiality of records — penalty.

1. The information and records of or provided to a local board, state board, or court appointed special advocate regarding a child who is receiving foster care or who is under the court's jurisdiction and the child's family when relating to services provided or the foster care placement are not public records pursuant to chapter 22. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to chapter 21.

2. Information and records relating to a child receiving foster care and to the child's family shall be provided to a court appointed special advocate, a local board, or the state board by the department, the department's agent, or a child placement agency contracted by the department upon request by the court appointed special advocate or either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child to a local board or court appointed special advocate upon request by the local board or court appointed special advocate. If confidential information and records are distributed to individual members in advance of a meeting of a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure. If confidential information and records are distributed to a court appointed special advocate or court appointed special advocate program staff, the information shall be confidential and the court appointed special advocate and court appointed special advocate program staff shall take appropriate steps to prevent unauthorized disclosure.

3. A court appointed special advocate may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child's family while attending the meetings.

4. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child's legal representative or guardian ad litem, or at a local board meeting. Case-related observations and recommendations about a child and the child's parent or about a child and the child's legal guardian may also be disclosed to the parent

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or guardian to which the observations and recommendations pertain or to such parent or guardian's legal representative.

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Members of the state and local boards, court appointed special advocates, and employees of the department who disclose information or records of the board or department, other than as provided in subsections 2, 3, and 4, section 232.126, and section 237.20, subsection 2, are guilty of a simple misdemeanor.

84 Acts, ch 1279, §32; 87 Acts, ch 117, §2; 88 Acts, ch 1233, §16, 17; 89 Acts, ch 64, §4; 92 Acts, ch 1196, §1; 2005 Acts, ch 55, §3; 2015 Acts, ch 21, §1 – 3; 2022 Acts, ch 1055, §12, 13; 2022 Acts, ch 1098, §88; 2023 Acts, ch 19, §737

Referred to in §135H.13, 237.24

237.22 Case permanency plan.

The agency responsible for the placement of the child shall create a case permanency plan. In addition to requirements stated in section 232.2, subsection 6, the plan shall also include but not be limited to:

1. Time frames to meet the stated permanency goal and short-term objectives.
2. The care and services that will be provided to the child, biological parents, the child's fictive kin, and foster parents.
3. The efforts to place the child with a relative or fictive kin.
4. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.

84 Acts, ch 1279, §33; 88 Acts, ch 1233, §18, 19; 94 Acts, ch 1046, §7; 2022 Acts, ch 1055, §14

Referred to in §237.20

237.23 Reserved.

237.24 Court appointed special advocates.

1. A court appointed special advocate shall receive notice of all depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed.
2. The duties of a court appointed special advocate with respect to a child, unless otherwise enlarged or circumscribed by a court or juvenile court with jurisdiction over the child after a finding of good cause, shall include all of the following:

a. Conducting in-person interviews with the child every thirty days, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child as needed, if authorized by counsel.

b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.

c. Interviewing any person providing medical, mental health, social, educational, or other services to the child.

d. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.

e. Attending any depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child's protection.

f. Assisting the transition committee in the development of a transition plan if the child's case permanency plan calls for the development of a transition plan.

g. (1) Submitting a written report to the juvenile court and to each of the parties identified in section 237.21, subsection 4, prior to each court hearing unless otherwise ordered by the court.

(2) The report shall include but not be limited to the identified strengths of the child and the child's family, concerns identified by the court appointed special advocate, the court appointed special advocate's recommendations regarding the child's placement, and

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other recommendations the court appointed special advocate believes are in the child's best interests.

h. Submitting periodic reports to the court or juvenile court with jurisdiction over a child and interested parties detailing the child's situation as long as the child remains under the jurisdiction of the court or juvenile court.

i. Filing other reports as ordered by a court or juvenile court.

2022 Acts, ch 1055, §15; 2022 Acts, ch 1098, §65

Referred to in §232.2, 232.126

CHAPTER 237A

CHILD CARE FACILITIES

Referred to in §235A.15, 239B.24, 256C.3, 279.49

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237A.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Child"* means either of the following:

a. A person twelve years of age or younger.

b. A person thirteen years of age or older but younger than nineteen years of age who has a developmental disability as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402, as codified in 42 U.S.C. §15002(8).

2. *"Child care"* means the care, supervision, and guidance of a child by a person other than the child's parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include care, supervision, and guidance of a child by any of the following:

a. An instructional program for children who are attending prekindergarten as defined by the state board of education under section 256.11 or a higher grade level and are at least four years of age, or are at least three years of age and eligible for special education under chapter 256B, administered by any of the following:

(1) A public or nonpublic school system accredited by the department of education or the state board of regents.

(2) A nonpublic school system which is not accredited by the department of education or the state board of regents.

b. Any of the following church-related programs:

(1) An instructional program.

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(2) A youth program other than a preschool, before or after school child care program, or other child care program.

(3) A program providing care to children on church premises while the children's parents are attending church-related or church-sponsored activities on the church premises.

c. Short-term classes of less than two weeks' duration held between school terms or during a break within a school term.

d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections, appeals, and licensing pursuant to chapter 135B.

e. A program operated not more than one day per week by volunteers which meets all of the following conditions:

(1) Not more than eleven children are served per volunteer.

(2) The program operates for less than four hours during any twenty-four-hour period.

(3) The program is provided at no cost to the children's parent, guardian, or custodian.

f. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

g. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently or a summer-only program for such children. The program must be provided through a nominal membership fee or at no cost.

h. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.

i. A nationally accredited camp.

j. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:

(1) A purchase of service or managed care contract with the department.

(2) An arrangement approved by a juvenile court order.

k. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

l. A child care facility providing respite care in a foster family home for a period of twenty-four hours or more to a child who is placed with an individual licensee under chapter 237.

m. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

3. *"Child care center"* or *"center"* means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

4. *"Child care facility"* or *"facility"* means a child care center, preschool, or a registered child development home.

5. *"Child care home"* means a person or program providing child care to any of the following children at any one time that is not registered to provide child care under this chapter, as authorized under section 237A.3:

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

6. *"Child development home"* means a person or program registered under section 237A.3A that may provide child care to seven or more children at any one time.

7. *"Children needing special needs care"* or *"special needs child"* means a child or children with one or more of the following conditions:

a. The child has been diagnosed by a physician or by a person endorsed for service as a school psychologist by the department of education to have a developmental disability which

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substantially limits one or more major life activities, and the child requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.

b. The child has been determined by a qualified intellectual disability professional to have a condition which impairs the child's intellectual and social functioning.

c. The child has been diagnosed by a mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age, or which significantly interferes with the child's intellectual, social, or personal development.

8. *"Department"* means the department of health and human services.

9. *"Director"* means the director of health and human services.

10. *"Infant"* means a child who is less than twenty-four months of age.

11. *"Involvement with child care"* means licensed or registered under this chapter, employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or providing child care as a child care home provider, or residing in a child care home.

12. *"Licensed center"* means a center issued a full or provisional license by the department under the provisions of this chapter or a center for which a license is being processed.

13. *"Poverty level"* means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

14. *"Preschool"* means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

15. *"School"* means kindergarten or a higher grade level.

[C75, 77, 79, 81, §237A.1; 82 Acts, ch 1213, §1 – 3]

83 Acts, ch 96, §157, 159; 87 Acts, ch 115, §34; 88 Acts, ch 1097, §1; 89 Acts, ch 206, §3; 90 Acts, ch 1005, §1 – 3; 91 Acts, ch 151, §1; 92 Acts, ch 1083, §1; 92 Acts, ch 1109, §1; 93 Acts, ch 54, §4; 93 Acts, ch 76, §8, 9; 94 Acts, ch 1129, §1; 94 Acts, ch 1175, §1; 97 Acts, ch 151, §1; 99 Acts, ch 192, §1; 2000 Acts, ch 1067, §14; 2001 Acts, ch 105, §3, 4; 2002 Acts, ch 1142, §3 – 8, 31; 2003 Acts, ch 81, §1; 2005 Acts, ch 95, §4; 2010 Acts, ch 1031, §355, 361; 2011 Acts, ch 129, §92, 156; 2015 Acts, ch 88, §1, 5; 2017 Acts, ch 103, §1; 2021 Acts, ch 40, §1; 2023 Acts, ch 19, §738, 1951; 2023 Acts, ch 89, §1; 2024 Acts, ch 1170, §418; 2025 Acts, ch 135, §28; 2026 Acts, ch 1164, §10

Referred to in §135.119, 136A.5B, 237.1, 237.3, 237A.2, 237A.13, 237A.26, 237C.1, 422.12C, 692A.101, 726.23
Subsection 2, paragraph j, subparagraph (2) stricken and former subparagraph (3) renumbered as (2)

237A.2 Licensing of child care centers.

1. A person shall not establish or operate a child care center without obtaining a license under the provisions of this chapter. A center may operate for a specified period of time, to be established by rule of the department, if application for a license has been made. If the department denies an application for an initial license, notwithstanding section 17A.18, the applicant center shall not continue to provide child care pending the outcome of an evidentiary hearing. The department shall issue a license if it determines that all of the following conditions have been met:

a. An application for a license or a renewal has been filed with the department on forms provided by the department.

b. The center is maintained to comply with state health and fire laws.

c. The center is maintained to comply with rules adopted under section 237A.12.

2. *a.* A person denied a license under this section shall receive written notice of the denial stating the reasons for denial and shall be provided with an opportunity for an evidentiary hearing.

b. A license issued under this chapter shall be valid for twenty-four months from the date of issuance. A license shall remain valid unless it is revoked or suspended in accordance with the provisions of section 237A.8 or is reduced to a provisional license under subsection 3. The department may inspect a licensed center at any time. A record of the license shall be kept by the department.

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c. The license shall be posted in a conspicuous place in the center and shall state the particular premises in which child care may be offered and the number of individuals who may be received for care at any one time. A greater number of children than is authorized by the license shall not be kept in the center at any one time.

3. The department may reduce a previously issued license to a provisional license or issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under this section. A provisional license shall not be renewable in regard to the same standards for more than two consecutive years. A provisional license shall be posted in a conspicuous place in the center as provided in this section. If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department, the provisional license shall be renewable as provided in this subsection.

4. A program which is not a child care center by reason of the exceptions to the definition of child care in section 237A.1, subsection 2, but which provides care, supervision, and guidance to a child may be issued a license if the program complies with all the provisions of this chapter.

5. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of twelve months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the twelve-month period. The applicant or person shall be prohibited from involvement with child care unless the involvement is specifically permitted by the department.

[C75, §237A.2, 237A.3; C77, 79, 81, §237A.2]

90 Acts, ch 1005, §4; 91 Acts, ch 232, §12; 92 Acts, ch 1163, §54; 99 Acts, ch 192, §2; 2002 Acts, ch 1142, §9, 10, 31; 2003 Acts, ch 44, §54; 2003 Acts, ch 81, §2; 2023 Acts, ch 19, §739, 740

Child care provider minimum age and child care center staffing ratios, see 2022 Acts, ch 1135, §2, 3

237A.3 Child care homes.

1. A person or program providing child care in a child care home is not required to register under section 237A.3A as a child development home. However, the person or program may register as a child development home.

2. If a person or program has been prohibited by the department from involvement with child care, the person or program shall not provide child care as a child care home provider and is subject to penalty under section 237A.19 or injunction under section 237A.20 for doing so.

3. The location at which the child care is provided shall be a single-family residence that is owned, rented, or leased by the person or program providing the child care. For purposes of this subsection, a "*single-family residence*" includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

[C75, 77, 79, 81, §237A.3; 82 Acts, ch 1016, §3, ch 1213, §4]

90 Acts, ch 1005, §5; 91 Acts, ch 151, §2; 91 Acts, ch 232, §13; 91 Acts, ch 267, §142; 92 Acts, ch 1163, §55; 93 Acts, ch 76, §10, 11; 94 Acts, ch 1129, §2, 3; 97 Acts, ch 151, §2; 99 Acts, ch 192, §3; 2001 Acts, ch 135, §3; 2002 Acts, ch 1142, §11, 31; 2003 Acts, ch 81, §3; 2008 Acts, ch 1187, §119; 2021 Acts, ch 40, §2

Referred to in §237A.1, 237A.19

237A.3A Child development homes.

1. *Registration.*

a. A person shall not establish or operate a child development home unless the person obtains a certificate of registration. The department shall issue a certificate of registration upon receipt of a statement from the person or upon completion of an inspection conducted

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by the department or a designee of the department verifying that the person complies with applicable rules adopted by the department pursuant to this section and section 237A.12.

b. The certificate of registration shall be posted in a conspicuous place in the child development home and shall state the name of the registrant, the registration category of the child development home, the maximum number of children who may be present for child care at any one time, and the address of the child development home. In addition, the certificate shall include a checklist of registration compliances.

c. The registration process for a child development home shall be repeated every twenty-four months as provided by rule.

d. A licensee or an approved kinship caregiver under chapter 237 shall register as a child development home provider in order to provide child care.

2. *Revocation or denial of registration.* If the department has denied or revoked a certificate of registration because a person has continually or repeatedly failed to operate a registered or licensed child care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not operate or establish a registered child development home for a period of twelve months from the date the registration or license was denied or revoked. The department shall not act on an application for registration submitted by the person during the twelve-month period. The applicant or person shall be prohibited from involvement with child care unless the involvement is specifically permitted by the department.

3. *Rules.*

a. Three categories of standards shall be applicable to child development homes. The initial designations of the categories, which may be revised by the department, shall be "A", "B", and "C", as ranked from less stringent standards and capacity to more stringent standards and capacity. The "C" registration category standards shall require the highest level of provider qualifications and allow the greatest capacity of the three categories. The department shall adopt rules applying standards to each category specifying provider qualifications and training, health and safety requirements, capacity, amount of space available per child, and other minimum requirements. The capacity requirements shall take into consideration the provider's own children, children who have a mild illness, children receiving part-time child care, and children served as a sibling group in overnight care.

b. The rules shall allow a child development home to be registered in a particular category for which the provider is qualified even though the amount of space required to be available for the maximum number of children authorized for that category exceeds the actual amount of space available in that home. However, the total number of children authorized for the child development home at that category of registration shall be limited by the amount of space available per child.

c. In consultation with the director of the department of inspections, appeals, and licensing, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children in a child development home.

d. The rules shall require a child development home to be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home's certificate of registration. For purposes of this paragraph, a *"single-family residence"* includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

e. If the department adopts rules establishing a limitation on the number of hours for which substitute care may be utilized by the provider, such a limitation shall not apply to or incorporate substitute care utilized when the provider is engaged in jury duty or in official duties connected with the provider's membership on a state board, committee, or other policy-related body.

f. The department shall adopt rules to allow registered child development homes providing care to school-aged children to exceed the child-to-staff ratio for school-aged children when a school-aged child's school starts late, is dismissed early, or is canceled due to inclement weather, a public health emergency, or structural damage regardless of whether the child

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development home provider is able to be assisted by a department-approved assistant or co-provider, provided the child is currently enrolled at the registered child development home and the registered child development home does not exceed the child development home's registration capacity.

4. *Number of children.*

a. In determining the number of children present for child care at any one time in a child development home, each child present in the child development home shall be considered as being provided child care unless the child is described by one of the following exceptions:

(1) The child's parent, guardian, or custodian operates or established the child development home and the child is attending school or the child is provided child care full-time on a regular basis by another person.

(2) The child has been present in the child development home for more than seventy-two consecutive hours and the child is attending school or the child is provided child care full-time on a regular basis by another person.

b. For purposes of determining the number of children present for child care in a child development home, a child receiving foster care from a child development home provider shall be considered to be the child of the provider.

97 Acts, ch 151, §3; 98 Acts, ch 1127, §1, 2, 6; 99 Acts, ch 192, §4 – 11, 37; 2001 Acts, ch 135, §4; 2002 Acts, ch 1142, §12, 31; 2003 Acts, ch 81, §4; 2008 Acts, ch 1084, §12; 2008 Acts, ch 1187, §120; 2010 Acts, ch 1192, §81; 2020 Acts, ch 1097, §1; 2023 Acts, ch 19, §741, 1645; 2025 Acts, ch 135, §29

Referred to in §237A.1, 237A.3, 237A.19, 237A.20

237A.3B Smoking prohibited.

Smoking, as defined in section 142D.2, shall not be permitted in a child care facility or child care home.

2008 Acts, ch 1084, §13

237A.3C Immunization information.

Each child care center, child care facility, child care home, and child development home shall include information regarding the exemptions and requirements for an exemption described in section 139A.8, subsection 4, in any communication to the parent or guardian of a child that is related to the immunizations required under section 139A.8.

2025 Acts, ch 106, §2

237A.4 Inspection and evaluation.

The department shall make periodic inspections of licensed centers to ensure compliance with licensing requirements provided in this chapter, and the local boards of health may make periodic inspections of licensed centers to ensure compliance with health-related licensing requirements provided in this chapter. The department may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The department shall require that the center be inspected by the director of the department of inspections, appeals, and licensing or a designee for compliance with rules relating to fire safety before a license is granted or renewed. The department or a designee may periodically visit registered child development homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules adopted under section 237A.12. Evaluation of child development homes under this section may include consultative services provided pursuant to section 237A.6.

[C75, 77, 79, 81, §237A.4]

85 Acts, ch 173, §19; 99 Acts, ch 192, §12; 2002 Acts, ch 1142, §13, 31; 2023 Acts, ch 19, §1646

237A.4A Child care regulatory fee — child care facility fund.

1. *a.* The department shall implement a regulatory fee for licensure of child care facilities. The fee requirements shall provide for tiered amounts based upon a child care facility's capacity and a child development home's regulatory category at the time of licensure.

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b. The regulatory fee for centers shall not exceed one hundred fifty dollars.

c. The regulatory fee for category "A" and "B" child development homes shall not exceed one hundred fifty dollars and the fee for category "C" child development homes shall not exceed one hundred eighty-seven dollars.

d. The department shall adopt rules for implementation of the fee.

2. Regulatory fees collected shall augment existing funding for regulation of child care facilities in order to phase in annual inspections of child development homes and improve inspections of child care centers. The department shall not supplant existing funding for regulation of child care with funding derived from the regulatory fee. The department shall seek to meet the following target percentages of the total number of child development homes in the state inspected annually in phasing in the annual inspection of all child development homes:

a. For the fiscal year beginning July 1, 2009, twenty percent.

b. For the fiscal year beginning July 1, 2010, forty percent.

c. For the fiscal year beginning July 1, 2011, sixty percent.

d. For the fiscal year beginning July 1, 2012, eighty percent.

e. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, one hundred percent.

3. *a.* In phasing in the inspection of child development homes, the department shall give priority to child development homes that have recently become licensed and have paid the regulatory fee implemented pursuant to this section.

b. The results of an inspection of a child care facility shall be made publicly available on the internet page or site implemented by the department in accordance with section 237A.25 and through other means.

4. The target time frame for the department's issuance of the report concerning an inspection or other regulatory visit to a child care facility is sixty calendar days.

5. A child care facility fund is created in the state treasury under the authority of the department. The fund is separate from the general fund of the state. Regulatory fees collected under subsection 1 shall be credited to the fund. Moneys credited to the fund shall not revert to any other fund and are not subject to transfer except as specifically provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are annually appropriated to the department to be used for staffing dedicated to monitoring and regulation of child care facilities, contracting, related technology costs, record checks, grants and fee waivers, and other expenses for inspection and regulation of child care facilities. Any full-time equivalent positions paid for out of the fund shall be in addition to other such positions authorized for the department.

2009 Acts, ch 179, §208

237A.5 Personnel.

1. *a.* All personnel in licensed or registered child care facilities shall have good health as evidenced by a report following a physical examination.

b. An individual shall have received an initial physical examination within the six months immediately preceding the date the individual begins employment, or within the six months immediately following the date the individual begins employment.

c. A physical examination shall include communicable disease tests performed by a licensed physician as defined in section 135C.1, or by a licensed physician associate as defined in section 148C.1.

d. Licensed or registered facility personnel shall receive a physical examination under this subsection at least once every three years after the date of the individual's initial physical examination under paragraph *"b"*.

e. Controlled medical conditions that would not affect the performance of the employee in the capacity employed shall not prohibit employment.

2. *a.* For the purposes of this section, unless the context otherwise requires:

(1) *"Person subject to a record check"* means a person who is described by any of the following:

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(a) The person is being considered for licensure or registration or is registered or licensed under this chapter.

(b) The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone or is employed with such responsibilities.

(c) The person will reside or resides in a child care facility.

(d) The person has applied for or receives public funding for providing child care.

(e) The person will reside or resides in a child care home that is not registered under this chapter but that receives public funding for providing child care.

(2) "*Person subject to an evaluation*" means a person subject to a record check whose record indicates that the person has committed a transgression.

(3) "*Transgression*" means the existence of any of the following in a person's record:

(a) Conviction of a crime.

(b) A record of having committed founded child or dependent adult abuse.

(c) Listing in the sex offender registry under chapter 692A.

(d) A record of having committed a public or civil offense.

(e) The department has revoked a child care facility registration or license due to the person's continued or repeated failure to operate the child care facility in compliance with this chapter and rules adopted pursuant to this chapter.

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the record check evaluation system under paragraph "*c*", the child care facility or child care home may access the single contact repository established pursuant to section 135C.33 as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the record check evaluation system. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the record check evaluation system perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

c. Unless a record check has already been conducted in accordance with paragraph "*b*", the record check evaluation system shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the record check evaluation system may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

d. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to this subsection, the person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The department may adopt rules specifying criteria in the public interest for requiring the national criminal history check of a person to be repeated.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph "*c*" that are conducted in connection with a person's involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person's involvement with a child development home or child care home.

(3) If record checks under paragraph "*b*" or "*c*" have been conducted on a person subject to a record check and the results do not warrant prohibition of the person's involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

e. (1) If a record check performed pursuant to this subsection identifies an individual as

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a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the record check evaluation system shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

f. If a record check performed in accordance with paragraph "*b*" or "*c*" identifies that an individual is a person subject to an evaluation, the record check evaluation system shall perform the evaluation in accordance with this subsection, even if the application which made the person subject to the record check is withdrawn or the circumstances which made the person subject to the record check are no longer applicable. If the record check evaluation system's evaluation determines that prohibition of the person's involvement with child care is warranted, the provisions of this subsection regarding such a prohibition shall apply.

g. A person subject to a record check who is or was employed by a child care facility or child care home provider and is hired by another child care facility or child care home provider shall be subject to a record check in accordance with this subsection. However, if the person was subject to an evaluation because of a transgression in the person's record and the evaluation determined that the transgression did not warrant prohibition of the person's involvement with child care and the latest record checks do not indicate there is a transgression that was committed subsequent to that evaluation, the person may commence employment with the other child care facility or provider in accordance with the evaluation and an exemption from any requirements for reevaluation of the latest record checks is authorized. Authorization of an exemption under this paragraph "*g*" from requirements for reevaluation of the latest record checks by the record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the record check evaluation system shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph "*g*" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

h. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the transgression in relation to the position sought or held, the time elapsed since the commission of the transgression, the circumstances under which the transgression was committed, the degree of rehabilitation, the likelihood that the person will commit the transgression again, and the number of transgressions committed by the person involved. In addition to record check information, the record check evaluation system may utilize information from the record check evaluation system's case records in performing the evaluation. The record check evaluation system may permit a person who is evaluated to maintain involvement with child care, if the person complies with the record check evaluation system's conditions and corrective action plan relating to the person's involvement with child care. The record check evaluation system has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements and corrective action plan under this paragraph.

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

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(b) The person is listed or is required to be listed on any state sex offender registry or the national sex offender registry.

(c) The person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

(ii) Child endangerment.

(iii) Sexual assault.

(iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under this chapter, or to receive public funding for providing child care, or may request an evaluation, and the record check evaluation system shall perform an evaluation and, based upon the criteria in paragraph *"h"*, shall determine whether prohibition of the person's involvement with child care continues to be warranted.

j. If the record check evaluation system determines, through an evaluation of a person's transgression, that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The record check evaluation system may identify a period of time after which the person may request that another record check and evaluation be performed. A person who continues involvement with child care in violation of this subsection is subject to penalty under section 237A.19 or injunction under section 237A.20.

k. If it has been determined that a child receiving child care from a child care facility or a child care home is the victim of founded child abuse committed by an employee, license or registration holder, child care home provider, or resident of the child care facility or child care home for which a report is placed in the central registry pursuant to section 232.71D, the department shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the child care facility or child care home. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

3. A licensee or registrant shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

4. A licensee or registrant shall include the following inquiry in an application for employment:

> Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

5. A person who serves as an unpaid volunteer in a child care facility shall not be required to complete training as a mandatory reporter of child abuse under section 232.69 or under any other requirement.

[C75, 77, 79, 81, §237A.5]

83 Acts, ch 153, §5; 85 Acts, ch 184, §1; 87 Acts, ch 153, §17; 88 Acts, ch 1134, §58; 90 Acts, ch 1221, §8; 91 Acts, ch 138, §8; 94 Acts, ch 1130, §15; 97 Acts, ch 45, §1; 98 Acts, ch 1127, §3, 6; 99 Acts, ch 192, §13; 2003 Acts, ch 81, §5, 6; 2006 Acts, ch 1098, §1; 2006 Acts, ch 1184,

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§108 – 111; 2008 Acts, ch 1187, §121; 2009 Acts, ch 41, §99; 2009 Acts, ch 179, §209; 2010 Acts, ch 1042, §1; 2012 Acts, ch 1074, §2; 2018 Acts, ch 1113, §2, 3; 2019 Acts, ch 59, §73; 2022 Acts, ch 1066, §39; 2023 Acts, ch 19, §742; 2025 Acts, ch 91, §1; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1040, §43
Referred to in §237A.19
Code editor directive applied
Subsection 1, paragraph e amended

237A.6 Consultative services.

The department shall provide consultative services to a person applying for a license or registration, or licensed or registered under this chapter.

[C75, 77, 79, 81, §237A.6]
2023 Acts, ch 19, §743
Referred to in §237A.4

237A.7 Confidential information.

1. Anyone who acquires through the administration of this chapter information relative to an individual in a child care facility or to a relative of the individual shall not, directly or indirectly, disclose the information except upon inquiry before a court of law or with the written consent of the individual or, in the case of a child, the written consent of the parent or guardian or as otherwise specifically required or allowed by law.

2. This section shall not prohibit the disclosure of information relative to the structure and operation of a facility nor shall it prohibit the statistical analysis by duly authorized persons of data collected by virtue of this chapter, or the publication of the results of the analysis in a manner which does not disclose information identifying individual persons.

[C75, 77, 79, 81, §237A.7]
99 Acts, ch 192, §14

237A.8 Violations — actions against license or registration.

The department, after notice and opportunity for an evidentiary hearing before the department of inspections, appeals, and licensing, may suspend or revoke a license or certificate of registration issued under this chapter or may reduce a license to a provisional license if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child care facility to the department. The department shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care at the time of action to suspend or revoke a license or certificate of registration.

[C75, 77, 79, 81, §237A.8]
83 Acts, ch 153, §6; 90 Acts, ch 1204, §54; 99 Acts, ch 192, §15; 2023 Acts, ch 19, §744, 1952
Referred to in §237A.2

237A.9 through 237A.11 Reserved.

237A.12 Rules.

1. Subject to the provisions of chapter 17A, the department shall adopt rules setting minimum standards to provide quality child care in the operation and maintenance of child care centers and registered child development homes, relating to all of the following:

a. The number and qualifications of personnel necessary to assure the health, safety, and welfare of children in the facilities. Rules for facilities which are preschools shall be drawn so that any staff-to-children ratios which relate to the age of the children enrolled shall be based on the age of the majority of the children served by a particular class rather than on the age of the youngest child served.

b. Physical facilities.

c. The adequacy of activity programs and food services available to the children. The department shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center, child development home, or child care home by a school-age child for the child's consumption.

d. Policies established by the center for parental participation.

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e. Programs for education and in-service training of staff.

f. Records kept by the facilities.

g. Administration.

h. Health, safety, and medical policies for children.

2. Rules adopted by the director of the department of inspections, appeals, and licensing for buildings, other than school buildings, used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the director of the department of inspections, appeals, and licensing determines that the separation is necessary for the protection of children from a specific flammable hazard.

3. Rules relating to fire safety for child care centers shall be adopted under this chapter by the director of the department of inspections, appeals, and licensing in consultation with the department. Rules adopted by the director of the department of inspections, appeals, and licensing for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under chapter 10A, subchapter V, part 2. Rules relating to sanitation shall be adopted by the department. The director of the department of inspections, appeals, and licensing shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under chapter 10A, subchapter V, part 2, the building is considered appropriate for use by a child care facility. The rules adopted by the department under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

5. Standards and requirements set by a city or county for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall take into consideration that children are received for temporary care only and shall not differ from standards and requirements set for use of the building as a school.

6. Rules adopted relating to physical examination requirements for licensed or registered facility personnel and the children being provided child care by the licensed or registered facility shall allow for any licensed physician as defined in section 135.1 to perform the physical examination.

[C75, 77, 79, 81, §237A.12]

85 Acts, ch 173, §20; 91 Acts, ch 151, §3; 92 Acts, ch 1083, §2; 94 Acts, ch 1129, §4, 5; 94 Acts, ch 1175, §2; 99 Acts, ch 192, §16; 2002 Acts, ch 1142, §14 – 16, 31; 2010 Acts, ch 1031, §356, 361; 2022 Acts, ch 1153, §50; 2023 Acts, ch 19, §745, 1647; 2024 Acts, ch 1170, §280

Referred to in §237A.2, 237A.3A, 237A.4

237A.13 State child care assistance.

1. A state child care assistance program is established in the department to assist children in families who meet eligibility guidelines and are described by any of the following circumstances:

a. The child's parent, guardian, or custodian is participating in approved academic, vocational, or technical training.

b. The child's parent, guardian, or custodian is seeking employment. Eligibility for assistance while seeking employment shall be limited to thirty days during a twelve-month period.

c. The child's parent, guardian, or custodian is employed a minimum of thirty-two hours per week or an average of thirty-two hours per week during the month if the child requires basic care, or twenty-eight hours per week or an average of twenty-eight hours per week during the month if the child is a special needs child.

d. The child's parent, guardian, or custodian is absent due to hospitalization, physical

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illness, or mental illness, or is present but is unable to care for the child as verified by a physician or physician associate.

e. The child needs protective services to prevent or alleviate child abuse or neglect.

f. The person's family circumstances are described in paragraph *"a"*, *"b"*, *"c"*, or *"d"*, the person is thirteen years of age or older but younger than sixteen years of age, and state child care assistance is approved for the person by the director or the director's designee based on a request for an exception to policy made by the person's parent, guardian, or custodian because special family circumstances exist that would place the safety and well-being of the person at risk if the person is left home alone. The definition of child in section 237A.1 does not apply to child care supported by state child care assistance approved pursuant to this lettered paragraph.

2. A family shall only be initially eligible for state child care assistance if the family's gross monthly income does not exceed the lesser of:

a. (1) One hundred sixty percent of the federal poverty level applicable to the family size for children needing basic care.

(2) Two hundred percent of the federal poverty level applicable to the family size for children needing special needs care.

b. Eighty-five percent of the state median gross monthly income.

3. Services under the program may be provided in a licensed child care center, a child development home, the home of a relative, the child's own home, a child care home, or in a facility exempt from licensing or registration.

4. *a.* The department shall set reimbursement rates as authorized by appropriations enacted for payment of the reimbursements. The department shall conduct a statewide reimbursement rate survey to compile information on each county and the survey shall be conducted at least every two years. The department shall set rates in a manner so as to provide incentives for an unregistered provider to become registered.

b. The department shall not modify reimbursement rates to the state child care assistance program or financial eligibility requirements for a family participating in the state child care assistance program without prior enabling legislation in this state passed on or after January 1, 2023.

5. The department's billing and payment provisions for the program shall allow providers to elect either biweekly or monthly billing and payment for child care provided under the program. The department shall remit payment to a provider within ten business days of receiving a bill or claim for services provided. However, if the department determines that a bill has an error or omission, the department shall notify the provider of the error or omission and identify any correction needed before issuance of payment to the provider. The department shall provide the notice within five business days of receiving the billing from the provider and shall remit payment to the provider within ten business days of receiving the corrected billing.

6. A child care provider shall be allowed to collect from a family participating in the state child care assistance program the difference between the state child care assistance reimbursement rate and the rate the provider would typically charge a private-pay family for child care, provided the child care provider and family agree in writing to such additional payments prior to the provision of the child care.

7. On or before July 1, 2007, the department shall implement a system for making program payments by electronic funds transfer or other electronic means.

8. The department shall not apply waiting list requirements to any of the following persons:

a. Persons deemed to be eligible for benefits under the state child care assistance program in accordance with section 239B.24.

b. A family that is receiving state child care assistance at the time a child is born into the family. The newborn child shall be approved for services when the family reports the birth of the child.

c. Children who need protective services to prevent or alleviate child abuse or neglect.

d. A child in a family that is eligible for state child care assistance and that receives a state adoption subsidy for the child.

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9. Based upon the availability of the funding appropriated for state child care assistance for a fiscal year, the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

a. Families with an income at or below one hundred percent of the federal poverty level whose members, for at least thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating in an educational program leading to a high school diploma or the equivalent.

b. Parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating, at a satisfactory level, in an approved training program or in an educational program.

c. Families with an income of more than one hundred percent but not more than one hundred sixty percent of the federal poverty level whose members, for at least thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

d. Families with an income at or below two hundred percent of the federal poverty level whose members are employed at least twenty-eight hours per week with a special needs child as a member of the family.

10. Nothing in this section shall be construed as or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level or other eligibility circumstance addressed in this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated for the purposes of state child care assistance.

2000 Acts, ch 1067, §15; 2002 Acts, ch 1142, §17, 18, 31; 2003 Acts, ch 81, §7, 8; 2006 Acts, ch 1016, §13; 2006 Acts, ch 1099, §1; 2007 Acts, ch 172, §1; 2007 Acts, ch 215, §99; 2008 Acts, ch 1187, §122; 2014 Acts, ch 1140, §96, 97; 2016 Acts, ch 1108, §22; 2017 Acts, ch 54, §35; 2022 Acts, ch 1066, §40; 2022 Acts, ch 1096, §1; 2022 Acts, ch 1104, §1; 2023 Acts, ch 89, §2 – 5; 2026 Acts, ch 1008, §3

Referred to in §234.47, 237A.13A, 239B.24
Code editor directive applied

237A.13A State child care assistance — child care workforce.

1. Notwithstanding any provision of section 237A.13 or 237A.14 to the contrary, a child shall be eligible for the state child care assistance program established in section 237A.13 if a parent, guardian, or custodian of the child meets all of the following requirements, as applicable:

a. The parent, guardian, or custodian is employed at a child care facility or child care home located in this state, and the child care facility or child care home has an agreement with the department to accept reimbursement from the state child care assistance program.

b. The parent, guardian, or custodian works in a child care facility or child care home located in this state an average minimum of thirty-two hours per week during the month in a position with a primary duty of providing child care directly to children, and is regularly counted in the minimum child-to-staff ratio established by the department by rule.

c. (1) If the parent, guardian, or custodian is employed at a child care home or a child development home, the parent, guardian, or custodian does not provide child care to the parent's, guardian's, or custodian's own child.

(2) Notwithstanding subparagraph (1), a co-provider at a child development home may qualify for state child care assistance if the co-provider meets all requirements specified in this section and by the department by rule.

d. The parent, guardian, or custodian is not a substitute or an assistant at a child care home or a child development home.

e. Based on the department's evaluation of the parent's, guardian's, or custodian's application for state child care assistance, the department has determined the parent, guardian, or custodian has a need for child care.

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f. The parent, guardian, or custodian is not the owner of the child care facility or child care home where the parent's, guardian's, or custodian's child is enrolled.

2. A director, co-director, or other administrative staff member of a child care facility may qualify for state child care assistance under subsection 1 if such individual is regularly counted in the minimum child-to-staff ratio established by the department by rule.

3. A parent, guardian, or custodian of a child participating in the state child care assistance program pursuant to eligibility established under this section shall make copayments as specified by the department by rule.

4. No later than December 1 of each year, the department shall submit a report to the general assembly relating to participation in the state child care assistance program under this section. The report must include all of the following:

a. The dollar amount of state moneys spent to reimburse child care providers during the immediately preceding fiscal year.

b. The dollar amount of federal moneys spent to reimburse child care providers during the immediately preceding fiscal year.

c. The dollar amount of state moneys spent on administrative costs during the immediately preceding fiscal year.

d. The dollar amount of federal moneys spent on administrative costs during the immediately preceding fiscal year.

e. The total number of participating families.

f. The total number of participating children.

g. The average gross household income for participating families.

h. The number of participating families for each of the following levels of gross household income:

(1) Above one hundred sixty percent but below one hundred eighty percent of the federal poverty level.

(2) At or above one hundred eighty percent but below two hundred percent of the federal poverty level.

(3) At or above two hundred percent but below two hundred twenty percent of the federal poverty level.

(4) At or above two hundred twenty percent but below two hundred fifty percent of the federal poverty level.

(5) At or above two hundred fifty percent of the federal poverty level.

5. The department shall adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1022, §1
NEW section

237A.14 Child care assistance — graduated eligibility phase-out.

1. At the time of a twelve-month eligibility redetermination for a family receiving state child care assistance, the family shall remain eligible to receive child care assistance, subject to the graduated eligibility phase-out program as specified in subsection 2, if either of the following conditions are met:

a. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred fifty percent of the federal poverty level applicable to the family size for children needing basic care.

b. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred seventy-five percent of the federal poverty level applicable to the family size for children needing special needs care.

2. *a.* A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing basic care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred thirty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred thirty-five percent of the federal

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poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred forty-five percent of the federal poverty level but at or less than two hundred fifty percent of the federal poverty level shall pay for sixty percent of the family child care costs.

b. A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing special needs care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred forty-five percent of the federal poverty level but less than two hundred sixty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred sixty-five percent of the federal poverty level but at or less than two hundred seventy-five percent of the federal poverty level shall pay for sixty percent of the family child care costs.

c. The graduated eligibility phase-out as provided in paragraphs *"a"* and *"b"* shall be implemented no later than July 1, 2022.

3. Child care provider reimbursement rates under the graduated eligibility phase-out program shall be the same rates as the child care provider reimbursement rates.

4. The department shall adopt rules pursuant to chapter 17A in accordance with this section.

2021 Acts, ch 174, §41; 2021 Acts, ch 178, §1; 2023 Acts, ch 19, §746
Referred to in §237A.13A

237A.15 through 237A.18 Reserved.

237A.19 Penalty.

1. A person who establishes, conducts, manages, or operates a center without a license commits a serious misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

2. If registration is required under section 237A.3A, a person who establishes, conducts, manages, or operates a child development home without registering or a person who operates a child development home contrary to section 237A.5, commits a simple misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

3. A person who establishes, conducts, manages, or operates a child care home in violation of section 237A.3, subsection 2, or a person or program that has been prohibited by the department from involvement with child care but continues that involvement commits a simple misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

[C77, 79, 81, §237A.19; 82 Acts, ch 1213, §5]
85 Acts, ch 184, §2; 99 Acts, ch 192, §17; 2002 Acts, ch 1142, §19, 31; 2003 Acts, ch 81, §9
Referred to in §237A.3, 237A.5

237A.20 Injunction.

A person who establishes, conducts, manages, or operates a center without a license or a child development home without a certificate of registration, if registration is required under section 237A.3A, may be restrained by temporary or permanent injunction. A person who has been convicted of a crime against a person, a person with a record of founded child abuse, or a person who has been prohibited by the department from involvement with child care may be restrained by temporary or permanent injunction from providing unregistered, registered,

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or licensed child care or from other involvement with child care. The action may be instituted by the state, the county attorney, a political subdivision of the state, or an interested person.

[C77, 79, 81, §237A.20]

83 Acts, ch 153, §7; 90 Acts, ch 1248, §2; 99 Acts, ch 192, §18; 2002 Acts, ch 1142, §20, 31; 2003 Acts, ch 81, §10

Referred to in §237A.3, 237A.5

237A.21 and 237A.22 Repealed by 2010 Acts, ch 1031, §360, 361.

237A.23 Child care training and development system. Repealed by 2024 Acts, ch 1170, §368.

237A.24 Reserved.

237A.25 Consumer information.

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department staff, department of education staff, the early childhood Iowa state board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

2. The consumer information material developed by the department for parents and other consumers of child care services shall include but is not limited to all of the following:

a. A pamphlet or other printed material containing consumer-oriented information on locating a quality child care provider.

b. Information explaining important considerations a consumer should take into account in selecting a licensed or registered child care provider.

c. Information explaining how a consumer can identify quality services, including what questions to ask of providers and what a consumer might expect or demand to know before selecting a provider.

d. An explanation of the applicable laws and regulations written in layperson's terms.

e. An explanation of what it means for a provider to be licensed, registered, or unregistered.

f. An explanation of the information considered in registry and record background checks.

g. Other information deemed relevant to consumers.

3. The department shall implement and publicize an internet page or site that provides all of the following:

a. The written information developed pursuant to subsections 1 and 2.

b. Regular informational updates, including when a child care provider was last subject to a state quality review or inspection and, based upon a final score or review, the results indicating whether the provider passed or failed the review or inspection.

c. Capability for a consumer to be able to access information concerning child care providers, such as informational updates, identification of provider location, name, and capacity, and identification of providers participating in the state child care assistance program and those participating in the child care food program, by sorting the information or employing other means that provide the information in a manner that is useful to the consumer. Information regarding provider location shall identify providers located in the vicinity of an address selected by a consumer and provide contact information without listing the specific addresses of the providers.

d. Other information deemed appropriate by the department.

2003 Acts, 1st Ex, ch 2, §18, 209; 2010 Acts, ch 1031, §357, 361; 2017 Acts, ch 29, §57; 2023 Acts, ch 19, §748; 2024 Acts, ch 1170, §281

Referred to in §237A.4A, 237A.30

237A.26 Statewide resource and referral services.

1. The department shall administer the funding for a statewide grant program for child care resource and referral services. Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies. Grants shall be awarded to facilitate

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the establishment of regional resource and referral agencies throughout the state, based upon the distribution of the child population in the state.

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to child care homes and child care facilities utilizing training levels based upon the child care providers' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency may be required by the department to match the grant with financial resources of not more than twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide resource and referral services, must have a board of directors if the agency is an incorporated nonprofit agency or must have an advisory board if the agency is a public agency, to oversee the provision of resource and referral services. The board shall include providers, consumers, and other persons interested in the provision or delivery of child care services.

6. An agency which receives a child care resource and referral grant may be awarded funding to provide various child care-related services, which may include but are not limited to any of the following services:

a. Assist families in selecting quality child care. The agency must provide referrals to registered and licensed child care facilities, and to persons providing care, supervision, and guidance of a child which is not defined as child care under section 237A.1 and may provide referrals to unregistered providers.

b. Assist child care providers in adopting appropriate program and business practices to provide quality child care services.

c. Provide information to the public regarding the availability of child care services in the communities within the agency's region.

d. Actively encourage the development of new and expansion of existing child care facilities in response to identified community needs.

e. Provide specialized services to employers, including the provision of resource and referral services to employee groups identified by the employer and the provision of technical assistance to develop employer-supported child care programs. The specialized services may include but are not limited to working with employers to identify networks of recommended registered and licensed child care providers for employee groups and to implement employer-supported quality improvement initiatives among the network providers.

f. Refer eligible child care facilities to the federal child care food programs.

g. Loan toys, other equipment, and resource materials to child care facilities.

7. The department may contract with an agency receiving a child care resource and referral grant to perform any of the following functions relating to publicly funded services providing care, supervision, and guidance of a child:

a. Determine an individual's eligibility for the services in accordance with income requirements.

b. Administer a voucher, certificate, or other system for reimbursing an eligible provider of the services.

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to child care home and child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded child care home and child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of an early childhood Iowa area board

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under chapter 256I, and of community representatives of education, health, human services, business, faith, and public interests.

90 Acts, ch 1248, §4; 92 Acts, ch 1083, §5; 99 Acts, ch 192, §22; 2002 Acts, ch 1142, §23 – 26, 31; 2010 Acts, ch 1031, §301; 2011 Acts, ch 98, §1

Referred to in §237A.30, 256C.3

237A.27 Crisis child care. Repealed by 2002 Acts, ch 1142, §29, 31.

237A.28 Child care credit fund. Repealed by 2009 Acts, ch 182, §138.

237A.29 Public funding of child care — sanctions.

1. State funds and federal funds provided to the state in accordance with federal requirements shall not be used to pay for the care, supervision, and guidance of a child for periods of less than twenty-four hours per day on a regular basis unless the care, supervision, and guidance is defined as child care as used in this chapter.

2. *a.* For the purposes of this subsection, "*fraudulent means*" means knowingly making or causing to be made a false statement or a misrepresentation of a material fact, knowingly failing to disclose a material fact, or committing a fraudulent practice.

b. A child care provider that has been found by the department of inspections, appeals, and licensing in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under section 714.10, subsection 1, paragraph "*a*", shall be subject to sanction in accordance with this subsection. Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department:

(1) Ineligibility to receive public funding for provision of child care.

(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

c. The following factors shall be considered in determining the sanction or sanctions to be imposed under paragraph "*b*", subparagraphs (1) through (3):

(1) Seriousness of the violation.

(2) Extent of the violation.

(3) History of prior violations.

(4) Prior imposition of sanctions.

(5) Prior provision of provider education.

(6) Provider willingness to obey program rules.

(7) Whether a lesser sanction will be sufficient to remedy the problem.

d. In determining the value of the public funding obtained by fraudulent means, if the public funding is obtained by two or more acts of fraudulent means by the same person or in the same location, or is obtained by different persons by two or more acts which occur in approximately the same location or time period so that the acts of fraudulent means used to obtain the public funding are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single instance of the use of fraudulent means and the value may be the total value of all moneys involved.

3. *a.* If a child care provider is subject to sanctions under subsection 2, within five business days of the date the sanctions are imposed, the provider shall submit to the department the names and addresses of children receiving child care from the provider. The department shall send information to the parents of the children regarding the provider's actions leading to the imposition of the sanctions and the nature of the sanctions imposed.

b. If the child care provider fails to submit the names and addresses within the time period required by paragraph "*a*", the department shall request that the attorney general file a petition with the district court of the county in which the provider is located for issuance

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of a temporary injunction enjoining the provider from providing child care until the names and addresses are submitted to the department. The attorney general may file the petition upon receiving the request from the department. Any temporary injunction may be granted without a bond being required from the department.

c. If the sanctions imposed under subsection 2 involve the provider's suspension or ineligibility for receiving public funding for provision of child care, the department shall not impose those sanctions before the parents of the affected children are informed, and upon request, shall provide assistance to the parents in locating replacement child care.

93 Acts, ch 76, §13; 99 Acts, ch 192, §25; 2002 Acts, ch 1104, §1; 2003 Acts, ch 44, §55; 2003 Acts, ch 81, §11, 12; 2004 Acts, ch 1086, §44; 2013 Acts, ch 30, §241; 2023 Acts, ch 19, §749, 1953

237A.30 Voluntary child care quality rating system.

1. The department shall implement a voluntary quality rating system for each provider type of child care facility.

2. The criteria utilized for the rating system may include but are not limited to any of the following:

a. Facility type.

b. Provider staff experience, education, training, and credentials.

c. Facility director education and training.

d. An environmental rating score or other direct assessment environmental methodology.

e. National accreditation.

f. Facility history of compliance with law and rules.

g. Child-to-staff ratio.

h. Curriculum, including the extent to which the curriculum focuses on the stages of child development and on child outcomes.

i. Business practices.

j. Staff retention rates.

k. Evaluation of staff members and program practices.

l. Staff compensation and benefit practices.

m. Provider and staff membership in professional early childhood organizations.

n. Parental involvement with the facility.

3. A facility's quality rating may be included on the internet site and in the consumer information provided by the department pursuant to section 237A.25 and shall be identified in the child care provider referrals made by child care resource and referral service grantees under section 237A.26.

99 Acts, ch 192, §33; 99 Acts, ch 203, §49; 2002 Acts, ch 1142, §27, 28, 31; 2005 Acts, ch 148, §20; 2006 Acts, ch 1010, §76; 2010 Acts, ch 1031, §302, 358, 361; 2013 Acts, ch 90, §257; 2015 Acts, ch 30, §85, 205, 208; 2019 Acts, ch 24, §28; 2023 Acts, ch 19, §750; 2024 Acts, ch 1170, §282; 2026 Acts, ch 1164, §27

Subsection 1 amended

237A.31 Employer child care tax credit.

1. The taxes imposed under chapter 422, subchapter II or III, the franchise tax imposed under chapter 422, subchapter V, the gross premiums tax under chapter 432, or the moneys and credits tax imposed under section 533.329 shall be reduced by an employer child care tax credit through the tax year beginning on or after January 1, 2025, but before January 1, 2026, equal to the proportion of the federal employer-provided child care tax credit provided in section 45F of the Internal Revenue Code the taxpayer was eligible for in the same tax year attributable to expenditures made in this state.

2. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

3. *a.* The aggregate amount of tax credits authorized pursuant to this section shall not exceed an aggregate limit of two million dollars annually.

b. To receive a tax credit, a taxpayer must submit an application to the economic

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development authority in the form and manner prescribed by the authority by rule. The economic development authority shall issue certificates under this section on a first-come, first-served basis, which certificates may be redeemed for tax credits. The economic development authority shall issue such certificates so that not more than the amount authorized for such tax credits under paragraph *"a"* may be claimed.

4. The department of revenue, in consultation with the economic development authority, shall adopt rules pursuant to chapter 17A to administer this section.

5. This section is repealed January 1, 2031.

2022 Acts, ch 1148, §22, 28; 2023 Acts, ch 5, §5 – 7; 2025 Acts, ch 136, §80, 81
Referred to in §422.12O, 422.33, 422.60, 432.12O, 533.329
Section applies to tax years beginning on or after January 1, 2023; 2022 Acts, ch 1148, §28
2023 amendment to subsection 1 applies retroactively to January 1, 2023, for tax years beginning on or after that date; 2023 Acts, ch 5, §7

CHAPTER 237B

CHILDREN'S CENTERS — FACILITY STANDARDS

Repealed by 2016 Acts, ch 1114, §12; see chapter 237C

CHAPTER 237C

CHILDREN'S RESIDENTIAL FACILITIES — CERTIFICATION AND INSPECTION

Referred to in §232.69, 282.34

237C.1	Definitions.	237C.6	Certificate application and issuance — denial, suspension, or revocation.
237C.2	Purpose.	237C.7	Restricted use of facility.
237C.3	Certification standards — consultation with other agencies.	237C.8	Reports and inspections.
237C.4	Rules and standards — requirements.	237C.9	Injunctive relief — civil action.
237C.5	Certificate of approval — certification required.	237C.10	Notice and hearings — judicial review.

237C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Child"* or *"children"* means an individual or individuals under eighteen years of age.

2. *"Children's residential facility"* means a private facility designed to serve children who have been voluntarily placed for reasons other than an exclusively recreational activity outside of their home by a parent or legal guardian and who are not under the custody or authority of the department, juvenile court, or another governmental agency, that provides twenty-four-hour care, including food, lodging, supervision, education, or other care on a full-time basis by a person other than a relative or guardian of the child, but does not include an entity providing any of the following:

a. Care furnished by an individual who receives the child of a personal friend as an occasional and personal guest in the individual's home, free of charge and not as a business.

b. Care furnished by an individual with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Child care furnished by a child care facility as defined in section 237A.1.

d. Care furnished in a hospital licensed under chapter 135B or care furnished in a health care facility as defined in section 135C.1.

e. Care furnished by a juvenile detention home or juvenile shelter care home approved under section 232.142.

f. Care furnished by a child foster care licensee or approved kinship caregiver under chapter 237.

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g. Care furnished by an institution listed in section 218.1.

h. Care furnished by a facility licensed under chapter 125.

i. Care furnished by a psychiatric medical institution for children licensed under chapter 135H.

j. Care furnished to persons sixteen years of age and older by a residential program to which the department applies accreditation, certification, or standards of review under the provisions of a federally approved medical assistance home and community-based services waiver, or other provision of the medical assistance program.

3. *"Department"* means the department of health and human services.

4. *"Director"* means the director of health and human services.

5. *"Protective locked environment"* means a setting that prevents egress from a building or grounds as a protective measure to ensure safety and security.

2016 Acts, ch 1114, §1; 2023 Acts, ch 19, §751; 2025 Acts, ch 86, §35, 40; 2025 Acts, ch 135, §30

Rules adopted by the department of health and human services shall require that the care furnished by an entity under subsection 2, paragraph j, as enacted in 2025 Acts, ch 86, §40, shall be provided to persons under eighteen years of age in settings separate from individuals over the age of twenty-one; 2025 Acts, ch 86, §41

237C.2 Purpose.

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians and, therefore, the purpose of this chapter is to provide for the development, establishment, and enforcement of standards relating to the certification of children's residential facilities.

2016 Acts, ch 1114, §2

237C.3 Certification standards — consultation with other agencies.

1. The department shall consult with the department of education and the department of inspections, appeals, and licensing, and other agencies as determined by the department to establish certification standards for children's residential facilities in accordance with this chapter.

2. Standards established by the department under this chapter shall at a minimum address the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and records checks of persons providing care to children in facilities certified under this chapter; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergency; and the physical premises on which care is provided by a children's residential facility. The background check requirements shall be substantially equivalent to those applied under chapter 237 for a child foster care licensee or an approved kinship caregiver.

3. Standards established by the department under this chapter shall not regulate religious education curricula at children's residential facilities.

2016 Acts, ch 1114, §3; 2023 Acts, ch 19, §752, 1954; 2025 Acts, ch 135, §31

Referred to in §237C.4

237C.4 Rules and standards — requirements.

1. Except as otherwise provided in this section, the department shall adopt rules pursuant to chapter 17A to administer this chapter.

2. Before the department issues or reissues a certificate of approval to a children's residential facility under section 237C.6, the facility shall comply with standards adopted by the director of the department of inspections, appeals, and licensing under chapter 10A, subchapter V, part 2.

3. Rules governing sanitation, water, and waste disposal standards for children's residential facilities shall be adopted by the department.

4. Rules governing educational programs and education services provided by children's residential facilities shall be adopted by the state board of education pursuant to section 282.34.

5. In the case of a conflict between rules and standards adopted pursuant to subsections 2 and 3 and local rules and standards, the more stringent requirement applies.

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6. Rules adopted under this section shall not regulate religious education curricula at children's residential facilities.

7. Rules governing the application of a protective locked environment to a children's residential facility shall be adopted by the department.

8. Prior to establishing, proposing, adopting, or modifying a standard or rule under section 237C.3, this section, or section 282.34, the department or the department of education, as applicable, shall, at a minimum, do all of the following:

a. Publish the entire text of the proposed standard, rule, or modification on its internet site.

b. Make every reasonable effort to notify the children's residential facilities in this state of the proposed standard, rule, or modification.

c. Allow and invite any and all persons interested in the proposed standard, rule, or modification to submit written data, facts, opinions, comments, and arguments, which information shall be made publicly available and shall be filed with and maintained by the applicable department for at least five years from the date of submission to the applicable department.

2016 Acts, ch 1114, §4; 2023 Acts, ch 19, §753, 754, 1648; 2025 Acts, ch 86, §36
Referred to in §282.34

237C.5 Certificate of approval — certification required.

A person shall not operate a children's residential facility without a certificate of approval to operate issued by the department under this chapter.

2016 Acts, ch 1114, §5; 2023 Acts, ch 19, §755

237C.6 Certificate application and issuance — denial, suspension, or revocation.

1. A person shall apply for a certificate to operate a children's residential facility by completing and submitting to the department an application in a form and format approved by the department. The department shall issue or reissue a certificate of approval if the department determines that the applicant is or upon commencing operation will provide children's residential facility services in compliance with this chapter. A certificate of approval is valid for up to one year from the date of issuance for the period determined by the department in accordance with administrative rules providing criteria for making the determination.

2. The certificate of approval shall state on its face the name of the holder of the certificate, the particular premises for which the certificate is issued, and the number of children who may be cared for by the children's residential facility on the premises at one time under the certificate of occupancy issued by the director of the department of inspections, appeals, and licensing or the designee of the director of the department of inspections, appeals, and licensing. The certificate of approval shall be posted in a conspicuous place in the children's residential facility.

3. The department may deny an application for issuance or reissuance of a certificate of approval or suspend or revoke a certificate of approval if the applicant or certificate holder, as applicable, fails to comply with this chapter or the rules adopted pursuant to this chapter or knowingly makes a false statement concerning a material fact or conceals a material fact on the application for the issuance or reissuance of a certificate of approval or in a report regarding operation of the children's residential facility submitted to the department. All operations of a children's residential facility shall cease during a period of suspension or revocation. The department shall suspend or revoke a certificate of approval of a children's residential facility that fails to comply with section 282.34.

2016 Acts, ch 1114, §6; 2023 Acts, ch 19, §756, 1649; 2024 Acts, ch 1043, §72
Referred to in §237C.4

237C.7 Restricted use of facility.

A children's residential facility shall operate only in a building or on premises designated in the certificate of approval.

2016 Acts, ch 1114, §7

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237C.8 Reports and inspections.

The department may require submission of reports by a certificate of approval holder and shall cause at least one annual unannounced inspection of a children's residential facility to assess compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, appeals, and licensing in addition to initial, renewal, and other inspections that result from complaints or self-reported incidents. The department of inspections, appeals, and licensing and the department may examine records of a children's residential facility and may inquire into matters concerning the children's residential facility and its employees, volunteers, and subcontractors relating to requirements and standards for children's residential facilities under this chapter.

2016 Acts, ch 1114, §8; 2023 Acts, ch 19, §757, 1955

237C.9 Injunctive relief — civil action.

1. A person who establishes, conducts, manages, or operates a children's residential facility without a certificate of approval required pursuant to this chapter, or a children's residential facility with a certificate of approval that is not operating in compliance with rules adopted pursuant to this chapter or section 282.34, may be restrained by temporary or permanent injunction from providing children's residential facility services or from other involvement with child care. The action may be instituted by the state or a county attorney.

2. The parent or legal guardian of a child who is placed in a children's residential facility, the state, the department of education, or the school district in which the children's residential facility is located, may bring a civil action seeking relief from conduct constituting a violation of this chapter or section 282.34 or to prevent, restrain, or remedy such violation. A civil action brought by the department of education under this subsection shall be limited to seeking relief from conduct constituting a violation of section 282.34. Multiple petitioners may join in a single action under this subsection.

3. If successful in obtaining injunctive relief under this section, the petitioner shall be awarded reasonable attorney fees and court costs.

2016 Acts, ch 1114, §9

237C.10 Notice and hearings — judicial review.

The procedure governing notice and hearing to deny an application or suspend or revoke a certificate of approval shall be in accordance with rules adopted by the department.

2016 Acts, ch 1114, §10

CHAPTER 237D

FOSTER PARENT ADDRESSES — CONFIDENTIALITY

237D.1 Foster parent addresses — confidentiality.

237D.1 Foster parent addresses — confidentiality.

1. For purposes of this chapter:

a. *"Address"* means the residential address of a person.

b. *"Child foster care"* means the same as defined in section 237.1.

c. *"Department"* means the department of health and human services.

d. *"Foster child"* means a child receiving child foster care.

e. *"Foster parent"* means an individual licensee as defined in section 237.1.

2. *a.* The department and the department's agents shall not knowingly provide or make available a document to a biological parent of a foster child if the document contains the unredacted address of the foster parent who is currently providing child foster care to the foster child.

b. The department and the department's agents shall not verbally disclose the address of

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the foster parent who is currently providing child foster care to a foster child to a biological parent of the foster child.

3. Notwithstanding subsection 2, a document may contain a foster parent's unredacted address, and the department and the department's agents may verbally disclose a foster parent's address, if the foster parent provides written consent to disclose the address to a foster child's biological parent prior to the department or the department's agent providing the document, making the document available, or verbally disclosing the address to the biological parent.

2026 Acts, ch 1107, §1
NEW section

CHAPTER 238

CHILD-PLACING AGENCIES

Referred to in §91A.5B, 232B.9, 600A.6B, 600A.6C

Child and family services, see chapter 234

238.1 Definitions.
238.2 "Child-placing agency" defined. Repealed by 2009 Acts, ch 133, §191.
238.3 Authority to license.
238.4 Granting of license conditional.
238.5 License required.
238.6 Form of license.
238.7 Posting of license.
238.8 Record of license.
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238.10 Revocation of license.
238.11 Written charges — findings — notice.
238.12 Appeal — judicial review.
238.13 through 238.15 Reserved.
238.16 Rules and regulations.
238.17 Forms for registration and record — preservation and maintenance.
238.18 Duty of licensee.
238.19 Inspection generally.
238.20 Minimum inspection — record.
238.21 Other inspecting agencies.
238.22 Licensee to aid inspection.
238.23 Annual report. Repealed by 2002 Acts, ch 1102, §8.
238.24 Information confidential — exceptions.
238.25 through 238.29 Reserved.
238.30 Reports as to placements. Repealed by 97 Acts, ch 99, §10.
238.31 Inspection of foster homes.
238.32 Authority to agencies.
238.33 through 238.41 Reserved.
238.42 Agreement in child placements.
238.43 Exceptions.
238.44 Contracts for services — liability for costs.
238.45 Penalty.

238.1 Definitions.

For the purpose of this chapter unless the context otherwise requires:

1. *"Child"* means the same as defined in section 234.1.

2. *"Child-placing agency"* or *"agency"* means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes. *"Agency"* includes individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department.

3. *"Department"* means the department of health and human services.

4. *"Director"* means the director of health and human services.

[C27, 31, 35, §3661-a58; C39, §**3661.072;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.1]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §41; 94 Acts, ch 1046, §8; 96 Acts, ch 1034, §14; 2009 Acts, ch 133, §95; 2023 Acts, ch 19, §758; 2024 Acts, ch 1170, §419
Referred to in §600A.2

238.2 "Child-placing agency" defined. Repealed by 2009 Acts, ch 133, §191.

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238.3 Authority to license.

The department may grant a license under this chapter for the period specified in section 238.9 for the operation of a child-placing agency in this state.

[C27, 31, 35, §3661-a60; C39, §**3661.074;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.3]

2002 Acts, ch 1102, §5; 2023 Acts, ch 19, §759

238.4 Granting of license conditional.

A license shall not be issued under this chapter unless the applicant shows that the applicant and the applicant's agents are properly equipped by training and experience to find and select suitable temporary or permanent homes for children and to supervise the homes in which the children are placed to safeguard the health, morality, and general well-being of the children.

[C27, 31, 35, §3661-a61; C39, §**3661.075;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.4]

2023 Acts, ch 19, §760

238.5 License required.

A person shall not operate a child-placing agency or solicit or receive funds for the support of a child-placing agency without an unrevoked license issued by the department within the preceding twelve months.

[C27, 31, 35, §3661-a62; C39, §**3661.076;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.5]

2023 Acts, ch 19, §761

238.6 Form of license.

The license shall state the name of the licensee and the particular premises in which the agency may be operated.

[C27, 31, 35, §3661-a63; C39, §**3661.077;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.6]

2023 Acts, ch 19, §762

238.7 Posting of license.

A license shall be posted in a conspicuous place on the licensed premises.

[C27, 31, 35, §3661-a64; C39, §**3661.078;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.7]

2023 Acts, ch 19, §763

238.8 Record of license.

A record of the licenses issued by the department under this chapter shall be maintained by the department.

[C27, 31, 35, §3661-a65; C39, §**3661.079;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.8]

2023 Acts, ch 19, §764

238.9 Term of license.

A license granted under this chapter shall be valid for three years from the date of issuance unless the license is revoked in accordance with section 238.10.

[C27, 31, 35, §3661-a66; C39, §**3661.080;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.9]

2002 Acts, ch 1102, §6

Referred to in §238.3

238.10 Revocation of license.

The department may, after due notice and hearing, revoke the license if any of the following applies:

1. The licensee violates any provision of this chapter.
2. When the agency is maintained in such a way as to waste or misuse funds contributed

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by the public or without due regard to sanitation or hygiene or to the health, comfort, or well-being of the child cared for or placed by the agency.

3. The licensee or the licensee's agents violate any law of the state in a manner disclosing moral turpitude or unfitness to maintain the agency.

4. The agency is operated by a person of ill repute or bad moral character.

5. The agency operates in persistent violation of the regulations governing such agencies.

[S13, §3260-k; C24, §3663; C27, 31, 35, §3661-a67; C39, §**3661.081;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.10]

2023 Acts, ch 19, §765

Referred to in §238.9

238.11 Written charges — findings — notice.

Written charges against the licensee shall be served upon the licensee at least ten days before a hearing on the charges and a written copy of the findings and decisions of the department following the hearing shall be served upon the licensee in the manner prescribed for the service of original notice in civil actions.

[C27, 31, 35, §3661-a68; C39, §**3661.082;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.11]

2023 Acts, ch 19, §766

Service of notice, R.C.P. 1.302 – 1.315

238.12 Appeal — judicial review.

1. A licensee aggrieved by a decision of the department revoking the licensee's license may appeal to the department in the manner prescribed by the department. The department shall, upon receipt of such an appeal, give the licensee reasonable notice and opportunity for a fair hearing before the department's authorized representative. Following the hearing, the department shall take final action and notify the licensee in writing.

2. Judicial review of the actions of the department may be sought in accordance with chapter 17A.

[C27, 31, 35, §3661-a69; C39, §**3661.083;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.12]

83 Acts, ch 96, §157, 159; 2003 Acts, ch 44, §114; 2021 Acts, ch 76, §150; 2023 Acts, ch 19, §767; 2024 Acts, ch 1170, §420

238.13 through 238.15 Reserved.

238.16 Rules and regulations.

The department shall prescribe general regulations and rules for the conduct of child-placing agencies as necessary to effect the purposes of this chapter and of all other applicable laws of the state relating to children, and to safeguard the well-being of children placed or cared for by such agencies.

[C27, 31, 35, §3661-a73; C39, §**3661.087;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.16]

2023 Acts, ch 19, §768

238.17 Forms for registration and record — preservation and maintenance.

1. The department shall prescribe forms for the registration and record of children cared for by any child-placing agency licensed under this chapter and for reports required by the department from the agencies.

2. If, for any reason, a child-placing agency ceases to exist, all records of registration and placement and all other records of any kind and character maintained by the child-placing agency shall be turned over to the department to be preserved and maintained by the department as a permanent record.

[C27, 31, 35, §3661-a74; C39, §**3661.088;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.17]

2009 Acts, ch 133, §233; 2023 Acts, ch 19, §769

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238.18 Duty of licensee.

1. A child-placing agency licensed under this chapter shall maintain a record and make reports in the form prescribed by the department.

2. For a child being placed by the agency, the agency's duties shall include compliance with the requirements of section 232.108 relating to visitation or ongoing interaction between the child and the child's siblings.

[C27, 31, 35, §3661-a75; C39, §**3661.089;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.18]

2007 Acts, ch 67, §6; 2023 Acts, ch 19, §770

238.19 Inspection generally.

Authorized employees of the department of inspections, appeals, and licensing may inspect the premises and conditions of the agency at any time, examine every part of the agency, and inquire into all matters concerning the agency and the children in the care of the agency.

[S13, §3260-j; C24, §3669, 3684; C27, 31, 35, §3661-a76; C39, §**3661.090;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.19]

90 Acts, ch 1204, §55; 2023 Acts, ch 19, §771, 1956

238.20 Minimum inspection — record.

Authorized employees of the department of inspections, appeals, and licensing shall visit and inspect the premises of licensed child-placing agencies at least once every twelve months and make and preserve written reports of the conditions found.

[C27, 31, 35, §3661-a77; C39, §**3661.091;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.20]

90 Acts, ch 1204, §56; 2007 Acts, ch 172, §11; 2023 Acts, ch 19, §1957

238.21 Other inspecting agencies.

Authorized agents of the local board of health in whose jurisdiction a licensed child-placing agency is located may make inspection of the premises.

[C27, 31, 35, §3661-a78; C39, §**3661.092;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.21]

90 Acts, ch 1204, §57

238.22 Licensee to aid inspection.

A licensee shall provide all reasonable information to inspectors authorized under this chapter and afford the inspectors every reasonable means for obtaining pertinent information.

[C27, 31, 35, §3661-a79; C39, §**3661.093;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.22]

2023 Acts, ch 19, §772

238.23 Annual report. Repealed by 2002 Acts, ch 1102, §8.

238.24 Information confidential — exceptions.

1. Except as authorized by this section, a person who acquires under this chapter or from the records provided for in this chapter, information relative to any agency, individual cared for by the agency, or relative of the individual, shall not directly or indirectly disclose the information.

2. Disclosure of information acquired under this chapter or from the records provided for in this chapter is authorized under any of the following circumstances:

a. Disclosure made upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, director, or local board of health in the jurisdiction where the agency is located.

b. Disclosure made by the director to proper persons in the interest of a child cared for by the agency or in the interest of the child's parents or foster parents and not inimical to the child, or as necessary to protect the interests of the child's prospective foster parents.

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However, disclosure of termination and adoption records shall be governed by the provisions of sections 600.16 and 600.16A.

c. Disclosure for purposes of statistical analysis performed by duly authorized persons of data collected under this chapter or the publication of the results of such analysis in such manner as will not disclose confidential information.

[C27, 31, 35, §3661-a81; C39, §**3661.095;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.24]

92 Acts, ch 1196, §2; 2002 Acts, ch 1102, §7; 2023 Acts, ch 19, §773

238.25 through 238.29 Reserved.

238.30 Reports as to placements. Repealed by 97 Acts, ch 99, §10.

238.31 Inspection of foster homes.

The department shall ensure that each licensed child-placing agency maintains proper standards, and may at any time cause the child and home in which the child has been placed to be visited by the director's agents for the purpose of ascertaining whether the home is suitable for the child, and may continue to visit and inspect the foster home and the conditions in the foster home as they affect the child.

[C27, 31, 35, §3661-a88; C39, §**3661.102;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.31]

2023 Acts, ch 19, §774

238.32 Authority to agencies.

An agency as specified in this chapter and when licensed in accordance with the provisions of this chapter may do any of the following:

1. Receive children in need of assistance or children who are under eighteen years of age found to have committed a delinquent act by the juvenile court, and provide for the disposition of the children subject to the provisions of chapter 232 and chapter 600A.

2. Receive and provide for the disposition of all minor children voluntarily surrendered to the agency.

[S13, §254-a22, 3260-b; C24, §3662; C27, 31, 35, §3661-a89; C39, §**3661.103;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.32]

2023 Acts, ch 19, §775

Transferring legal custody of a child, §232.102, 232.103

238.33 through 238.41 Reserved.

238.42 Agreement in child placements.

An agency placing a child in a foster home shall enter into a written agreement with the person taking the child. The agreement shall provide that the agency shall have access at all reasonable times to the child and to the home in which the child is living, and may remove the child from the home whenever, in the opinion of the agency or the department, removal is in the best interests of the child.

[C27, 31, 35, §3661-a97; C39, §**3661.111;** C46, 50, 54, 58, 62, 66, §238.40; C71, 73, 75, 77, 79, 81, §238.42]

2023 Acts, ch 19, §776

Referred to in §238.43

238.43 Exceptions.

The provisions of section 238.42 shall not apply to children who have been legally adopted.

[C27, 31, 35, §3661-a98; C39, §**3661.112;** C46, 50, 54, 58, 62, 66, §238.41; C71, 73, 75, 77, 79, 81, §238.43]

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238.44 Contracts for services — liability for costs.

An agency which enters into a contract with a referral agency to provide child placement services is liable for the costs of services which are paid prior to the provision of services, if the services are not subsequently provided.

94 Acts, ch 1174, §5

238.45 Penalty.

A person who violates any provision of this chapter or who intentionally makes any false statements or reports to the department relative to a provision of this chapter is guilty of a fraudulent practice.

[C27, 31, 35, §3661-a100; C39, §**3661.114;** C46, 50, 54, 58, 62, 66, §238.43; C71, 73, 75, 77, 79, 81, §238.45]

2023 Acts, ch 19, §777

CHAPTER 239

PUBLIC ASSISTANCE PROGRAM REQUIREMENTS

239.1	Definitions.	239.7	Case review of applicant and recipient information.
239.2	Supplemental nutrition assistance program — eligibility.	239.8	Notice and right to be heard.
239.3	Identity authentication.	239.9	Referrals for fraud, misrepresentation, or inadequate documentation.
239.4	Asset test for supplemental nutrition assistance program.	239.10	Administration — rules — reporting.
239.5	Verification and authentication systems — public assistance programs.	239.11	Public assistance modernization fund. Repealed by 2025 Acts, ch 133, §6.
239.6	Public assistance programs — applicant and recipient eligibility verification.	239.12	SNAP payment error rate — reporting.

239.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Alien"* means any person not a citizen or national of the United States.
2. *"Applicant"* means an individual who is applying for public assistance benefits in the state.
3. *"Asset"* for the purposes of the asset test for the supplemental nutrition assistance program under section 239.4 means all of the following resources countable toward the maximum allowed household asset limit of fifteen thousand dollars:
   a. All liquid resources.
   b. All other personal property excluding one vehicle and the fair market value in excess of ten thousand dollars of an additional vehicle.
4. *"Asset test"* for the purposes of the asset test for the supplemental nutrition assistance program under section 239.4 means the comparison of the collective value of all countable assets of the members of the applicant's household to the maximum allowed household asset limit of fifteen thousand dollars.
5. *"Department"* means the department of health and human services.
6. *"Public assistance"* means the supplemental nutrition assistance program or SNAP, the Medicaid program or Medicaid as defined in section 249A.2, the family investment program or FIP as defined in section 239B.1, and the children's health insurance program or CHIP.
7. *"Real-time eligibility system"* means real-time electronic access to a system that allows verification of all applicable public assistance program eligibility information based on the most recent information available to the department through nonmodeled earned and unearned income, such as commercially available wage data.
8. *"Recipient"* means an individual who is receiving public assistance benefits in the state.

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9. *"Supplemental nutrition assistance program"* or *"SNAP"* means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – 283, as amended.

2023 Acts, ch 104, §1; 2023 Acts, ch 112, §57; 2026 Acts, ch 1160, §3, 18
NEW subsection 1 and former subsections 1 – 8 renumbered as 2 – 9

239.2 Supplemental nutrition assistance program — eligibility.

1. *a.* The department shall establish the gross countable monthly income threshold for the supplemental nutrition assistance program at less than or equal to one hundred sixty percent of the federal poverty level for the household size.

b. The department shall consider the income and financial resources of all household members in determining the eligibility and benefit allotment of the household, including all household members determined to be ineligible to participate in SNAP under this section or pursuant to 7 U.S.C. §2015(f). Notwithstanding 7 C.F.R. §273.11(c)(3), the individual's income, deductible expenses, and resources shall be counted, and none shall be prorated.

c. Pursuant to 7 U.S.C. §2015(f), an individual shall be ineligible to participate in SNAP unless the individual is a resident of the United States and meets at least one of the following criteria:

(1) The individual is a citizen or national of the United States.

(2) The individual is an alien lawfully admitted for permanent residence as an immigrant, as defined in 8 U.S.C. §1101(a)(15) and 1101(a)(20), excluding alien visitors, tourists, diplomats, students, or other individuals admitted temporarily with no intention of abandoning their residence in a foreign country.

(3) The individual is an alien who has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the federal Refugee Education Assistance Act of 1980, Pub. L. No. 96-422.

(4) The individual lawfully resides in the United States in accordance with a compact of free association referred to in 8 U.S.C. §1612(b)(2)(G).

2. The department shall comply with federal reporting requirements relating to a household member who is determined to be ineligible to participate in SNAP pursuant to 7 C.F.R. §273.4(b).

2023 Acts, ch 104, §2; 2026 Acts, ch 1160, §4, 18
Section amended

239.3 Identity authentication.

Unless otherwise prohibited by federal law or regulation, prior to the department awarding public assistance benefits, an applicant shall complete a computerized identity authentication process to confirm the identity of the applicant. Identity authentication shall be accomplished through a knowledge-based questionnaire consisting of financial and personal questions. The questionnaire shall contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The computerized identity authentication process and questionnaire may be completed and submitted online, in person, or via telephone by the applicant or a person authorized by the applicant. The department may adopt rules pursuant to chapter 17A to administer this section.

2023 Acts, ch 104, §3

239.4 Asset test for supplemental nutrition assistance program.

1. For the purposes of determining eligibility for receipt of SNAP benefits, the department shall conduct an asset test on all members of the applicant's household. The allowable financial resources to be included in or excluded from a determination of eligibility for SNAP shall be those specified in 7 U.S.C. §2014(g), to the extent consistent with the term *"asset"* as defined in this chapter.

2. Prior to determining eligibility for SNAP benefits, the department shall access, at a minimum, for every member of the applicant's household, the following information from the following federal, state, and miscellaneous sources, or successor sources:

a. Federal sources and information:

(1) Earned and unearned income information maintained by the internal revenue service.

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(2) The following sources and information maintained by the United States social security administration:

(a) Earned income information.

(b) Death register information.

(c) Prisoner or incarceration status information.

(d) Supplemental security income information maintained in the state data exchange database.

(e) Beneficiary records and earnings information maintained in the beneficiary and earnings data exchange database.

(f) Earnings information maintained in the beneficiary earnings exchange record system database.

(3) The following sources and information maintained by the United States department of health and human services:

(a) Income and employment information maintained in the national directory of new hires database by the office of child support enforcement of the administration for children and families.

(b) Other federal data sources maintained by the office of child support enforcement of the administration for children and families.

b. State sources and information:

(1) The department's sources and information including but not limited to all of the following:

(a) Income and employment information maintained by child support services.

(b) Child care assistance information maintained by the department.

(c) Enrollment status in other public assistance programs.

(2) The department of workforce development sources and information including all of the following:

(a) Employment information.

(b) Employer weekly, monthly, and quarterly reports of income and unemployment insurance payments.

c. Miscellaneous sources:

(1) Any existing real-time database of persons currently receiving benefits in other states, such as the national accuracy clearinghouse.

(2) Any lottery winner databases maintained by the Iowa lottery.

(3) Any existing real-time eligibility system that includes employment and income information maintained by a consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.

3. Prior to determining eligibility for SNAP benefits, the department shall access information for every member of the applicant's household from the following public records:

a. A nationwide public records data source of physical asset ownership. The data source may include but is not limited to real property, automobiles, watercraft, aircraft, and luxury vehicles, or any other vehicle owned by the applicant.

b. National and state financial institutions in order to locate undisclosed depository accounts or verify account balances of disclosed accounts.

4. The department shall enter into a memorandum of understanding with any department, division, bureau, section, unit, or any other subunit of a department to obtain the information specified in this section.

5. The provisions of this section shall not apply if every member of the applicant's household receives supplemental security income.

2023 Acts, ch 104, §4; 2023 Acts, ch 112, §58

Referred to in §239.1

239.5 Verification and authentication systems — public assistance programs.

1. No later than July 1, 2025, the department shall redesign an existing system; establish a new computerized income, asset, and identity eligibility verification system; or contract

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with a third-party vendor to provide for identity verification, identity authentication, asset verification, and dual enrollment prevention in order to deter waste, fraud, and abuse in each public assistance program administered by the department.

2. The department may contract with a third-party vendor to develop or provide a service for a real-time eligibility system that allows the department to verify or authenticate income, assets, and identity eligibility of applicants and recipients to prevent fraud, misrepresentation, and inadequate documentation when determining eligibility for public assistance programs. The system shall be accessed prior to determining eligibility, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews. The department may also contract with a third-party vendor to provide information to facilitate reviews of recipient eligibility conducted by the department. Specifically, the department may contract with a third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.

3. A contract entered into under this section shall provide, at a minimum, for all of the following:

a. The establishment of the annual savings amount from utilization of the system or service, and a provision that the contract may be terminated contingent upon the savings not exceeding the total yearly cost to the state for utilization of the system or service.

b. That the contract shall not preclude the department from continuing to conduct additional eligibility verification or authentication processes, to receive, review, or verify additional information related to the eligibility of an individual, or from contracting with a third-party vendor to provide additional eligibility authentication or verification information.

4. The department shall seek federal approval as necessary to implement and administer this section.

2023 Acts, ch 104, §5

239.6 Public assistance programs — applicant and recipient eligibility verification.

1. All applications for initial public assistance program benefits and all determinations of ongoing recipient eligibility shall be processed through a system as specified in this section. Complete initial applications shall be processed within the minimum period required by federal law. Prior to determining initial eligibility of an applicant for, or ongoing eligibility of a recipient of, public assistance, the department shall access information for every applicant or recipient from the following federal, state, and other sources:

a. Federal sources and information:

(1) Earned and unearned income information maintained by the internal revenue service.

(2) The following sources and information maintained by the United States social security administration:

(a) Earned income information.

(b) Death register information.

(c) Prisoner or incarceration status information.

(d) Supplemental security income information maintained in the state data exchange database.

(e) Beneficiary records and earnings information maintained in the beneficiary and earnings data exchange database.

(f) Earnings information maintained in the beneficiary earnings exchange record system database.

(3) The following sources and information maintained by the United States department of health and human services:

(a) Income and employment information maintained in the national directory of new hires database by the office of child support enforcement of the administration for children and families.

(b) Other federal data sources maintained by the office of child support enforcement of the administration for children and families.

(4) Information maintained by the United States citizenship and immigration services of the United States department of homeland security.

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(5) National fleeing felon information maintained by the United States federal bureau of investigation.

b. State sources and information:

(1) The department's sources and information including but not limited to all of the following:

(a) Income and employment information maintained by child support services.

(b) Child care assistance information maintained by the department.

(c) Enrollment status in other public assistance programs.

(2) The department of workforce development sources and information including all of the following:

(a) Employment information.

(b) Employer weekly, monthly, and quarterly reports of income and unemployment insurance payments.

c. Other sources including all of the following:

(1) Any existing real-time database of persons currently receiving benefits in other states, such as the national accuracy clearinghouse.

(2) An available database of persons who currently hold a license, permit, or certificate from any state agency, the cost of which exceeds five hundred dollars.

(3) Wage reporting and similar information maintained by states contiguous to Iowa.

(4) A third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information.

2. Prior to determining the initial eligibility of an applicant for, or the ongoing eligibility of a recipient of, public assistance benefits, the department shall access information for every applicant or recipient from, at a minimum, the following public records:

a. A nationwide public records data source of physical asset ownership. The data source may include but is not limited to real property, automobiles, watercraft, aircraft, and luxury vehicles, or any other vehicle owned by the applicant for or recipient of assistance.

b. A nationwide public records data source of incarcerated individuals.

c. A nationwide best address and driver's license data source to verify that individuals are residents of the state.

d. A comprehensive public records database from which the department may identify potential identity fraud or identity theft that is capable of closely associating name, social security number, date of birth, phone, and address information.

e. National and local financial institutions in order to locate undisclosed depository accounts or verify account balances of disclosed accounts.

f. Outstanding default or arrest warrant information.

3. The state may contract with a third-party consumer reporting agency, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. §1681a, for the purpose of obtaining real-time employment and income information under this section.

2023 Acts, ch 104, §6

For future contingent amendments to section based on implementation of the eligibility determination for essential needs system, see 2026 Acts, ch 1160, §1, 2, 2A; 2026 Acts, ch 1200, §62, 63

239.7 Case review of applicant and recipient information.

1. If the information obtained from a review of an applicant's or recipient's information under this chapter does not result in the department finding a discrepancy or change in an individual's circumstances affecting eligibility, the department shall take no further action.

2. If the information obtained from a review of the applicant's or recipient's information under this chapter results in the department finding a discrepancy or change in the individual's circumstances affecting eligibility, the department shall respond in accordance with the provisions of sections 239.8 and 239.9.

2023 Acts, ch 104, §7

239.8 Notice and right to be heard.

1. An applicant for, or recipient of, public assistance shall be provided written notice and

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the opportunity to explain any issues identified in a review performed under this chapter for initial eligibility or redetermination of eligibility. Unless otherwise prohibited by federal law or regulation, a self-declaration by an applicant or recipient shall not be accepted as verification of categorical and financial eligibility during such review.

2. The notice provided to the applicant or recipient shall describe in sufficient detail the circumstances of the issue identified, the manner in which the applicant or recipient may respond, and the consequences of failing to respond to the notice or resolve the issue identified. The applicant or recipient shall be provided ten days to respond to the notice. The department may request additional information as necessary to reach a decision.

3. An applicant or recipient may respond to the notice as follows:

a. By disagreeing with the findings of the department. If the applicant or recipient responds in a timely manner and disagrees with the findings of the department, the department shall reevaluate the circumstances to determine if the applicant's or recipient's position is valid. If, through reevaluation, the department finds that the department is in error, the department shall take immediate action to correct the error. If, through reevaluation, the department affirms that the applicant's or recipient's position is invalid, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and the actions taken shall be provided to the applicant or recipient.

b. By agreeing with the findings of the department. If the applicant or recipient responds in a timely manner and agrees with the findings of the department, the department shall determine the effect on the applicant's or recipient's eligibility and take appropriate action. Written notice of the department's determination and actions taken shall be provided to the applicant or recipient.

4. If the applicant or recipient fails to respond to the notice in a timely manner, the department shall provide notice to terminate the applicant's application or to discontinue the recipient's enrollment for failure to cooperate, and shall terminate the applicant's application or discontinue the recipient's enrollment. The applicant's or recipient's eligibility for such public assistance shall not be established or reestablished until the issue has been resolved.

2023 Acts, ch 104, §8
Referred to in §239.7

239.9 Referrals for fraud, misrepresentation, or inadequate documentation.

1. Following a review of an applicant's or recipient's eligibility under this chapter, the department may refer cases of suspected fraud along with any supportive information to the department of inspections, appeals, and licensing for review.

2. In cases of substantiated fraud, upon conviction, the state shall review all appropriate legal options including but not limited to removal of a recipient from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an equal amount of benefits fraudulently claimed.

3. The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation relating to initial or continued eligibility to appropriate state agencies, divisions, or departments for review of eligibility issues in programs providing public benefits other than those as defined in this chapter.

2023 Acts, ch 104, §9; 2023 Acts, ch 112, §59
Referred to in §239.7

239.10 Administration — rules — reporting.

1. The department shall adopt rules pursuant to chapter 17A to administer this chapter.

2. The department shall submit a report to the governor and the general assembly by January 15, 2025, and by January 15 annually thereafter through January 15, 2030, detailing the impact of the verification and authentication measures taken under this chapter. The report shall include data for all affected public assistance programs including the number of cases reviewed, the number of cases closed, the number of fraud investigation referrals made, and the amount of savings and cost avoidance realized from the provisions of this chapter.

2023 Acts, ch 104, §10; 2023 Acts, ch 112, §60

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239.11 Public assistance modernization fund. Repealed by 2025 Acts, ch 133, §6.

239.12 SNAP payment error rate — reporting.

Beginning with the fiscal quarter that starts on October 1, 2026, and every fiscal quarter thereafter, within thirty calendar days of transmission of data to the food and nutrition services of the United States department of agriculture, the department shall submit a report to the general assembly detailing payment error rates associated with SNAP for the immediately preceding fiscal quarter.

2026 Acts, ch 1160, §5, 18
NEW section

CHAPTER 239A

PUBLIC WORKS POSITIONS FOR CERTAIN PERSONS

239A.1 Who may be placed.
239A.2 Projects determined.
239A.3 Target areas selected.

239A.1 Who may be placed.

Any person who is receiving or has obtained approval of an application to receive assistance under chapter 239B, and who is eligible under the promoting independence and self-sufficiency through employment job opportunities and basic skills program, may be referred to the department of workforce development for placement in public works positions available pursuant to this chapter or to such other authority as may be applicable.

[C77, 79, 81, §239A.1]
96 Acts, ch 1186, §23; 97 Acts, ch 41, §32
Referred to in §239A.2, 239A.3

239A.2 Projects determined.

The department of workforce development, in consultation with the director of health and human services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The department of workforce development shall arrange with units of local government for establishment of such projects, which may include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long as the project meets the following requirements:

1. The project must create new employment opportunities and not fund existing employment of persons working for the local government unit or resume funding of projects for which the local government unit has, without fault, terminated employees within the previous six months and has not recalled those employees.

2. The benefits of the project result must inure primarily to the community or public at large.

3. The following conditions of employment must be satisfied:

a. The unit of local government with which the project is arranged must be the employer of the persons hired under the project.

b. The employees under the project must be paid at the same rate as other employees doing similar work for that unit of local government.

c. The employees must be considered regular employees of the unit of local government involved and must be entitled to participate in benefit programs of that unit of local government, including but not limited to workers' compensation, but shall not be entitled to qualify for unemployment compensation benefits on the basis of employment under the project.

[C77, 79, 81, §239A.2; 82 Acts, ch 1161, §27]
83 Acts, ch 96, §157, 159; 96 Acts, ch 1186, §23; 2023 Acts, ch 19, §778
Referred to in §239A.3

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239A.3 Target areas selected.

The department of workforce development shall select not to exceed two target counties for implementation of sections 239A.1 and 239A.2. In selecting the target county or counties in which this chapter is to be implemented, the department of workforce development shall be guided by the following criteria:

1. The total number of unemployed persons in the county.
2. The number of unemployed persons in the county as a percentage of the available workforce there.
3. The total number of persons receiving assistance under chapter 239B in that county.
4. The number of persons receiving assistance under chapter 239B in that county as a percentage of the total population of the county.
5. The number of unemployed heads of households receiving assistance under chapter 239B in that county.
6. The number of unemployed heads of households receiving assistance under chapter 239B in that county as a percentage of all recipients of such assistance in that county.

[C77, 79, 81, §239A.3]

96 Acts, ch 1186, §23; 97 Acts, ch 41, §32

CHAPTER 239B

FAMILY INVESTMENT PROGRAM

Referred to in §84A.6, 217.30, 217.36, 234.6, 239A.1, 239A.3, 249A.2, 252B.3, 252B.4, 252B.6A, 252B.20, 252B.20A, 252C.1, 252D.8, 252E.1, 252E.2A, 541A.2, 598.22A

239B.1	Definitions.	239B.11A	Transitional benefits. Repealed by 2008 Acts, ch 1187, §96, 97.
239B.2	Conditions of eligibility.	239B.12	Immunization.
239B.2A	School attendance. Repealed by 2004 Acts, ch 1043, §11.	239B.13	Needy relative payee — protective payee — vendor payment.
239B.2B	Eligibility of noncitizens.	239B.14	Fraudulent practices — recovery of overpayments.
239B.2C	Absence from home — incarceration.	239B.15	County attorney to enforce.
239B.3	Cash assistance.	239B.16	Appeal — judicial review.
239B.4	Departmental role.	239B.17	PROMISE JOBS program.
239B.5	Compliance with federal law — prohibited electronic benefit transfer transactions.	239B.18	JOBS program participation.
		239B.19	JOBS program availability.
239B.6	Assignment of support rights or benefits.	239B.20	JOBS program health and safety.
239B.7	Income and resource exemptions, deductions, and disregards.	239B.21	JOBS program — workers' compensation law applicable.
239B.8	Family investment agreements.	239B.22	JOBS program — participant not state employee.
239B.9	Limited benefit plan.	239B.23	Child day care provisions. Repealed by 98 Acts, ch 1218, §82.
239B.10	Minor and young parents — other requirements.	239B.24	State child care assistance eligibility.
239B.11	Family investment program — diversion program.		

239B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Applicant"* means a person who files an application for participation in the family investment program under this chapter.
2. *"Assistance"* means a family investment program payment.
3. *"Child"* means an unmarried person who is less than eighteen years of age or an unmarried person who is eighteen years of age and is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching nineteen years of age.
4. *"Department"* means the department of health and human services.
5. *"Director"* means the director of health and human services.

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6. *"Family"* means a family unit that includes at least one child and at least one parent or other specified relative of the child.

7. *"Family investment agreement"* means the agreement developed with a participant in accordance with section 239B.8.

8. *"Family investment program"* means the family investment program under this chapter.

9. *"Limited benefit plan"* means a period of time in which a participant or member of a participant's family is either eligible for reduced assistance only or ineligible for any assistance under the family investment program, in accordance with section 239B.9.

10. *"Minor parent"* means an applicant or participant parent who is less than eighteen years of age and has never been married.

11. *"Participant"* means a person who is receiving full or partial family investment program assistance. For the purposes of sections 239B.8 and 239B.9, *"participant"* also includes each individual who does not directly receive assistance but who is required to be engaged in work or training options specified in the participant's family investment agreement entered into under section 239B.8.

12. *"PROMISE JOBS program"* or *"JOBS program"* means the promoting independence and self-sufficiency through employment job opportunities and basic skills program created in section 239B.17.

13. *"Specified relative"* means a person who is, or was at any time, one of the following relatives of an applicant or participant child, by means of blood relationship, marriage, or adoption, or is a spouse of one of the following relatives:

a. Parent.
b. Grandparent.
c. Great-grandparent.
d. Great-great-grandparent.
e. Stepparent of the child, but not the parent of the stepparent.
f. Sibling.
g. Stepsibling.
h. Sibling by at least the half blood.
i. Uncle or aunt by at least the half blood.
j. Great-uncle or great-aunt.
k. Great-great-uncle or great-great-aunt.
l. First cousin.
m. Nephew or niece.
n. Second cousin.

97 Acts, ch 41, §2, 34; 2007 Acts, ch 124, §1; 2023 Acts, ch 19, §779, 780
Referred to in §239.1, 252B.1

239B.2 Conditions of eligibility.

Within available funding, the department shall make assistance available to eligible families under the family investment program. At a minimum, a family shall meet all of the following conditions of eligibility:

1. *Application.* An application for the program is made to the department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the department. The application shall be made by the specified relative with whom the child resides or will reside, and shall contain the information required on the application form. One application may be made for several children of the same family if the children reside or will reside with the same specified relative.

2. *Income and resources.* The family meets income and resource guidelines established by the department to attain or retain financial eligibility. In determining a family's income and resources, the department shall consider the income and resources of the child, the child's parent, the child's stepparent living with the child, or any other specified relative with whom the child resides or will reside available to the family unless specifically exempted as provided in section 239B.7 or by rule or unless otherwise provided by federal law. A family's failure to meet the income or resource guidelines shall result in denial of the family's eligibility for the program.

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3. *Unemployment.*

a. A determination of eligibility for a family with an unemployed parent shall not include consideration of either parent's number of hours of employment. Both parents must enter into and participate in a family investment agreement and participate in JOBS program activities unless good cause not to participate is established in accordance with rules.

b. Any of the following reasons for refusing employment or training are not good cause:

(1) Unsuitable or unpleasant work or training, if the parent is able to perform the work or training without unusual danger to the parent's health.

(2) The amount of wages or compensation, unless the wages for employment are below the amount customary for the same work in the community.

4. *Written statement — family investment agreement.*

a. The department may require an applicant family to commit to the initial actions the applicant family will take to achieve self-sufficiency as contained in a signed, written statement. An applicant family which fails to commit to the actions as contained in the written statement shall be denied eligibility for the family investment program. If the applicant family becomes a participant family, the family's written statement may be replaced by, incorporated within, or become the family investment agreement for that family.

b. Unless exempt as provided in section 239B.8, a participant family which is eligible for the program shall continue to comply with the provisions of a written statement which contains actions committed to by the family under paragraph *"a"* or shall enter into a family investment agreement with the department. A participant family must comply with the provisions of the written statement or the conditions in the agreement in order to retain eligibility. A participant family which does not comply shall be deemed to have chosen a limited benefit plan.

5. *Provision of information.* The family provides requested information to the department. The department shall adopt rules specifying the conditions under which an applicant or participant family is denied eligibility for family investment program assistance for failure to provide requested information.

6. *Cooperation with child support requirements.* The department shall provide for prompt notification of child support services if assistance is provided to a child whose parent is absent from the home. An applicant or participant shall cooperate with child support services and the department as provided in 42 U.S.C. §608(a)(2) unless the applicant or participant qualifies for good cause or other exception as determined by the department in accordance with the best interest of the child, parent, or specified relative, and with standards prescribed by rule. The authorized good cause or other exceptions shall include participation in a family investment agreement safety plan option to address or prevent family or domestic violence and other consideration given to the presence of family or domestic violence. If a specified relative with whom a child is residing fails to comply with these cooperation requirements, a sanction shall be imposed as defined by rule in accordance with state and federal law.

7. *Periodic reviews.* As a condition of eligibility, the department may require periodic reports from a participant concerning the participant's income, resources, family composition, and other circumstances. If the participant's circumstances change, the participant's assistance may be continued, renewed, suspended, changed in amount, or entirely withdrawn, as determined in accordance with rule.

8. *Out-of-state assistance.* Assistance shall be paid to a participant residing temporarily out-of-state if the participant retains residency in this state and remains otherwise eligible for assistance. The department shall periodically redetermine the eligibility of a participant who is temporarily residing out-of-state.

97 Acts, ch 41, §3, 34; 98 Acts, ch 1218, §50; 99 Acts, ch 100, §1; 2000 Acts, ch 1088, §2; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §781

Referred to in §239B.2B, 239B.3, 239B.9

239B.2A School attendance. Repealed by 2004 Acts, ch 1043, §11.

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239B.2B Eligibility of noncitizens.

A person who meets the conditions of eligibility under section 239B.2 and who meets either of the following requirements shall be eligible for participation in the family investment program:

1. The person is a conditional resident alien who was battered or subjected to extreme cruelty, or whose child was battered or subjected to extreme cruelty, perpetrated by the person's spouse who is a United States citizen or lawful permanent resident as described in 8 C.F.R. §216.5(a)(3).

2. The person was battered or subjected to extreme cruelty, or the person's child was battered or subjected to extreme cruelty, perpetrated by the person's spouse who is a United States citizen or lawful permanent resident and the person's petition has been approved or a petition is pending that sets forth a prima facie case that the person has noncitizen status under any of the following categories:

a. Status as a spouse or child of a United States citizen or lawful permanent resident under the federal Immigration and Nationality Act, §204(a)(1), as codified in 8 U.S.C. §1154(a)(1)(A).

b. Status as a spouse or child who was battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident, under the federal Immigration and Nationality Act, §204(a)(iii), as codified in 8 U.S.C. §1154(a)(1)(A)(iii).

c. Classification as a person lawfully admitted for permanent residence under the federal Immigration and Nationality Act.

d. Suspension of deportation and adjustment of status under the federal Immigration and Nationality Act, §244(a), as in effect before the date of enactment of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

e. Cancellation of removal or adjustment of status under the federal Immigration and Nationality Act, §240A, as codified in 8 U.S.C. §1229b.

f. Status as an asylee, if asylum is pending, under the federal Immigration and Nationality Act, §208, as codified in 8 U.S.C. §1158.

2002 Acts, ch 1175, §27

239B.2C Absence from home — incarceration.

An individual family member who is absent from the home for more than three months because the individual is incarcerated in jail or a correctional facility shall not be included in the family unit for purposes of assistance.

2012 Acts, ch 1133, §98

239B.3 Cash assistance.

1. *a.* Within available funding, the department shall provide an ongoing cash assistance grant under the family investment program to a family eligible under section 239B.2.

b. For an eligibility decision involving an applicant family with a specified relative, within thirty days of the date of an application, the department shall authorize issuance of notice of the department's decision to the specified relative.

2. For an applicant or participant family, the department shall calculate and pay the cash assistance grant on a monthly basis, taking into consideration all of the following:

a. The income and resources of the family.

b. Whether the family has entered into a limited benefit plan.

c. The size of the family.

d. Available funding.

3. The department may pay cash assistance and other cash benefits paid under this chapter by warrant, through a direct deposit to a financial institution of a participant, or through an electronic benefits transfer.

4. The department may pay, from funds appropriated for this purpose, a maximum of four hundred dollars toward funeral expenses on the death of a child who is a participant or has been authorized to participate in the family investment program, provided both of the following conditions apply:

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a. The decedent does not leave an estate which may be probated with sufficient proceeds to allow for payment of the funeral expenses.

b. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association, or society, or in the form of United States social security, railroad retirement, or veterans' benefits upon the death of the decedent, are deducted from the department's payment under this section.

97 Acts, ch 41, §4, 34; 99 Acts, ch 100, §2

239B.4 Departmental role.

1. The department is the state entity designated to administer federal funds received for purposes of the family investment program and the JOBS program under this chapter, including but not limited to the funding received under the federal temporary assistance for needy families block grant as authorized under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as reauthorized under the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, and as codified in 42 U.S.C. §601 et seq., and as such is the lead agency in preparing and filing state plans, state plan amendments, and other reports required by federal law.

2. The department is responsible for a management information system, eligibility determination, participant grant calculations and issuance of payments, contracting for services, provision of an appeal or resolution process to applicants and participants, determining the suitability of a family home maintained by a specified relative applicant or participant, and other activities as necessary to administer the family investment program and the JOBS program.

3. The department shall develop and use a screening tool for determining the likely presence of family and domestic violence affecting applicant and participant families. The department shall require the use of the screening tool by trained employees.

4. The department shall continue to work with the department of workforce development and local community collaborative efforts to provide support services for participants. The support services shall be directed to those participant families who would benefit from the support services and are likely to have success in achieving economic independence.

5. The department shall continue to work with religious organizations and other charitable institutions to increase the availability of host homes, referred to as second chance homes, or other living arrangements under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §103, and any successor legislation. The purpose of the homes or arrangements is to provide a supportive and supervised living arrangement for minor parents receiving assistance who may receive assistance while living in an alternative setting other than with their parent or legal guardian.

6. The department may adopt rules pursuant to chapter 17A as necessary to administer this chapter.

97 Acts, ch 41, §5, 34; 98 Acts, ch 1218, §51; 2005 Acts, ch 175, §106; 2007 Acts, ch 124, §2

239B.5 Compliance with federal law — prohibited electronic benefit transfer transactions.

1. If, as a condition of receiving federal funds for the family investment program, federal law requires implementation and administration of certain activities during a period when the general assembly is not in session, the department shall proceed to implement and administer those provisions, even if in conflict with other existing state law. However, the period of implementation authorized under this subsection shall end upon the adjournment of the regular session of the general assembly immediately following the commencement of the period of implementation.

2. The department may submit waiver requests to the United States department of health and human services as necessary to implement and administer any provision under this chapter, or to implement any subsequent initiative that requires a waiver from federal law.

3. *a.* The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant or participant.

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b. However, unless exempt for good cause under rules adopted by the department for this purpose, an applicant or participant convicted under federal or state law of a felony offense, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6), shall be required to participate in drug rehabilitation activities or to fulfill other requirements to verify that the applicant or participant does not illegally possess, use, or distribute a controlled substance.

4. *a.* The department shall implement policies and procedures as necessary to comply with provisions of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, to prevent assistance provided under this chapter from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. For purposes of this paragraph, the definitions found in the federal Middle Class Tax Relief and Job Creation Act and related rules and statutes apply.

b. Unless otherwise precluded by federal law or regulation, policies and procedures implemented under this subsection shall at a minimum impose the prohibition described in paragraph *"a"* as a condition for continued eligibility for assistance under this chapter.

c. The department may implement additional measures as may be necessary to comply with federal regulations in implementing paragraph *"a"*.

d. The department shall adopt rules as necessary to implement this subsection.

97 Acts, ch 41, §6, 34; 2013 Acts, ch 138, §90
Referred to in §239B.14, 331.301, 414.1

239B.6 Assignment of support rights or benefits.

1. An assignment of support rights to the department is created by either of the following:

a. An applicant and other persons covered by an application are deemed to have assigned to the department at the time of application all rights to periodic support payments that accrue during the period the family receives assistance to the extent of the amount of assistance received by the applicant and by other persons covered by the application.

b. A determination that a child or another person covered by an application is eligible for assistance under this chapter creates an assignment by operation of law to the department of all rights to periodic support payments that accrue during the period the family receives assistance not to exceed the amount of assistance received by the child and other persons covered by the application.

2. An assignment takes effect upon determination that an applicant or another person covered by an application is eligible for assistance under this chapter, applies to both current and accruing support obligations, and terminates when an applicant or another person covered by an application ceases to receive assistance under this chapter, except with respect to the amount of unpaid support obligations accrued during the assignment. If an applicant or another person covered by an application ceases to receive assistance under this chapter and the applicant or other person covered by the application receives a periodic support payment, subject to limitations under federal law and subject to subsection 3, the department is entitled only to that amount of the periodic support payment above the current periodic support obligation.

3. Any rights to support payments assigned to the department on or before September 30, 2009, shall remain assigned to the department.

4. Assistance paid or payable under this chapter is not transferable or assignable at law or in equity, and none of the assistance paid or payable is subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

97 Acts, ch 41, §7, 34; 2008 Acts, ch 1019, §1, 2, 7
Referred to in §252A.13, 252C.2, 598.21C, 598.34, 598A.3, 600B.38

239B.7 Income and resource exemptions, deductions, and disregards.

In determining a family's income and resources for purposes of the family's initial and continuing eligibility for assistance and for determining grant amounts, the provisions of this section shall apply to the family and individual family members.

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1. *Work expense deduction.* If an individual's earned income is considered by the department, the individual shall be allowed a work expense deduction equal to twenty percent of the earned income. The work expense deduction is intended to include all work-related expenses other than child care. These expenses shall include but are not limited to all of the following: taxes, transportation, meals, uniforms, and other work-related expenses.

2. *Work-and-earn incentive.* If an individual's earned income is considered by the department, the individual shall be allowed a work-and-earn incentive. The incentive shall be equal to fifty-eight percent of the amount of earned income remaining after all other deductions are applied. The department shall disregard the incentive amount when considering the earned income available to the individual. The incentive shall not have a time limit. The work-and-earn incentive shall not be withdrawn as a penalty for failure to comply with family investment program requirements.

3. *Income consideration.* If an individual has timely reported an absence of income to the department, consideration of the individual's income shall cease beginning in the first month the income is absent.

4. *Interest income.* Interest income shall be disregarded.

5. *Individual development account deposits.* The department shall disregard as income any moneys an individual deposits in an individual development account established pursuant to chapter 541A.

6. *Motor vehicle disregard.* The department shall disregard the value of one motor vehicle. The countable equity value of any additional motor vehicle shall apply to the resource limitation established in subsection 7.

7. *Resource limitation.*

a. The resource limitation for an applicant family for the family investment program shall be two thousand dollars.

b. The resource limitation for a participant family shall be five thousand dollars.

c. The department shall disregard not more than ten thousand dollars of a self-employed individual's tools of the trade or capital assets in considering the individual's resources.

8. *Individual development account earnings and balance.* The department shall disregard any earnings and the balance of an individual development account established pursuant to chapter 541A in considering an individual's resources.

97 Acts, ch 41, §8, 34 – 36; 99 Acts, ch 192, §33, 34; 2004 Acts, ch 1043, §1, 12; 2007 Acts, ch 124, §3, 4, 6

Referred to in §239B.2

239B.8 Family investment agreements.

The department shall establish a policy regarding the implementation of family investment agreements which limits the period of eligibility for the family investment program based upon the requirements of a family's plan for self-sufficiency. The policy shall require a family's plan to be specified in a family investment agreement between the family and the department. The department shall adopt rules to administer the policy. The components of the policy shall include but are not limited to all of the following:

1. *Participation — exemptions.* A parent living in a home with a child for whom an application for family investment program assistance has been made or for whom the assistance is provided, and all other individual members of the family whose needs are included in the assistance shall be subject to a family investment agreement unless exempt under rules adopted by the department or unless any of the following conditions exists:

a. The individual is less than sixteen years of age and is not a parent.

b. The individual is sixteen through eighteen years of age, is not a parent, and is attending elementary or secondary school, or the equivalent level of vocational or technical education program, on a full-time basis. If an individual loses exempt status under this paragraph and the individual has signed a family investment agreement, the individual shall remain subject to the terms of the agreement until the terms are completed.

c. The individual is not a United States citizen and is not a qualified alien as defined in 8 U.S.C. §1641.

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2. *Agreement options.* A family investment agreement shall require an individual who is subject to the agreement to engage in one or more work or training options. An individual's level of engagement in one or more of the work or training options shall be equivalent to the level of commitment required for full-time employment or shall be significant so as to move the individual's level of engagement toward that level. The department shall adopt rules defining option requirements and establishing assistance provisions for child care, transportation, and other support services. A leave from engagement in work or training options shall be offered to a participant parent to address the birth of a child or the placement of a child with the participant parent for adoption or foster care. If such a leave is requested by the parent the combined duration of the leave shall not exceed the minimum leave duration, as outlined in the federal Family and Medical Leave Act of 1993, §102(a) and (b)(1), as codified in 29 U.S.C. §2612(a) and (b)(1). The terms of the leave shall be incorporated into the family investment agreement. The work or training options shall include but are not limited to all of the following:

a. Employment. Full-time or part-time employment.

b. Employment search. Active job search.

c. JOBS. Participation in the JOBS program.

d. Education. Participation in other education or training programming.

e. Family development. Participation in a family development and self-sufficiency grant program under section 216A.107 or other family development program.

f. Work experience. Work experience placement.

g. Community service. Unpaid community service.

h. Parenting skills. Participation in an arrangement which would strengthen the individual's ability to be a better parent, including but not limited to participation in a parenting education program.

i. Family or domestic violence. Participation in a safety plan to address or prevent family or domestic violence. The safety plan may include a temporary waiver period from required participation in the JOBS program or other employment-related activities, as appropriate for the situation of the applicant or participant. All applicants and participants shall be informed regarding the existence of this option. Participation in this option shall be subject to review in accordance with administrative rule.

j. Incremental family investment agreements. If an individual participant or the entire family has an acknowledged barrier, the plan for self-sufficiency may be specified in one or more incremental family investment agreements.

3. *Limited benefit plan.* If a participant fails to comply with the provisions of the participant's family investment agreement during the period of the agreement, the limited benefit plan provisions of section 239B.9 shall apply.

4. *Completion of agreement.*

a. Upon the completion of the terms of the agreement, family investment program assistance to a participant family covered by the agreement shall cease or be reduced in accordance with rules.

b. However, if the period in which a participant family is without cash assistance is one month or less and the participant family has not become exempt from JOBS program participation at the time the participant family reapplies for cash assistance, the participant family's family investment agreement shall be reinstated at the time the participant family reapplies. The reinstated agreement may be revised to accommodate changed circumstances present at the time of reapplication.

c. The department shall adopt rules to administer this subsection and to determine when a family is eligible to reenter the family investment program.

5. *Contracts.* The department may contract with the department of workforce development, economic development authority, or any other entity to provide services relating to a family investment agreement.

6. *Confidential information disclosure.* If approved by the director or the director's designee pursuant to a written request, the department shall disclose confidential information described in section 217.30, subsection 2, to other state agencies or to any other entity which is not subject to the provisions of chapter 17A and is providing services to a

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participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

97 Acts, ch 41, §9, 34; 98 Acts, ch 1218, §52; 99 Acts, ch 192, §33; 2000 Acts, ch 1088, §3; 2001 Acts, ch 128, §1; 2001 Acts, ch 191, §41; 2004 Acts, ch 1043, §2, 3; 2005 Acts, ch 121, §10; 2007 Acts, ch 124, §5; 2008 Acts, ch 1072, §4, 5; 2011 Acts, ch 118, §85, 89; 2016 Acts, ch 1108, §23; 2019 Acts, ch 125, §4; 2023 Acts, ch 19, §782

Referred to in §239B.1, 239B.2, 239B.9, 239B.18

239B.9 Limited benefit plan.

1. *General provisions.*

a. If a participant responsible for signing and fulfilling the terms of a family investment agreement, as defined by the director in accordance with section 239B.8, chooses not to sign or fulfill the terms of the agreement, the participant's family, or the individual participant shall enter into a limited benefit plan. Initial actions in a written statement under section 239B.2, subsection 4, which were committed to by a participant during the application period and which commitment remains in effect, shall be considered to be a term of the participant's family investment agreement. A limited benefit plan shall apply for the period of time specified in this section. The first month of the limited benefit plan is the first month after the month in which timely and adequate notice of the limited benefit plan is given to the participant as defined by the director. The elements of a limited benefit plan shall be specified in the department's rules.

b. For purposes of this lettered paragraph, *"significant contact with or action in regard to the JOBS program"* means the individual participant communicates to the JOBS program worker the desire to engage in JOBS program activities, signs a new or updated family investment agreement, and takes any other action required by the department in accordance with rules adopted for this purpose. A limited benefit plan applied in error shall not be considered to have been applied. A limited benefit plan is applicable to the individual participant choosing the limited benefit plan and to the individual participant's family members to which the plan is applicable under subsection 2. A limited benefit plan shall either be a first limited benefit plan or a subsequent limited benefit plan. A limited benefit plan shall be applied as follows:

(1) A first limited benefit plan shall provide for continuing ineligibility for assistance until the individual participant completes significant contact with or action in regard to the JOBS program.

(2) A limited benefit plan subsequent to a first limited benefit plan chosen by the same individual participant shall provide for a specified period of ineligibility of six months or less beginning with the effective date of the limited benefit plan and continuing indefinitely following the specified period until the individual participant completes significant contact with or action in regard to the JOBS program. The department shall adopt rules defining the circumstances for which a particular period of ineligibility will be specified.

(3) For a two-parent family in which both parents are responsible for a family investment agreement, a first or subsequent limited benefit plan shall remain applicable until both parents complete significant contact with or action in regard to the JOBS program. A limited benefit plan applied more than once to the same two-parent family shall be treated as a subsequent limited benefit plan.

2. *Plan applied.* The department shall apply the limited benefit plan to the participants responsible for the family investment agreement and other members of the participant's family as follows:

a. Parent. If the participant responsible for the family investment agreement is a parent, the limited benefit plan is applicable to the entire participant family.

b. Needy relative or incapacitated stepparent. If the participant choosing a limited benefit plan is a needy relative who acts as payee when the parent is in the home but is unable to act as payee, is a needy relative who assumes the role of parent, or is a dependent

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child's stepparent whose needs are included in the assistance because of incapacity, the limited benefit plan shall apply only to the individual participant choosing the plan.

c. Minor parent living with adult parent or specified relative. If the participant family includes a minor parent living with the minor parent's adult parent or specified relative who receives family investment program assistance and both individuals are responsible for developing a family investment agreement, each individual is responsible for a separate family investment agreement, and the limited benefit plan shall be applied as follows:

(1) If the adult parent chooses the limited benefit plan, the requirements of the limited benefit plan shall apply to the entire participant family, even though the minor parent has not chosen the limited benefit plan. However, the minor parent may reapply for assistance as a minor parent living with self-supporting parents or living independently and continue in the family investment agreement process.

(2) If the minor parent chooses the limited benefit plan, the requirements of the limited benefit plan shall apply to the minor parent and any child of the minor parent.

(3) If the specified relative chooses the limited benefit plan, the requirements of the limited benefit plan shall apply only to the specified relative.

d. Minor parent — only child. If the minor parent is the only child in the adult parent's or specified relative's home and the minor parent chooses the limited benefit plan, assistance shall not be paid to the adult parent or specified relative in this instance.

e. Children who are mandatory JOBS program participants. If the participant family includes children who are mandatory JOBS program participants, the children shall not have a separate family investment agreement but shall be asked to sign the family investment agreement applicable to the family and to carry out the responsibilities of that family investment agreement. A limited benefit plan shall be applied as follows:

(1) If the parent or specified relative responsible for a family investment agreement meets the responsibilities of the family investment agreement but a child who is a mandatory JOBS program participant chooses an individual limited benefit plan, the family is eligible for reduced assistance during the child's limited benefit plan.

(2) If the child who chooses a limited benefit plan under subparagraph (1) is the only child in the participant family, assistance shall not be paid to the adult parent, parents, or specified relative in this instance.

f. Exempt parent. If a participant family includes a parent, parents, or specified relative who are exempt from JOBS program participation and children who are mandatory JOBS program participants, the children are responsible for completing a family investment agreement. If a child who is a mandatory JOBS program participant chooses the limited benefit plan, the limited benefit plan shall be applied in the manner provided in paragraph *"e"*.

g. Two parents. If the participant family includes two parents, a limited benefit plan shall be applied as follows:

(1) If only one parent of a child in the family is responsible for a family investment agreement and that parent chooses the limited benefit plan, the limited benefit plan cannot be ended by the voluntary participation in a family investment agreement by the exempt parent. If the parent responsible for the family investment agreement chooses a limited benefit plan, the limited benefit plan applies to the entire family.

(2) If both parents of a child in the family are responsible for a family investment agreement, both parents shall sign the agreement. If either parent chooses the limited benefit plan, the limited benefit plan cannot be ended by the participation of the other parent in a family investment agreement.

(3) If the parents from a two-parent family in a limited benefit plan separate, the limited benefit plan shall follow only the parent who chose the limited benefit plan and any children in the home of that parent.

3. *Plan chosen.* A participant shall be considered to have chosen a limited benefit plan under any of the following circumstances:

a. A participant who does not establish an orientation appointment with the JOBS program or who fails to keep or reschedule an orientation appointment shall receive a reminder letter which informs the participant that those who do not attend orientation

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have elected to choose a limited benefit plan. A participant who chooses not to respond to the reminder letter within ten calendar days from the mailing date shall receive notice establishing the effective date of the limited benefit plan. If a participant is deemed to have chosen a limited benefit plan, timely and adequate notice provisions, as determined by the director, shall apply.

b. A participant who chooses not to sign the family investment agreement after attending a JOBS program orientation shall enter into a limited benefit plan as described in paragraph *"a"*.

c. A participant who has signed a family investment agreement but then chooses a limited benefit plan under circumstances defined by the director.

4. *Reconsideration.* A participant who chooses a limited benefit plan may reconsider that choice as follows:

a. A participant who chooses a first limited benefit plan may reconsider at any time following the effective date of the limited benefit plan. The participant may contact the department or the appropriate JOBS program office any time to begin the reconsideration process.

b. A participant who chooses a subsequent limited benefit plan may reconsider that choice at any time following the period of ineligibility specified in accordance with subsection 1.

5. *Well-being visit.* If a participant has chosen a subsequent limited benefit plan, the department may conduct a well-being visit or contract for a well-being visit to be conducted, provided funding is available for the costs of such visits. A well-being visit shall meet all of the following criteria:

a. A qualified professional shall attempt to visit with the participant family with a focus upon the children's well-being.

b. The visit shall be conducted during or within four weeks of the second month of the start of the subsequent limited benefit plan.

c. The visit shall serve as an extension of the family investment program and the family investment agreement philosophy of supporting families as they move toward self-sufficiency.

6. *Appeal.* A participant has the right to appeal the establishment of the limited benefit plan only once, at the time the department issues the timely and adequate notice that establishes the limited benefit plan. However, if the reason for the appeal is based on an incorrect grant computation, an error in determining the composition of the family, or another worker error, a hearing shall be granted, regardless of the person's limited benefit plan status.

97 Acts, ch 41, §10, 34; 98 Acts, ch 1218, §55 – 60; 99 Acts, ch 100, §3; 2000 Acts, ch 1088, §4; 2002 Acts, ch 1015, §1, 4; 2004 Acts, ch 1043, §4; 2006 Acts, ch 1016, §9 – 11; 2008 Acts, ch 1111, §1, 2; 2023 Acts, ch 19, §783, 784

Referred to in §239B.1, 239B.8

239B.10 Minor and young parents — other requirements.

1. *Living arrangement.* Unless any of the following conditions apply, a minor parent shall be required to live with the minor's parent or legal guardian:

a. The parent or guardian of the minor parent is deceased, missing, or living in another state.

b. The minor parent's health or safety would be jeopardized if the minor parent is required to live with the parent or guardian.

c. The minor parent is in foster care.

d. The minor parent is participating in the job corps solo parent program or independent living program.

e. Other good cause exists, which is identified in rules adopted by the department for this purpose, for the minor parent to participate in the family investment program while living apart from the minor parent's parent or guardian.

2. *Family development.* A minor parent who is a participant and is not required to live with the minor parent's parent or guardian pursuant to subsection 1 shall be required to participate in a family development program identified in rules adopted by the department.

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3. *Parenting classes.* Participant parents who are nineteen years of age or younger shall be required to attend parenting classes.

4. *Education.* The department shall require, subject to the availability of child care for a minor parent's children, that a minor parent must either have graduated from high school or have received a high school equivalency diploma, or be engaged full-time in completing high school graduation or equivalency requirements.

5. *Earnings disregard.* In determining family investment program eligibility and calculating the amount of assistance, the department shall disregard earnings of an applicant or a participant who is nineteen years of age or younger who is engaged full-time in completing high school graduation or equivalency requirements.

6. *Family planning.* The department shall do all of the following with newly eligible and existing participant parents:

a. Discuss orally and in writing the financial implications of newly born children on the participant's family.

b. Discuss orally and in writing the available family planning resources.

c. Include family planning counseling as an optional component of the JOBS program.

d. Include the participant's family planning objectives in the family investment agreement.

97 Acts, ch 41, §11, 34; 99 Acts, ch 192, §33

239B.11 Family investment program — diversion program.

A diversion program is created under the family investment program. The program shall provide incentives to divert a family's participation in or transition of a family from the family investment program by helping a participant obtain or retain employment, by removing barriers to employment, by stabilizing a participant's employment, or by improving a participant's employment status. The program shall be implemented statewide in a manner that preserves local flexibility in program design. The department shall assess and screen individuals who would most likely benefit from diversion program assistance. The department shall adopt income eligibility requirements and additional eligibility criteria for the diversion program as necessary for compliance with federal law and for screening those families most likely to become eligible for the family investment program if diversion program incentives were not provided.

97 Acts, ch 41, §12, 34; 98 Acts, ch 1218, §76; 2000 Acts, ch 1088, §5; 2005 Acts, ch 175, §107; 2024 Acts, ch 1157, §53

239B.11A Transitional benefits. Repealed by 2008 Acts, ch 1187, §96, 97.

239B.12 Immunization.

1. To the extent feasible, the department shall determine the immunization status of children receiving assistance under this chapter. The status shall be determined in accordance with the immunization recommendations adopted under section 139A.8, including the exemption provisions in section 139A.8, subsection 4. If the department determines a child is not in compliance with the immunization recommendations, the department shall refer the child's parent or guardian to a local public health agency for immunization services for the child and other members of the child's family.

2. The department shall determine immunization rates of participants, evaluate family investment program efforts to encourage immunizations, and develop strategies to further encourage immunization of participants.

97 Acts, ch 41, §13, 34; 2000 Acts, ch 1066, §43; 2023 Acts, ch 19, §785

239B.13 Needy relative payee — protective payee — vendor payment.

1. The department may provide for a needy relative to act as a payee when the parent of a participant family is in the home but is unable to act as the payee.

2. The department may order the cash assistance under this chapter to be paid to a protective payee if it has been demonstrated that the specified relative with whom the child is residing is unable to manage the assistance in the best interest of the child. Protective payment of cash assistance shall not be made beyond a period of two years. The department

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may petition the district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over a participant. If a conservatorship is established, the participant's cash assistance shall be paid to the conservator. In addition to the cash assistance, an amount not to exceed ten dollars per case per month may be allowed for conservatorship or guardianship fees if authorized by court order. The department may pay cash assistance or other cash benefits to a third party if the department determines that a third-party payment is essential to assure the proper use of the assistance or benefits.

97 Acts, ch 41, §14, 34

239B.14 Fraudulent practices — recovery of overpayments.

1. *a.* An individual who obtains, or attempts to obtain, or aids or abets an individual to obtain, by means of a willfully false statement or representation, by knowingly failing to disclose a material fact, or by impersonation, or any fraudulent device, any assistance or other benefits under this chapter to which the individual is not entitled, commits a fraudulent practice.

b. An individual who accesses benefits provided under this chapter in violation of any prohibition imposed by the department pursuant to section 239B.5, subsection 4, commits a fraudulent practice.

2. An individual who commits a fraudulent practice under this section is personally liable for the amount of assistance or other benefits fraudulently obtained. The amount of the assistance or other benefits may be recovered from the offender or the offender's estate in an action brought or by claim filed in the name of the state and the recovered funds shall be credited to the appropriation to the department for community access and eligibility to be used for the purposes of the family investment program. The action or claim filed in the name of the state shall not be considered an election of remedies to the exclusion of other remedies.

3. The department shall adopt rules pursuant to chapter 17A as necessary to recover overpayments of assistance and benefits provided under this chapter. The recovery methods shall include but are not limited to reducing the amount of assistance or benefits provided.

97 Acts, ch 41, §15, 34; 2000 Acts, ch 1088, §6; 2013 Acts, ch 138, §91; 2024 Acts, ch 1157, §54

Referred to in §217.35
Fraudulent practices; see §714.8 et seq.
Use of recovered moneys generated through fraud and recoupment activities for additional fraud and recoupment activities; see §217.35

239B.15 County attorney to enforce.

Violations of law relating to the family investment program shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide prosecution assistance.

97 Acts, ch 41, §16, 34
Referred to in §331.756(43)

239B.16 Appeal — judicial review.

If an applicant's application is not acted upon within a reasonable time, if it is denied in whole or in part, or if a participant's assistance or other benefits under this chapter are modified, suspended, or canceled under a provision of this chapter, the applicant or participant may appeal to the department which shall request the department of inspections, appeals, and licensing to conduct a hearing. Upon completion of a hearing, the department of inspections, appeals, and licensing shall issue a decision which is subject to review by the department. Judicial review of the actions of the department may be sought in accordance with chapter 17A. Upon receipt of a notice of the filing of a petition for judicial review, the department shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

97 Acts, ch 41, §17, 34; 2023 Acts, ch 19, §786, 1958

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239B.17 PROMISE JOBS program.

1. *Program established.* The promoting independence and self-sufficiency through employment job opportunities and basic skills program is established for applicants and participants of the family investment program. The requirements of the JOBS program shall vary as provided in the family investment agreement applicable to a family. The department of workforce development, economic development authority, department of education, and all other state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and cooperate in the JOBS program. The departments, agencies, and institutions shall make agreements and arrangements for maximum cooperation and use of all available resources in the program. The department may contract with the department of workforce development, the economic development authority, or another appropriate entity to provide JOBS program services.

2. *Program activities.* The JOBS program shall include, but is not limited to, provision of the following activities:

a. Placing applicants and participants in employment and on-the-job training.

b. Institutional and work experience training for applicants and participants for whom the training is likely to lead to regular employment.

c. Special work projects for applicants and participants for whom a job in the regular economy cannot be found.

d. Incentives, opportunities, services, and other benefits to aid applicants and participants, which may include but are not limited to financial education.

e. Providing services and payments for persons whose family investment program eligibility has ended, in order to help the persons to stabilize or improve their employment status.

97 Acts, ch 41, §18, 34; 2000 Acts, ch 1088, §7; 2006 Acts, ch 1046, §1; 2007 Acts, ch 218, §40; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §787

Referred to in §239B.1

239B.18 JOBS program participation.

Except for participants who are exempt from the requirement to enter into a family investment agreement under section 239B.8, a participant in the family investment program shall participate in JOBS program activities as provided in the participant's family investment agreement. Except for an individual who is not a United States citizen and is not a qualified alien and exempt from the requirement to enter into a family investment agreement under section 239B.8, subsection 1, paragraph "*c*", a participant who is exempt may voluntarily participate in the JOBS program.

97 Acts, ch 41, §19, 34; 2000 Acts, ch 1088, §8

239B.19 JOBS program availability.

1. Within available funding, the department shall make JOBS program services and benefits available to individuals who are participating in the JOBS program.

2. An individual's efforts under the JOBS program to attain a certificate of general educational development, high school diploma, or adult basic literacy where the individual has not previously received the certification shall be optional except as otherwise required by this chapter or by federal law. The department shall provide incentives to encourage optional efforts to attain such certifications.

3. When needed, arrangements shall be made for the care of children during the absence from the home of an individual participating in the JOBS program.

97 Acts, ch 41, §20, 34

239B.20 JOBS program health and safety.

The director shall establish and maintain reasonable standards for health, safety, and other conditions under the JOBS program.

97 Acts, ch 41, §21, 34

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239B.21 JOBS program — workers' compensation law applicable.

A participant, with respect to employment performed under the JOBS program, shall be covered by the workers' compensation law or shall otherwise be provided with comparable protection.

97 Acts, ch 41, §22, 34

239B.22 JOBS program — participant not state employee.

A participant shall not be deemed to be an employee of the state or any of its political subdivisions by reason of participation in the JOBS program. However, this section shall not prevent the participant from having the status of an employee for the purposes of workers' compensation.

97 Acts, ch 41, §23, 34

239B.23 Child day care provisions. Repealed by 98 Acts, ch 1218, §82.

239B.24 State child care assistance eligibility.

1. The following persons are deemed to be eligible for benefits under the state child care assistance program administered by the department in accordance with section 237A.13, notwithstanding the program's eligibility requirements or any waiting list:

a. A participant who is employed.

b. Any other person whose earned income is considered in determining eligibility and benefits for a participant.

c. A person who is participating in activities approved under the JOBS program.

2. A person who is deemed to be eligible for state child care assistance program benefits under this section is subject to all other state child care assistance requirements, including but not limited to provider requirements under chapter 237A, provider reimbursement methodology and rates, and any other requirements established by the department in rule.

99 Acts, ch 192, §35; 2000 Acts, ch 1067, §16; 2000 Acts, ch 1232, §91

Referred to in §237A.13

CHAPTER 240

RESERVED

CHAPTER 241

DISPLACED HOMEMAKERS

Referred to in §249.1

241.1 Definitions.
241.2 Application for designation and funding as a provider of services for displaced homemakers.
241.3 Department powers and duties.
241.4 and 241.5 Reserved.
241.6 Project coordinator.

241.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of health and human services.
2. *"Director"* means the director of health and human services.
3. *"Displaced homemaker"* means an individual who meets all of the following criteria:

a. Has worked principally in the home providing unpaid household services for family members.

b. Is not gainfully employed.

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c. Has had, or would apparently have, difficulty finding appropriate paid employment.

d. Has been dependent on the income of another family member but is no longer supported by that income, is or has been dependent on government assistance, or is supported as the parent of a child who is sixteen or seventeen years of age.

[C81, §241.1]

83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §788

241.2 Application for designation and funding as a provider of services for displaced homemakers.

1. Upon receipt of state or federal funding designated to assist displaced homemakers, a public or private nonprofit group may apply to the director for designation and funding as a provider of services to displaced homemakers. The application shall be submitted on a form prescribed by the director and shall include all of the following:

a. A proposal for the establishment of a multipurpose service program for displaced homemakers which provides some or all of the following:

(1) Job counseling specifically designed for a person entering or reentering the job market after a number of years as a homemaker.

(2) Job training and placement services including but not limited to:

(a) Training programs for available jobs in the public and private sectors developed by working with public and private employers, taking into account the skills and job experiences of a homemaker.

(b) Assistance in locating available employment for displaced homemakers, some of which may be in existing job training and placement programs.

(c) Utilization of services of the state employment service, which shall cooperate with the department in locating employment opportunities.

(3) Utilization of services of existing agencies and programs to provide information on and assistance with financial management, legal problems, and health care.

(4) Utilization of services of existing agencies and programs to obtain educational services, including assistance in attaining high school equivalency diplomas and other courses which are of interest and benefit to displaced homemakers.

(5) Outreach and information services with respect to public employment, education, health and unemployment assistance programs which are of interest and benefit to displaced homemakers.

(6) Development and implementation of an educational program designed to promote public and professional awareness of the problems of displaced homemakers and of the availability of services for displaced homemakers.

(7) Development and implementation of a counseling program providing emotional support by qualified personnel or peer groups or both.

b. A proposed budget.

c. Assurance by the applicant that the uniform method of data collection and program evaluation established by the director pursuant to section 241.3, subsection 1, paragraph "c", will be implemented.

d. Any other information the director may require.

2. A public or private nonprofit group which receives designation as a provider of services to displaced homemakers under this chapter shall comply with all applicable department rules.

[C81, §241.2]

2009 Acts, ch 41, §263

Referred to in §241.3

241.3 Department powers and duties.

1. The director shall do all of the following:

a. Designate and award grants for existing and pilot programs, pursuant to section 241.2, to provide services to displaced homemakers.

b. Designate an existing department staff member to perform the duties set forth in section 241.6.

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c. Design and implement a uniform method of collecting data on displaced homemakers receiving services under this chapter and of evaluating funded programs.

2. The department shall consult and cooperate with the department of workforce development, the United States commissioner of social security administration, the department of education, and other persons in the executive branch of the state government as the department considers appropriate to facilitate the coordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

3. The director, in carrying out the provisions of this chapter, may accept, use, and dispose of contributions of money, services, and property made available to the department by an agency or department of the state or federal government, or a private agency or individual.

[C81, §241.3]

86 Acts, ch 1245, §938; 96 Acts, ch 1186, §23; 2001 Acts, ch 61, §16; 2012 Acts, ch 1023, §31; 2023 Acts, ch 19, §789; 2024 Acts, ch 1170, §449

Referred to in §241.2

241.4 and 241.5 Reserved.

241.6 Project coordinator.

The director shall appoint a project coordinator who shall administer appropriated funds, coordinate funded programs, and perform other duties the director assigns to the coordinator.

[C81, §241.6]

Referred to in §241.3

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CHAPTERS 241A to 248A

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CHAPTER 249

STATE SUPPLEMENTARY ASSISTANCE

Referred to in §63A.2, 142.1, 249A.4, 425.2, 483A.24

Child and family services, see chapter 234

249.1 Definitions.
249.2 Agreement with federal authority.
249.3 Eligibility.
249.4 Application — amount of grant — retroactive benefits.
249.5 Judicial review.
249.6 Charge for cashing warrant unlawful.
249.7 Assistance inalienable.
249.8 Cancellation of warrants.
249.9 Funeral expenses.
249.9A Personal needs allowance.
249.10 Prior liens, claims, and assignments.
249.11 Fraud — investigations and audits.
249.12 Cost-related system.
249.13 County attorney to enforce.
249.14 Old-age assistance revolving fund.

249.1 Definitions.

As used in this chapter:

1. *"Department"* means the department of health and human services.

2. *"Director"* means the director of health and human services.

3. *"Federal supplemental security income"* means cash payments made to individuals by the United States government under Tit. XVI of the Social Security Act as amended by Pub. L. No. 92-603, or any other amendments thereto.

4. *"Previous categorical assistance programs"* means the aid to the blind program

authorized by chapter 241, the aid to the disabled program authorized by chapter 241A and the old-age assistance program authorized by chapter 249, Code 1973.

5. *"State supplementary assistance"* means cash payments made to individuals:

a. By the United States government on behalf of the state of Iowa pursuant to section 249.2.

b. By the state of Iowa directly pursuant to sections 249.3 through 249.5.

[C35, §5926-f1; C39, §**3684.01, 3828.001;** C46, 50, 54, 58, §241.1, 249.1; C62, 66, 71, 73, §241.1, 241A.1, 249.1; C75, 77, 79, 81, §249.1]

83 Acts, ch 96, §157, 159; 2005 Acts, ch 179, §122; 2006 Acts, ch 1010, §77; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §132; 2023 Acts, ch 19, §790; 2024 Acts, ch 1170, §421

Referred to in §234.21, 249.3, 249A.3, 403A.23, 427.9

249.2 Agreement with federal authority.

The director may enter into an agreement with the United States secretary of health and human services for federal administration of a program of state supplementary assistance to prescribed categories of persons who are, or would be except for the amount of income they receive from other sources, receiving federal supplemental security income. The agreement may authorize the secretary to make rules, in addition to and not in conflict with state laws and regulations, respecting eligibility for or the amount of state supplementary assistance paid under this section as the secretary finds necessary to achieve efficient and effective administration of both the basic federal supplemental security income program and the state supplementary assistance program administered by the secretary under the agreement. The agreement shall provide for the state of Iowa to reimburse the federal government, from funds appropriated for that purpose, for state supplementary assistance paid by the federal government pursuant to the agreement.

[C35, §5296-f4, -f36; C39, §**3684.04, 3828.003, 3828.045;** C46, 50, 54, 58, §241.4, 249.2, 249.42; C62, 66, 71, 73, §241.4, 241A.4, 249.2, 249.42; C75, 77, 79, 81, §249.2]

83 Acts, ch 101, §56

Referred to in §249.1

249.3 Eligibility.

The persons eligible to receive state supplementary assistance under section 249.1, subsection 5, paragraph *"b"*, are all of the following:

1. Any person whose needs were taken into account in computing the grant of a recipient, who was eligible for and was receiving assistance under a previous categorical assistance program during the month of December 1973, because the person was deemed essential to the well-being of the recipient in maintaining a living arrangement in the recipient's own home, so long as the person continues to act in the capacity of essential person to the former recipient and to be in financial need according to standards established by the department.

2. Any person who meets the criteria established by paragraphs *"a"*, *"b"*, and *"c"* of this subsection:

a. Is receiving either of the following:

(1) Care in a licensed adult foster home, boarding home or custodial home, as defined by section 135C.1, or in another type of protective living arrangement as defined by the department.

(2) Nursing care in the person's own home, certified by a physician or physician associate as being required, so long as the cost of the nursing care does not exceed standards established by the department.

b. Is in fact receiving or would, except for income in excess of applicable maximums, be receiving federal supplemental security income.

c. Does not have sufficient income to meet the cost of care in one of the living arrangements defined in paragraph *"a"* of this subsection, which cost of care shall not exceed the amount established by the rules of the department for each of those living arrangements.

3. Any person living in any living arrangement other than as a patient or resident of a facility licensed under chapter 135C, who meets the criteria established by paragraphs *"a"*, *"b"*, and *"c"*:

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a. Lives with a dependent spouse, parent, child or adult child who is sharing the recipient's living arrangement, so long as the person continues in the relationship of dependent spouse, parent, child or adult child to the recipient and to be in financial need according to standards established by the department.

b. Is in fact receiving or would, except for income in excess of applicable maximums, be receiving federal supplemental security income.

c. Does not have sufficient income to meet the cost of providing for the dependent spouse, parent, child or adult child, according to standards established by the department.

4. At the discretion of the department, persons who meet the criteria listed in all of the following paragraphs:

a. Are either of the following:

(1) Sixty-five years of age or older.

(2) Disabled as defined by 42 U.S.C. §1382c(a)(3), except that being engaged in substantial gainful activity shall not preclude a determination of disability for the purpose of this subparagraph.

b. Live in one of the following:

(1) The individual's own home.

(2) The home of another individual.

(3) A group living arrangement.

(4) A medical facility.

c. Would be eligible for supplemental security income benefits but for having excess income or but for being engaged in substantial gainful activity and having excess income.

d. Are not eligible for another state supplementary assistance group.

e. Receive full medical assistance benefits under chapter 249A and are not required to meet a spend-down or pay a premium to be eligible for such benefits.

f. Are currently eligible for Medicare part B.

g. Have income of at least one hundred twenty percent of the federal poverty level but not exceeding the medical assistance income limit for the eligibility group for the individual person's living arrangement.

[SS15, §2722-i, -j, -k; C24, 27, 31, §5379; C35, §5296-f9, -f12, 5379; C39, §**3684.02, 3828.007, 3828.008;** C46, 50, 54, 58, §241.2, 249.5, 249.6; C62, 66, 71, 73, §241.2, 241A.2, 249.5, 249.6; C75, 77, 79, 81, §249.3]

2004 Acts, ch 1085, §4, 10, 11; 2005 Acts, ch 175, §108; 2022 Acts, ch 1021, §49; 2022 Acts, ch 1032, §46; 2022 Acts, ch 1066, §41; 2023 Acts, ch 19, §1358; 2026 Acts, ch 1008, §3

Referred to in §249.1, 249.4, 422.7(16)
Code editor directive applied

249.4 Application — amount of grant — retroactive benefits.

1. Applications for state supplementary assistance shall be made in the form and manner prescribed by the director or the director's designee pursuant to chapter 17A. Each person who applies and is found eligible under section 249.3 shall, so long as the person's eligibility continues, receive state supplementary assistance on a monthly basis, from funds appropriated to the department for the purpose.

2. Any person who applies within fifteen months from the date of implementation of eligibility pursuant to section 249.3, subsection 4, and who would have been eligible under that subsection for any period on or after October 1, 2003, may be granted benefits retroactive to October 1, 2003.

[SS15, §2722-m, -p; C24, 27, 31, §5382, 5384; C35, §5296-f17, -f18, 5382, 5384; C39, §**3684.06, 3684.09, 3828.013, 3828.014;** C46, 50, 54, 58, §241.6, 241.9, 249.10, 249.11; C62, 66, 71, 73, §241.6, 241.9, 241A.5, 241A.6, 249.10, 249.11; C75, 77, 79, 81, §249.4]

83 Acts, ch 96, §157, 159; 2004 Acts, ch 1085, §5, 10, 11; 2023 Acts, ch 19, §791; 2024 Acts, ch 1170, §422

Referred to in §249.1

249.5 Judicial review.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if an award of assistance is modified, suspended, or canceled under a provision of

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this chapter, the applicant or recipient may appeal to the department, which shall request the department of inspections, appeals, and licensing to conduct a hearing. Upon completion of a hearing, the department of inspections, appeals, and licensing shall issue a decision which is subject to review by the department. Judicial review of the actions of the department may be sought in accordance with chapter 17A. Upon receipt of the petition for judicial review, the department shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

[C35, §5296-f18; C39, §**3684.11, 3828.014;** C46, 50, 54, 58, §241.11, 249.11; C62, 66, 71, 73, §241.11, 241A.8, 249.11; C75, 77, 79, 81, §249.5]

90 Acts, ch 1204, §59; 2023 Acts, ch 19, §792, 1959

Referred to in §249.1

249.6 Charge for cashing warrant unlawful.

It shall be unlawful for any person to charge a fee, service charge or exchange for the cashing of a warrant issued in payment of state supplementary assistance, or to discount or pay less than the face value of any warrant drawn in payment of such assistance, when cashing such a warrant or accepting it in payment of the purchase price of goods, services, rent, taxes or indebtedness.

[C35, §5296-g4; C39, §**3828.036;** C46, 50, 54, 58, 62, 66, 71, 73, §249.33; C75, 77, 79, 81, §249.6]

249.7 Assistance inalienable.

All rights to state supplementary assistance shall be absolutely inalienable by any assignment, sale, execution or otherwise and, in case of bankruptcy, the assistance shall not pass to or through any trustees or other persons acting on behalf of creditors.

[C35, §5296-f29; C39, §**3684.10, 3828.037;** C46, 50, 54, 58, §241.10, 249.34; C62, 66, 71, 73, §241.10, 241A.7, 249.34; C75, 77, 79, 81, §249.7]

249.8 Cancellation of warrants.

The director of the department of administrative services, as of January, April, July, and October 1 of each year, shall stop payment on and issue duplicates of all state supplementary assistance warrants which have been outstanding and unredeemed by the treasurer of state for six months or longer. A bond of indemnity shall not be required for the issuance of the duplicate warrants which shall be canceled immediately by the director of the department of administrative services. If the original warrants are subsequently presented for payment, warrants in lieu of the original warrants shall be issued by the director of the department of administrative services at the discretion of and upon certification by the director or the director's designee.

[C39, §**3828.044;** C46, 50, 54, 58, 62, 66, 71, 73, §249.41; C75, 77, 79, 81, §249.8]

2003 Acts, ch 145, §286; 2023 Acts, ch 19, §793

249.9 Funeral expenses.

The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of a person receiving state supplementary assistance or who received assistance under a previous categorical assistance program prior to January 1, 1974, provided:

1. The decedent does not leave an estate which may be probated with sufficient proceeds to allow for payment of the funeral claim.

2. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits upon the death of the decedent, are deducted from the department's liability under this section.

[C35, §5296-f25; C39, §**3684.17, 3828.021;** C46, 50, 54, 58, §241.17, 249.18; C62, 66, 71, 73, §241.17, 241A.11, 249.18; C75, 77, 79, 81, §249.9]

83 Acts, ch 153, §11; 84 Acts, ch 1297, §1

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249.9A Personal needs allowance.

1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living.

2. If during a fiscal year, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382*g*, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates to ensure compliance with federal requirements. In addition, the department may make other programmatic and rate adjustments necessary to remain within the funds appropriated for a fiscal year while ensuring compliance with federal requirements.

3. The department may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "*b*", to implement the provisions of this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

2024 Acts, ch 1157, §46

249.10 Prior liens, claims, and assignments.

Any lien or claim against the estate of a decedent existing on January 1, 1974, which lien was perfected or which claim was filed under the provisions of section 249.19, 249.20, or 249.21, Code 1973, and prior Codes, and which liens or claims have not been satisfied, are void. Any assignment of personal property which was made under the provisions of chapter 249, Code 1973, and prior Codes, is void. The director may in furtherance of this section release any lien or claim created or existing under that chapter. Each release made pursuant to this section shall be executed and acknowledged by the director or the director's authorized designee, and when recorded shall be conclusive in favor of any third person dealing with or concerning the property affected by the release in reliance upon such record.

[C35, §5296-f15, -f16, -g1; C39, §**3828.022, 3828.023, 3828.024;** C46, 50, 54, 58, 62, 66, 71, 73, §249.19, 249.20, 249.21; C75, 77, 79, 81, §249.10]

2005 Acts, ch 179, §123

249.11 Fraud — investigations and audits.

1. Any person who obtains assistance under this chapter by misrepresentation or by failure with fraudulent intent to bring forth all of the facts required of an applicant for assistance under this chapter, or any person who shall knowingly make false statements concerning an applicant's eligibility for assistance under this chapter, is guilty of a fraudulent practice.

2. The department of inspections, appeals, and licensing shall conduct investigations and audits as deemed necessary to ensure compliance with state supplementary assistance programs administered under this chapter. The department of inspections, appeals, and licensing shall cooperate with the department on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

[C35, §5296-f31, -f32; C39, §**3684.19, 3828.049, 3828.050;** C46, 50, 54, 58, §241.19, 249.46, 249.47; C62, 66, 71, 73, §241.19, 241A.12, 249.46, 249.47; C75, 77, 79, 81, §249.11]

90 Acts, ch 1204, §60; 2023 Acts, ch 19, §794, 1960

Fraudulent practices, see §714.8 – 714.14

249.12 Cost-related system.

1. In order to assure that the necessary data is available to aid the general assembly to determine appropriate funding for the custodial care program, the department shall develop

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a cost-related system for financial supplementation to individuals who need custodial care and who have insufficient resources to purchase the care needed.

2. All privately operated licensed custodial facilities in Iowa shall cooperate with the department to develop the cost-related plan.

3. Beginning July 1, 2017, privately operated licensed custodial facilities in Iowa shall be reimbursed based on the maximum per diem rates established by the general assembly through the appropriations process.

[C35, §5296-f37; C39, §**3828.046;** C46, 50, 54, 58, 62, 66, 71, 73, §249.43; C75, 77, 79, 81, §249.12]

83 Acts, ch 96, §157, 159; 2012 Acts, ch 1023, §157; 2017 Acts, ch 174, §108; 2023 Acts, ch 19, §795

249.13 County attorney to enforce.

It is the intent of the general assembly that violations of law relating to the family investment program, medical assistance, and supplemental assistance shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided shall be for fraudulent claims or practices by health care vendors and providers.

[C79, 81, §249.13]

93 Acts, ch 97, §36

Referred to in §331.756(43)

249.14 Old-age assistance revolving fund.

The old-age assistance revolving fund shall remain in the state treasury until all property managed by the department and maintained by the fund is disposed of, at which time all money in the fund shall be transferred to the general fund of the state and the fund shall be closed. If the balance of the fund exceeds fifteen thousand dollars at the end of any calendar quarter, the excess over that amount shall be transferred to the general fund of the state.

83 Acts, ch 191, §2, 27

CHAPTER 249A

MEDICAL ASSISTANCE

Referred to in §8A.512, 35D.7, 35D.10, 35D.18, 48A.19, 85.38, 135.22B, 135.61, 135B.1, 135C.1, 135C.2, 135C.4, 135C.6, 135C.20B, 135C.31, 135C.40, 135G.3A, 135H.6, 135R.1, 144.13A, 147.136, 217.36, 222.86, 222.92, 225D.1, 226.9B, 231C.5A, 249.3, 249B.1, 249F.1, 249K.2, 249N.2, 249N.3, 249N.6, 252B.20, 252B.20A, 252C.2, 252E.1, 252E.2A, 252E.11, 256B.15, 282.35, 283A.2, 432B.1, 483A.24, 505.25, 505.34, 509.1, 510B.1, 510D.1, 513C.3, 514.1, 514A.3B, 514B.31, 514B.32, 514C.8, 514C.36, 514E.7, 514F.8, 514F.9, 514H.5, 514I.8, 598.22A, 602.8102(82), 633.246A, 633.336, 633.641, 633.653A, 633C.3, 633E.15, 910.1

See Iowa Acts for special provisions relating to transfers and appropriations of unencumbered or unobligated moneys to the medical assistance program in a given year
See Iowa Acts for special provisions relating to medical assistance reimbursements in a given year
Brain injury services program, §135.22B
Health insurance data match program, §505.25

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SUBCHAPTER I

MEDICAL ASSISTANCE ELIGIBILITY AND MISCELLANEOUS PROVISIONS

249A.1 Title.

This chapter may be cited as the *"Medical Assistance Act"*.
[C62, 66, 71, 73, 75, 77, 79, 81, §249A.1]

249A.2 Definitions.

As used in this chapter:

1. *"Department"* means the department of health and human services.
2. *"Director"* means the director of health and human services.
3. *"Discretionary medical assistance"* means mandatory medical assistance or optional medical assistance provided to medically needy individuals whose income and resources are in excess of eligibility limitations but are insufficient to meet all of the costs of necessary medical care and services, provided that if the assistance includes services in institutions for mental diseases or intermediate care facilities for persons with an intellectual disability, or both, for any group of such individuals, the assistance also includes for all covered groups of such individuals at least the care and services enumerated in Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), and (17), as codified in 42 U.S.C. §1396d(a), paragraphs (1) through (5), and (17), or any seven of the care and services enumerated in Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (24), as codified in 42 U.S.C. §1396d(a), paragraphs (1) through (24).
4. *"Family investment program"* means the family investment program eligibility requirements under chapter 239B, except to the extent federal law requires application of the eligibility requirements under chapter 239, Code 1997, as in effect on July 16, 1996.
5. *"Group health plan cost sharing"* means payment under the medical assistance program of a premium, a coinsurance amount, a deductible amount, or any other cost sharing obligation for a group health plan as required by Tit. XIX of the federal Social Security Act, section 1906, as codified in 42 U.S.C. §1396e.
6. *"Mandatory medical assistance"* means payment of all or part of the costs of the care and services required to be provided by Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (1) through (5), (17), (21), and (28), as codified in 42 U.S.C. §1396d(a), paragraphs (1) through (5), (17), (21), and (28).
7. *"Medical assistance"* or *"Medicaid"* means payment of all or part of the costs of the care and services made in accordance with Tit. XIX of the federal Social Security Act and authorized pursuant to this chapter.
8. *"Medical assistance program"* or *"Medicaid program"* means the program established under this chapter to provide medical assistance.
9. *"Medicare cost sharing"* means payment under the medical assistance program of a premium, a coinsurance amount, or a deductible amount for federal Medicare as provided by Tit. XIX of the federal Social Security Act, section 1905(p)(3), as codified in 42 U.S.C. §1396d(p)(3).

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10. *"Optional medical assistance"* means payment of all or part of the costs of any or all of the care and services authorized to be provided by Tit. XIX of the federal Social Security Act, section 1905(a), paragraphs (6) through (16), (18) through (20), (22) through (27), and (29), as codified in 42 U.S.C. §1396d(a), paragraphs (6) through (16), and (18) through (20), (22) through (27), and (29).

11. *"Overpayment"* means any funds that a provider receives or retains under the medical assistance program to which the person, after applicable reconciliation, is not entitled. To the extent the provider and the department disagree as to whether the provider is entitled to funds received or retained under the medical assistance program, *"overpayment"* includes such funds for which the provider's administrative and judicial review remedies under 441 IAC ch. 7 and chapter 17A have been exhausted. For purposes of repayment, an overpayment may include interest in accordance with section 249A.41.

12. *"Provider"* means an individual, firm, corporation, association, or institution which is providing or has been approved to provide medical assistance to recipients under this chapter.

13. *"Recipient"* means a person who receives medical assistance under this chapter.

14. *"Retained life estate"* means any of the following:

a. A life estate created by the recipient or recipient's spouse, in which either the recipient or the recipient's spouse held any interest in the property at the time of the creation of the life estate.

b. A life estate created for the benefit of the recipient or the recipient's spouse in property in which either the recipient or the recipient's spouse held any interest in the property within five years prior to the creation of the life estate.

15. *"Special population nursing facility"* refers to a nursing facility that serves one of the following populations and has been designated as a special population nursing facility by the department:

a. One hundred percent of the residents served are aged thirty and under and require a skilled level of care.

b. Seventy percent of the residents served require a skilled level of care for neurological disorders.

c. One hundred percent of the residents require care from a facility licensed by the department of inspections, appeals, and licensing as an intermediate care facility for persons with mental illness.

d. One hundred percent of the residents require care from a facility licensed by the department of inspections, appeals, and licensing as an intermediate care facility for persons with medical complexity.

[C62, 66, 71, 73, 75, 77, 79, 81, §249A.2]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1297, §2; 89 Acts, ch 104, §1; 90 Acts, ch 1039, §15; 91 Acts, ch 107, §11; 91 Acts, ch 158, §1, 2; 93 Acts, ch 54, §5; 96 Acts, ch 1129, §113; 97 Acts, ch 41, §25; 2002 Acts, ch 1086, §1, 21; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1019, §96; 2013 Acts, ch 24, §2; 2013 Acts, ch 138, §62 – 64; 2023 Acts, ch 19, §796; 2026 Acts, ch 1195, §40

Referred to in §135D.2, 144H.1, 239.1, 249B.1, 249F.1, 633C.1
NEW subsection 15

249A.3 Eligibility.

The extent of and the limitations upon eligibility for assistance under this chapter is prescribed by this section, subject to federal requirements, and by laws appropriating funds for assistance provided pursuant to this chapter.

1. Mandatory medical assistance shall be provided to, or on behalf of, any individual or family residing in the state of Iowa, including those residents who are temporarily absent from the state, who:

a. Is a recipient of federal supplemental security income or who would be eligible for federal supplemental security income if living in their own home.

b. Is an individual who is eligible for the family investment program or is an individual who would be eligible for unborn child payments under the family investment program, as authorized by Tit. IV-A of the federal Social Security Act, if the family investment program provided for unborn child payments during the entire pregnancy.

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c. Was a recipient of one of the previous categorical assistance programs as of December 31, 1973, and would continue to meet the eligibility requirements for one of the previous categorical assistance programs as the requirements existed on that date.

d. Is a child up to one year of age who was born on or after October 1, 1984, to a woman receiving medical assistance on the date of the child's birth, who continues to be a member of the mother's household, and whose mother continues to receive medical assistance.

e. Is a pregnant woman whose pregnancy has been medically verified and who qualifies under either of the following:

(1) The woman would be eligible for cash assistance under the family investment program, if the child were born and living with the woman in the month of payment.

(2) The woman meets the income and resource requirements of the family investment program, provided the unborn child is considered a member of the household, and the woman's family is treated as though deprivation exists.

f. Is a child who is less than seven years of age and who meets the income and resource requirements of the family investment program.

g. (1) Is a child who is one through five years of age as prescribed by the federal Omnibus Budget Reconciliation Act of 1989, Pub. L. No. 101-239, §6401, whose income is not more than one hundred thirty-three percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) Is a child who has attained six years of age but has not attained nineteen years of age, whose income is not more than one hundred thirty-three percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

h. Is a woman who, while pregnant, meets eligibility requirements for assistance under the federal Social Security Act, section 1902(l), and continues to meet the requirements except for income. The woman is eligible to receive assistance until twelve months after the date pregnancy ends.

i. Is a pregnant woman who is determined to be presumptively eligible by a health care provider qualified under the federal Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, §9407. The woman is eligible for ambulatory prenatal care assistance until the last day of the month following the month of the presumptive eligibility determination. If the department receives the woman's medical assistance application by the last day of the month following the month of the presumptive eligibility determination, the woman is eligible for ambulatory prenatal care assistance until the department actually determines the woman's eligibility or ineligibility for medical assistance. The costs of services provided during the presumptive eligibility period shall be paid by the medical assistance program for those persons who are determined to be ineligible through the regular eligibility determination process.

j. Is a pregnant woman or infant less than one year of age whose income does not exceed the federally prescribed percentage of the poverty level in accordance with the federal Medicare Catastrophic Coverage Act of 1988, Pub. L. No. 100-360, §302.

k. Is a pregnant woman or infant whose income is more than the limit prescribed under the federal Medicare Catastrophic Coverage Act of 1988, Pub. L. No. 100-360, §302, but not more than two hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

l. (1) Is an infant whose family income is not more than two hundred fifteen percent of the federal poverty level, as defined by the most recently revised income guidelines published by the United States department of health and human services.

(2) Is a pregnant woman whose family income while pregnant is at or below two hundred fifteen percent of the federal poverty level, as defined by the most recently revised poverty income guidelines published by the United States department of health and human services, if otherwise eligible.

m. Is a child for whom adoption assistance or foster care maintenance payments are paid under Tit. IV-E of the federal Social Security Act.

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n. Is an individual or family who is ineligible for the family investment program because of requirements that do not apply under Tit. XIX of the federal Social Security Act.

o. Was a federal supplemental security income or a state supplementary assistance recipient, as defined by section 249.1, and a recipient of federal social security benefits at one time since August 1, 1977, and would be eligible for federal supplemental security income or state supplementary assistance but for the increases due to the cost of living in federal social security benefits since the last date of concurrent eligibility.

p. Is an individual whose spouse is deceased and who is ineligible for federal supplemental security income or state supplementary assistance, as defined by section 249.1, due to the elimination of the actuarial reduction formula for federal social security benefits under the federal Social Security Act and subsequent cost of living increases.

q. Is an individual who is at least sixty years of age and is ineligible for federal supplemental security income or state supplementary assistance, as defined by section 249.1, because of receipt of social security widow or widower benefits and is not eligible for federal Medicare, part A coverage.

r. Is an individual with a disability, and is at least eighteen years of age, who receives parental social security benefits under the federal Social Security Act and is not eligible for federal supplemental security income or state supplementary assistance, as defined by section 249.1, because of the receipt of the social security benefits.

s. Is an individual who is no longer eligible for the family investment program due to earned income. The department shall provide transitional medical assistance to the individual for the maximum period allowed for federal financial participation under federal law.

t. Is an individual who is no longer eligible for the family investment program due to the receipt of child or spousal support. The department shall provide transitional medical assistance to the individual for the maximum period allowed for federal financial participation under federal law.

u. As allowed under the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, §6062, is an individual who is less than nineteen years of age who meets the federal supplemental security income program rules for disability but whose income or resources exceed such program rules, who is a member of a family whose income is at or below three hundred percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, and whose parent complies with the requirements relating to family coverage offered by the parent's employer. Such assistance shall be provided on a phased-in basis, based upon the age of the individual.

v. (1) Beginning January 1, 2014, in accordance with section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as codified in 42 U.S.C. §1396a(a)(10)(A)(i)(VIII), is an individual who is nineteen years of age or older and under sixty-five years of age; is not pregnant; is not entitled to or enrolled for Medicare benefits under part A, or enrolled for Medicare benefits under part B, of Tit. XVIII of the federal Social Security Act; is not otherwise described in section 1902(a)(10)(A)(i) of the federal Social Security Act; is not exempt pursuant to section 1902(k)(3), as codified in 42 U.S.C. §1396a(k)(3), and whose income as determined under 1902(e)(14) of the federal Social Security Act, as codified in 42 U.S.C. §1396a(e)(14), does not exceed one hundred thirty-three percent of the poverty line as defined in section 2110(c)(5) of the federal Social Security Act, as codified in 42 U.S.C. §1397jj(c)(5) for the applicable family size.

(2) Notwithstanding any provision to the contrary, individuals eligible for medical assistance under this paragraph "*v*" shall receive coverage for benefits pursuant to 42 U.S.C. §1396u-7(b)(1)(B); adjusted as necessary to provide the essential health benefits as required pursuant to section 1302 of the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148; adjusted to provide prescription drugs and dental services consistent with the medical assistance state plan benefits package for individuals otherwise eligible under this subsection; and adjusted to provide habilitation services consistent with the state medical assistance program section 1915(i) waiver.

(3) (a) For individuals whose income as determined under this paragraph "*v*" is at or below one hundred percent of the federal poverty level, covered benefits under subparagraph (2) shall be administered consistent with program administration under this subsection.

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(b) For individuals whose income as determined under this paragraph "*v*" is above one hundred percent but not in excess of one hundred thirty-three percent of the federal poverty level, covered benefits shall be administered through provision of premium assistance for the purchase of covered benefits through the American health benefits exchange created pursuant to the Affordable Care Act, as defined in section 249N.2.

w. Beginning January 1, 2014, is an individual who meets all of the following requirements:

(1) Is under twenty-six years of age.

(2) Was in foster care under the responsibility of the state on the date of attaining eighteen years of age or such higher age to which foster care is provided.

(3) Was enrolled in the medical assistance program under this chapter while in such foster care.

2. *a.* Mandatory medical assistance may also, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, other individuals and families who are not excluded under subsection 5 of this section and whose incomes and resources are insufficient to meet the cost of necessary medical care and services in accordance with the following order of priorities:

(1) (a) As allowed under 42 U.S.C. §1396a(a)(10)(A)(ii)(XIII), individuals with disabilities, who are less than sixty-five years of age, who are members of families whose income is less than two hundred fifty percent of the most recently revised official poverty guidelines published by the United States department of health and human services for the family, who have earned income and who are eligible for mandatory medical assistance or optional medical assistance under this section if earnings are disregarded. As allowed by 42 U.S.C. §1396a(r)(2), unearned income shall also be disregarded in determining whether an individual is eligible for assistance under this subparagraph. For the purposes of determining the amount of an individual's resources under this subparagraph and as allowed by 42 U.S.C. §1396a(r)(2), a maximum of ten thousand dollars of available resources for an individual and twenty-one thousand dollars of available resources for a couple shall be disregarded, and any additional resources held in a retirement account, in a medical savings account, or in any other account approved under rules adopted by the department shall also be disregarded.

(b) Individuals eligible for assistance under this subparagraph, whose individual income exceeds one hundred fifty percent of the official poverty guidelines published by the United States department of health and human services for an individual, shall pay a premium. The amount of the premium shall be based on a sliding fee schedule adopted by rule of the department and shall be based on a percentage of the individual's income. The maximum premium payable by an individual whose income exceeds one hundred fifty percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The payment to and acceptance by an automated case management system or the department of the premium required under this subparagraph shall not automatically confer initial or continuing program eligibility on an individual. A premium paid to and accepted by the department's premium payment process that is subsequently determined to be untimely or to have been paid on behalf of an individual ineligible for the program shall be refunded to the remitter in accordance with rules adopted by the department. Any unpaid premium shall be a debt owed the department.

(2) (a) As provided under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, Pub. L. No. 106-354, individuals who meet all of the following criteria:

(i) Are not described in 42 U.S.C. §1396a(a)(10)(A)(i).

(ii) Have not attained age sixty-five.

(iii) Have been screened for breast and cervical cancer under the United States centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C. §300k et seq., in accordance with the requirements of 42 U.S.C. §300n, and need treatment for breast or cervical cancer. An individual is considered screened for breast and cervical cancer under this subparagraph subdivision if the individual is screened by any provider or entity, and the state grantee of the United States centers for disease control and prevention funds under Tit. XV of the federal Public Health Services Act

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has elected to include screening activities by that provider or entity as screening activities pursuant to Tit. XV of the federal Public Health Services Act. This screening includes breast or cervical cancer screenings or related diagnostic services provided or funded by family planning centers, community health centers, or nonprofit organizations, and the screenings or services are provided to individuals who meet the eligibility requirements established by the state grantee of the United States centers for disease control and prevention funds under Tit. XV of the federal Public Health Services Act.

(iv) Are not otherwise covered under creditable coverage as defined in 42 U.S.C. §300gg(c).

(b) An individual who meets the criteria of this subparagraph (2) shall be presumptively eligible for medical assistance.

(3) Individuals who are receiving care in a hospital or in a basic nursing home, intermediate nursing home, skilled nursing home or extended care facility, as defined by section 135C.1, and who meet all eligibility requirements for federal supplemental security income except that their income exceeds the allowable maximum for such eligibility, but whose income is not in excess of the maximum established for eligibility for discretionary medical assistance and is insufficient to meet the full cost of their care in the hospital or health care facility on the basis of standards established by the department.

(4) Individuals under twenty-one years of age living in a licensed foster home, or in a private home pursuant to a subsidized adoption arrangement, for whom the department accepts financial responsibility in whole or in part and who are not eligible under subsection 1.

(5) Individuals who are receiving care in an institution for mental diseases, and who are under twenty-one years of age and whose income and resources are such that they are eligible for the family investment program, or who are sixty-five years of age or older and who meet the conditions for eligibility in paragraph *"a"*, subparagraph (1).

(6) Individuals and families whose incomes and resources are such that they are eligible for federal supplemental security income or the family investment program, but who are not actually receiving such public assistance.

(7) Individuals who are receiving state supplementary assistance as defined by section 249.1.

(8) Individuals under twenty-one years of age who qualify on a financial basis for, but who are otherwise ineligible to receive assistance under the family investment program.

(9) Individuals eligible for family planning services under a federally approved demonstration waiver.

(10) Individuals and families who would be eligible under subsection 1 or this subsection except for excess income or resources, or a reasonable category of those individuals and families.

(11) Individuals who have attained the age of twenty-one but have not yet attained the age of sixty-five who qualify on a financial basis for, but who are otherwise ineligible to receive, federal supplemental security income or assistance under the family investment program.

b. Notwithstanding the provisions of this subsection establishing priorities for individuals and families to receive mandatory medical assistance, the department may determine within the priorities listed in this subsection which persons shall receive mandatory medical assistance based on income levels established by the department, subject to the limitations provided in subsection 4.

3. Optional medical assistance may, within the limits of available funds and in accordance with section 249A.4, subsection 1, be provided to, or on behalf of, either of the following groups of individuals and families:

a. Only those individuals and families described in subsection 1.

b. Those individuals and families described in both subsections 1 and 2.

4. Discretionary medical assistance, within the limits of available funds and in accordance with section 249A.4, subsection 1, may be provided to or on behalf of those individuals and families described in subsection 2, paragraph *"a"*, subparagraph (11), of this section.

5. Assistance shall not be granted under this chapter to:

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a. An individual or family whose income, considered to be available to the individual or family, exceeds federally prescribed limitations.

b. An individual or family whose resources, considered to be available to the individual or family, exceed federally prescribed limitations.

5A. In determining eligibility for children under subsection 1, paragraphs "*b*", "*f*", "*g*", "*j*", "*k*", "*n*", and "*s*"; subsection 2, paragraph "*a*", subparagraphs (3), (5), (6), (8), and (11); and subsection 5, paragraph "*b*", all resources of the family, other than monthly income, shall be disregarded.

5B. In determining eligibility for adults under subsection 1, paragraphs "*b*", "*e*", "*h*", "*j*", "*k*", "*n*", "*s*", and "*t*"; subsection 2, paragraph "*a*", subparagraphs (4), (5), (8), (11), and (12); and subsection 5, paragraph "*b*", one motor vehicle per household shall be disregarded.

6. In determining the eligibility of an individual for medical assistance under this chapter, for resources transferred to the individual's spouse before October 1, 1989, or to a person other than the individual's spouse before July 1, 1989, the department shall include, as resources still available to the individual, those nonexempt resources or interests in resources, owned by the individual within the preceding twenty-four months, which the individual gave away or sold at less than fair market value for the purpose of establishing eligibility for medical assistance under this chapter.

a. A transaction described in this subsection is presumed to have been for the purpose of establishing eligibility for medical assistance under this chapter unless the individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

b. The value of a resource or an interest in a resource in determining eligibility under this subsection is the fair market value of the resource or interest at the time of the transaction less the amount of any compensation received.

c. If a transaction described in this subsection results in uncompensated value exceeding twelve thousand dollars, the department shall provide by rule for a period of ineligibility which exceeds twenty-four months and has a reasonable relationship to the uncompensated value above twelve thousand dollars.

7. In determining the eligibility of an individual for medical assistance under this chapter, the department shall consider resources transferred to the individual's spouse on or after October 1, 1989, or to a person other than the individual's spouse on or after July 1, 1989, and prior to August 11, 1993, as provided by the federal Medicare Catastrophic Coverage Act of 1988, Pub. L. No. 100-360, §303(b), as amended by the federal Family Support Act of 1988, Pub. L. No. 100-485, §608(d)(16)(B), (D), and the federal Omnibus Budget Reconciliation Act of 1989, Pub. L. No. 101-239, §6411(e)(1).

8. Medicare cost sharing shall be provided in accordance with the provisions of Tit. XIX of the federal Social Security Act, section 1902(a)(10)(E), as codified in 42 U.S.C. §1396a(a)(10)(E), to or on behalf of an individual who is a resident of the state or a resident who is temporarily absent from the state, and who is a member of any of the following eligibility categories:

a. A qualified Medicare beneficiary as defined under Tit. XIX of the federal Social Security Act, section 1905(p)(1), as codified in 42 U.S.C. §1396d(p)(1).

b. A qualified disabled and working person as defined under Tit. XIX of the federal Social Security Act, section 1905(s), as codified in 42 U.S.C. §1396d(s).

c. A specified low-income Medicare beneficiary as defined under Tit. XIX of the federal Social Security Act, section 1902(a)(10)(E)(iii), as codified in 42 U.S.C. §1396a(a)(10)(E)(iii).

d. An additional specified low-income Medicare beneficiary as described under Tit. XIX of the federal Social Security Act, section 1902(a)(10)(E)(iv)(I), as codified in 42 U.S.C. §1396a(a)(10)(E)(iv)(I).

e. An additional specified low-income Medicare beneficiary described under Tit. XIX of the federal Social Security Act, section 1902(a)(10)(E)(iv)(II), as codified in 42 U.S.C. §1396a(a)(10)(E)(iv)(II).

9. In determining the eligibility of an institutionalized individual for assistance under this chapter, the department shall establish a minimum community spouse resource allowance in an amount which is the greater of twenty-four thousand dollars or the minimum required

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as a condition of receipt of federal funding pursuant to section 1924(f)(2)(A)(i) of the federal Social Security Act, as codified in 42 U.S.C. §1396r-5(f)(2)(A)(i)174, and as adjusted pursuant to section 1924(g) of the federal Social Security Act as codified in 42 U.S.C. §1396r-5(g).

10. Group health plan cost sharing shall be provided as required by Tit. XIX of the federal Social Security Act, section 1906, as codified in 42 U.S.C. §1396e.

11. *a.* In determining the eligibility of an individual for medical assistance, the department shall consider transfers of assets made on or after August 11, 1993, as provided by the federal Social Security Act, section 1917(c), as codified in 42 U.S.C. §1396p(c).

b. The department shall exercise the option provided in 42 U.S.C. §1396p(c) to provide a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual. For noninstitutionalized individuals, the number of months of ineligibility shall be equal to the total, cumulative uncompensated value of all assets transferred by the individual or the individual's spouse on or after the look-back date specified in 42 U.S.C. §1396p(c)(1)(B)(i), divided by the average monthly cost to a private patient for nursing facility services in Iowa at the time of application. The services for which noninstitutionalized individuals shall be made ineligible shall include any long-term care services for which medical assistance is otherwise available. Notwithstanding section 17A.4, the department may adopt rules providing a period of ineligibility for medical assistance due to a transfer of assets by a noninstitutionalized individual or the spouse of a noninstitutionalized individual without notice of opportunity for public comment, to be effective immediately upon filing under section 17A.5, subsection 2, paragraph "*b*", subparagraph (1), subparagraph division (a).

c. A disclaimer of any property, interest, or right pursuant to section 633E.5 constitutes a transfer of assets for the purpose of determining eligibility for medical assistance in an amount equal to the value of the property, interest, or right disclaimed.

d. Unless a surviving spouse is precluded from making an election under the terms of a premarital agreement, the failure of a surviving spouse to take an elective share pursuant to chapter 633, subchapter V, constitutes a transfer of assets for the purpose of determining eligibility for medical assistance to the extent that the value received by taking an elective share would have exceeded the value of the inheritance received under the will.

12. In determining the eligibility of an individual for medical assistance, the department shall consider income or assets relating to trusts or similar legal instruments or devices established on or before August 10, 1993, as available to the individual, in accordance with the federal Comprehensive Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, §9506(a), as amended by the federal Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, §9435(c).

13. In determining the eligibility of an individual for medical assistance, the department shall consider income or assets relating to trusts or similar legal instruments or devices established after August 10, 1993, as available to the individual, in accordance with 42 U.S.C. §1396p(d) and sections 633C.2 and 633C.3.

14. Once initial ongoing eligibility for medical assistance is determined for a child under the age of nineteen, the department shall provide continuous eligibility for a period of up to twelve months regardless of changes in family circumstances, until the child's next annual review of eligibility under the medical assistance program, with the exception of the following children:

a. A newborn child of a medical assistance-eligible woman.

b. A child whose eligibility was determined under the medically needy program.

c. A child who is eligible under a state-only funded program.

d. A child who is no longer an Iowa resident.

e. A child who is incarcerated in a jail or other correctional institution.

[C62, 66, §249A.3, 249A.4; C71, 73, 75, 77, 79, 81, §249A.3; 81 Acts, ch 7, §15, ch 82, §1]

84 Acts, ch 1297, §3 – 5; 85 Acts, ch 146, §2; 89 Acts, ch 104, §2 – 4; 89 Acts, ch 304, §202; 90 Acts, ch 1258, §6; 90 Acts, ch 1270, §48; 91 Acts, ch 158, §3, 4; 92 Acts, ch 1043, §4; 92 Acts, 2nd Ex, ch 1001, §420; 93 Acts, ch 97, §37; 94 Acts, ch 1120, §1, 8, 9, 16; 95 Acts, ch 68, §1; 96 Acts, ch 1129, §64; 97 Acts, ch 41, §26 – 28; 98 Acts, ch 1218, §77; 99 Acts, ch 94, §1; 99 Acts, ch 203, §50; 99 Acts, ch 208, §50; 2000 Acts, ch 1060, §1 – 3; 2000 Acts, ch 1221, §6; 2000

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Acts, ch 1228, §41; 2001 Acts, ch 184, §9; 2003 Acts, ch 62, §2; 2004 Acts, ch 1015, §1; 2005 Acts, ch 38, §1, 55; 2006 Acts, ch 1104, §1; 2006 Acts, ch 1159, §4, 8; 2007 Acts, ch 218, §41 – 43, 124, 126; 2008 Acts, ch 1014, §1; 2008 Acts, ch 1188, §2, 3, 55; 2009 Acts, ch 41, §242; 2009 Acts, ch 118, §16; 2009 Acts, ch 182, §132, 134; 2011 Acts, ch 98, §16; 2011 Acts, ch 120, §3; 2013 Acts, ch 138, §65 – 71, 77, 92, 93, 106, 177, 178, 187; 2014 Acts, ch 1092, §174; 2015 Acts, ch 30, §224; 2018 Acts, ch 1041, §127; 2019 Acts, ch 116, §1; 2024 Acts, ch 1141, §1, 4; 2025 Acts, ch 133, §7

Referred to in §217.24, 217.34, 249N.2, 249N.5, 249N.6, 421.65

Spousal support debt for medical assistance to institutionalized spouse; community spouse resource allowance; chapter 249B

Elimination of monthly budget maximum or cap for individuals eligible for medical assistance program home and community-based services elderly waiver; department of health and human services required to track average expended per waiver recipient and report annually to general assembly by December 30; 2020 Acts, ch 1053, §1; 2022 Acts, ch 1109, §3; 2023 Acts, ch 19, §1358

249A.3A Medical assistance — all income-eligible children.

The department shall provide medical assistance to individuals under nineteen years of age who meet the income eligibility requirements for the state medical assistance program and for whom federal financial participation is or becomes available for the cost of such assistance.

2009 Acts, ch 118, §13

249A.3B Medicaid — retroactive eligibility.

1. Notwithstanding any provision of state law to the contrary, effective January 1, 2027, in compliance with section 71112 of Pub. L. No. 119-21, commonly referred to as the One Big Beautiful Bill Act, the department shall adopt rules to provide that the eligibility of an individual who is a pregnant woman, a child, or a resident of a nursing facility licensed under chapter 135C shall be applied retroactively for no more than two months prior to the month in which the individual submits a completed medical assistance program application.

2. The department shall not adopt rules, or submit a request for a waiver or state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services, to permit the department to provide medical assistance program eligibility retroactively to any other adult individual except as provided in subsection 1.

2026 Acts, ch 1160, §8, 18

NEW section

249A.4 Duties of director.

The director shall be responsible for the effective and impartial administration of this chapter and shall, in accordance with the standards and priorities established by this chapter, by applicable federal law, by the regulations and directives issued pursuant to federal law, by applicable court orders, and by the state plan approved in accordance with federal law, make rules, establish policies, and prescribe procedures to implement this chapter. Without limiting the generality of the foregoing delegation of authority, the director is hereby specifically empowered and directed to:

1. Determine the greatest amount, duration, and scope of assistance which may be provided, and the broadest range of eligible individuals to whom assistance may effectively be provided, under this chapter within the limitations of available funds.

2. Require providers to share information with the department as necessary to identify, prevent, or respond to child abuse as defined in section 232.68, and dependent adult abuse as defined in section 235B.2.

3. Have authority to provide for payment under this chapter of assistance rendered to any applicant prior to the date the application is filed.

4. Have authority to contract with any corporation authorized to engage in this state in insuring groups or individuals for all or part of the cost of medical, hospital, or other health care or with any corporation maintaining and operating a medical, hospital, or health service prepayment plan under the provisions of chapter 514 or with any health maintenance organization authorized to operate in this state, for any or all of the benefits to which any recipients are entitled under this chapter to be provided by such corporation or health maintenance organization on a prepaid individual or group basis.

5. May, to the extent possible, contract with a private organization or organizations

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whereby such organization will handle the processing of and the payment of claims for services rendered under the provisions of this chapter and under such rules and regulations as shall be promulgated by such department. The state department may give due consideration to the advantages of contracting with any organization which may be serving in Iowa as "intermediary" or "carrier" under Tit. XVIII of the federal Social Security Act, as amended.

6. Shall cooperate with any agency of the state or federal government in any manner as may be necessary to qualify for federal aid and assistance for medical assistance in conformity with the provisions of chapter 249, this chapter, and Tit. XVI and XIX of the federal Social Security Act, as amended.

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, and shall provide freedom of choice to recipients to select the provider of care and services, except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department.

a. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

b. Advanced registered nurse practitioners licensed pursuant to chapter 152 and physician associates licensed pursuant to chapter 148C shall be regarded as approved providers of health care services, including primary care, for purposes of managed care or prepaid services contracts under the medical assistance program. This paragraph shall not be construed to expand the scope of practice of an advanced registered nurse practitioner pursuant to chapter 152 or physician associates pursuant to chapter 148C.

8. Implement the premium assistance program options described under the federal Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-3, for the medical assistance program. The department may adopt rules as necessary to administer these options.

9. Adopt rules pursuant to chapter 17A in determining the method and level of reimbursement for all medical and health services to be provided under the medical assistance program, after considering all of the following:

a. The promotion of efficient and cost-effective delivery of medical and health services.

b. Compliance with federal law and regulations.

c. The level of state and federal appropriations for medical assistance.

d. Reimbursement at a level as near as possible to actual costs and charges after priority is given to the considerations in paragraphs "*a*", "*b*", and "*c*".

10. *a.* Allow supplementation of the combination of client participation and payment made through the medical assistance program for those items and services identified in 42 C.F.R. §483.10(c)(8)(ii), by the resident of a nursing facility or the resident's family. Supplementation under this subsection may include supplementation for provision of a private room not otherwise covered under the medical assistance program unless either of the following applies:

(1) The private room is therapeutically required pursuant to 42 C.F.R. §483.10(c)(8)(ii).

(2) No room other than the private room is available.

b. The rules adopted to administer this subsection shall require all of the following if a nursing facility provides for supplementation for provision of a private room:

(1) The nursing facility shall inform all current and prospective residents and residents' legal representatives of the following:

(a) If the resident desires a private room, the resident or resident's family may provide supplementation by directly paying the facility the amount of supplementation.

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Supplementation by a resident's family shall not be treated as income of the resident for purposes of medical assistance program eligibility or client participation.

(b) The nursing facility's policy if a resident residing in a private room converts from private pay to payment under the medical assistance program, but the resident or resident's family is not willing or able to pay supplementation for the private room.

(c) A description and identification of the private rooms for which supplementation is available.

(d) The process for an individual to take legal responsibility for providing supplementation, including identification of the individual and the extent of the legal responsibility.

(2) For a resident for whom the nursing facility receives supplementation, the nursing facility shall indicate in the resident's record all of the following:

(a) A description and identification of the private room for which the nursing facility is receiving supplementation.

(b) The identity of the individual making the supplemental payments.

(c) The private pay charge for the private room for which the nursing facility is receiving supplementation.

(d) The total charge to the resident for the private room for which the nursing facility is receiving supplementation, the portion of the total charge reimbursed under the medical assistance program, and the portion of the total charge reimbursed through supplementation.

(3) If the nursing facility only provides one type of room or all private rooms, the nursing facility shall not be eligible to request supplementation.

(4) A nursing facility may base the supplementation amount on the difference between the amount paid for a room covered under the medical assistance program and the private pay rate for the private room identified for supplementation. However, the total payment for the private room from all sources shall not be greater than the aggregate average private room rate for the type of rooms covered under the medical assistance program for which the resident would be eligible.

(5) Supplementation pursuant to this subsection shall not be required as a precondition of admission, expedited admission, or continued stay in a facility.

(6) Supplementation shall not be applicable if the facility's occupancy rate is less than fifty percent.

(7) The nursing facility shall ensure that all appropriate care is provided to all residents notwithstanding the applicability or availability of supplementation.

(8) A private room for which supplementation is required shall be retained for the resident consistent with existing bed-hold policies.

c. (1) A nursing facility that utilizes the supplementation option and receives supplementation under this subsection during any calendar year shall report to the department annually, by January 15, the following information for the preceding calendar year:

(a) The total number of nursing facility beds available at the nursing facility, the number of such beds available in private rooms, and the number of such beds available in other types of rooms.

(b) The average occupancy rate of the facility on a monthly basis.

(c) The total number of residents for which supplementation was utilized.

(d) The average private pay charge for a private room in the nursing facility.

(e) For each resident for whom supplementation was utilized, the total charge to the resident for the private room, the portion of the total charge reimbursed under the Medicaid program, and the total charge reimbursed through supplementation.

(2) The department shall compile the information received and shall submit the compilation to the general assembly, annually by May 1.

11. Shall provide an opportunity for a fair hearing before the department of inspections, appeals, and licensing to an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections, appeals, and licensing shall issue a decision which is subject to review by the department. Judicial review of the decisions of the department may be sought

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in accordance with chapter 17A. If a petition for judicial review is filed, the department shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

12. In determining the medical assistance eligibility of a pregnant woman, infant, or child under the federal Social Security Act, §1902(l), resources which are used as tools of the trade shall not be considered.

13. In implementing subsection 9, relating to reimbursement for medical and health services under this chapter, when a selected out-of-state acute care hospital facility is involved, a contractual arrangement may be developed with the out-of-state facility that is in accordance with the requirements of Tit. XVIII and XIX of the federal Social Security Act. The contractual arrangement is not subject to other reimbursement standards, policies, and rate setting procedures required under this chapter.

14. A medical assistance copayment shall only be applied to those services and products specified in administrative rules of the department in effect on February 1, 1991, which under federal medical assistance requirements, are provided at the option of the state.

15. *a.* Conduct an annual review of provider reimbursement rates for medical and health services provided under this chapter that are reimbursed by a statewide fee schedule and that are not periodically updated or rebased pursuant to federal or state law or rule. The department shall compare each provider reimbursement rate in the following manner:

(1) For all medical and health services other than dental services, to reimbursement rates under the federal Medicare program.

(2) For dental services, to reimbursement rates for Medicaid programs in states contiguous to Iowa.

b. On or before January 15 of each calendar year, the department shall submit to the general assembly a report summarizing the department's review under paragraph *"a"*.

[C62, 66, §249A.5, 249A.10; C71, 73, 75, 77, 79, 81, §249A.4; 82 Acts, ch 1260, §121, 122]

83 Acts, ch 96, §157, 159; 83 Acts, ch 153, §12, 13; 83 Acts, ch 201, §13; 86 Acts, ch 1245, §2031; 89 Acts, ch 37, §1; 89 Acts, ch 104, §5; 89 Acts, ch 304, §203; 90 Acts, ch 1204, §61, 62; 90 Acts, ch 1223, §21; 90 Acts, ch 1256, §41; 90 Acts, ch 1264, §34; 91 Acts, ch 97, §32; 91 Acts, ch 158, §5; 92 Acts, ch 1229, §29, 30; 94 Acts, ch 1150, §1, 2; 97 Acts, ch 165, §1; 98 Acts, ch 1181, §4; 99 Acts, ch 96, §27; 2000 Acts, ch 1029, §1, 2; 2001 Acts, ch 24, §65, 74; 2001 Acts, ch 74, §17; 2003 Acts, ch 21, §1; 2004 Acts, ch 1090, §14; 2005 Acts, ch 120, §2; 2005 Acts, ch 167, §46, 66; 2009 Acts, ch 41, §243; 2009 Acts, ch 118, §18; 2010 Acts, ch 1031, §389; 2012 Acts, ch 1034, §1; 2013 Acts, ch 138, §72; 2014 Acts, ch 1140, §87, 88; 2020 Acts, ch 1020, §8, 12; 2020 Acts, ch 1063, §94; 2023 Acts, ch 19, §797, 798, 1961; 2024 Acts, ch 1018, §10, 13, 14; 2024 Acts, ch 1161, §101, 137; 2025 Acts, ch 135, §45; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1195, §29

Referred to in §249A.3
2024 amendment to subsection 1 applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14
Code editor directive applied
NEW subsection 15

249A.4A Health care coordination and intervention teams.

1. For purposes of this section, *"health care provider"* means a health care provider as defined in section 135.24, a mental health professional, or a substance use professional.

2. The director may establish health care coordination and intervention teams as part of the state medical assistance program to conduct individual case reviews to determine whether additional health services or interventions may be appropriate for an individual's care needs.

3. *a.* A health care coordination and intervention team shall review individual cases including but not limited to cases involving individuals with complex conditions who are in need of urgent placement and services.

b. A review of an individual case by a health care coordination and intervention team may be initiated by the department or by a health care provider.

c. In conducting an individual case review, a health care coordination and intervention team shall:

(1) Review and analyze all relevant case information for the purpose of recommending

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additional health services, treatments, and interventions as appropriate to meet the individual's needs and to ensure the protection of human health and safety.

(2) Consult with the individual's health care providers to assist and facilitate care coordination and treatment referral actions as appropriate.

(3) Collect and review clinical records and other pertinent information, both confidential and nonconfidential, from hospitals and health care providers as necessary to review the individual's health treatment needs.

4. *a.* Upon request of a health care coordination and intervention team, a hospital or health care provider shall provide records relating to an individual case being reviewed by the health care coordination and intervention team.

b. Upon request of a health care coordination and intervention team, a person in possession or control of medical, investigative, assessment, or other information pertaining to an individual case under review by the health care coordination and intervention team shall provide the information to the health care coordination and intervention team.

c. Confidential records and information provided to a health care coordination and intervention team under this subsection shall remain confidential and the health care coordination and intervention team shall not release the records or information to any person or entity without a court order.

d. A person or entity shall not be liable for providing records or information requested by a health care coordination and intervention team under this subsection to the health care coordination and intervention team or to the department.

5. A health care coordination and intervention team member, and an agent of a health care coordination and intervention team member, shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made provided that the team member or agent acted in good faith and without malice in carrying out official duties as a member of a health care coordination and intervention team or an agent of a health care coordination and intervention team member.

6. Subject to federal law, individual case reviews conducted pursuant to this section shall be considered care coordination as defined in section 135D.2.

2024 Acts, ch 1075, §7, 8
Referred to in §282.35

249A.4B Medical assistance advisory council.

1. A medical assistance advisory council is created to comply with 42 C.F.R. §431.12 based on section 1902(a)(4) of the federal Social Security Act and to advise the director about health and medical care services under the medical assistance program. The council shall meet as necessary. The director's designee responsible for public health or their designee and a public member of the council selected by the public members of the council shall serve as co-chairpersons of the council.

2. *a.* The council shall consist of the following voting members:

(1) Five professional or business entity members selected by the entities specified pursuant to subsection 3, paragraph *"a"*.

(2) Five public members appointed pursuant to subsection 3, paragraph *"b"*. Of the five public members, at least one member shall be a recipient of medical assistance.

b. The council shall include all of the following nonvoting members:

(1) The director's designee responsible for public health or their designee.

(2) The long-term care ombudsman, or the long-term care ombudsman's designee.

(3) The dean of Des Moines university college of osteopathic medicine, or the dean's designee.

(4) The dean of the university of Iowa college of medicine, or the dean's designee.

(5) The following members of the general assembly, each for a term of two years as provided in section 4A.13:

(a) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives from their respective parties.

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(b) Two members of the senate, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate.

3. The voting membership of the council shall be selected or appointed as follows:

a. The five professional or business entity members shall be selected by the entities specified under this paragraph *"a"*. The five professional or business entity members selected shall be the president, or the president's representative, of the professional or business entity, or a member of the professional or business entity, designated by the entity.

(1) The Iowa medical society.
(2) The Iowa osteopathic medical association.
(3) The Iowa academy of family physicians.
(4) The Iowa chapter of the American academy of pediatrics.
(5) The Iowa physical therapy association.
(6) The Iowa dental association.
(7) The Iowa nurses association.
(8) The Iowa pharmacy association.
(9) The Iowa podiatric medical society.
(10) The Iowa optometric association.
(11) The Iowa association of community providers.
(12) The Iowa psychological association.
(13) The Iowa psychiatric society.
(14) The Iowa chapter of the national association of social workers.
(15) The coalition for family and children's services in Iowa.
(16) The Iowa hospital association.
(17) The Iowa association of rural health clinics.
(18) The Iowa primary care association.
(19) Free clinics of Iowa.
(20) The opticians' association of Iowa, inc.
(21) The Iowa association of hearing health professionals.
(22) The Iowa speech and hearing association.
(23) The Iowa health care association.
(24) The Iowa association of area agencies on aging.
(25) AARP.
(26) The Iowa caregivers association.
(27) Leading age Iowa.
(28) The Iowa association for home care.
(29) The Iowa council of health care centers.
(30) The Iowa physician associate society.
(31) The Iowa association of nurse practitioners.
(32) The Iowa nurse practitioner society.
(33) The Iowa occupational therapy association.
(34) The ARC of Iowa, formerly known as the association for retarded citizens of Iowa.
(35) The national alliance on mental illness.
(36) The Iowa state association of counties.
(37) The Iowa developmental disabilities council.
(38) The Iowa chiropractic society.
(39) The Iowa academy of nutrition and dietetics.
(40) The Iowa behavioral health association.
(41) The midwest association for medical equipment services or an affiliated Iowa organization.

b. The five public members shall be public representatives which may include members of consumer groups, including recipients of medical assistance or their families, consumer organizations, and others, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professional or business entities specifically represented under paragraph *"a"*.

4. Based upon the deliberations of the council, the council shall make recommendations

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to the director regarding the budget, policy, and administration of the medical assistance program.

5. For each council meeting, other than those held during the time the general assembly is in session, each legislative member of the council shall be reimbursed for actual travel and other necessary expenses and shall receive a per diem as specified in section 7E.6 for each day in attendance, as shall the members of the council who are recipients or the family members of recipients of medical assistance, regardless of whether the general assembly is in session.

6. The department shall provide staff support and independent technical assistance to the council.

7. The director shall consider the recommendations offered by the council in the director's preparation of the medical assistance budget and in implementation of medical assistance program policies.

2005 Acts, ch 120, §3; 2008 Acts, ch 1156, §36, 58; 2009 Acts, ch 23, §55; 2011 Acts, ch 129, §93, 156; 2012 Acts, ch 1023, §32; 2012 Acts, ch 1068, §1; 2013 Acts, ch 30, §48; 2016 Acts, ch 1139, §99; 2018 Acts, ch 1165, §130; 2019 Acts, ch 85, §91; 2023 Acts, ch 19, §799; 2024 Acts, ch 1170, §423, 472; 2026 Acts, ch 1008, §3

Referred to in §217.3, 514I.2
Code editor directive applied

249A.5 Prior authorization — exemptions.

1. For purposes of this section, unless the context otherwise requires:

a. "Emergency medical condition" means the same as defined in 42 C.F.R. §438.114.

b. "Managed care organization" means an entity acting pursuant to a contract with the department to administer the medical assistance program.

c. "Prior authorization" means any process used by the department or a managed care organization to determine if, before a health care service is furnished to a recipient, the service is covered or medically necessary.

d. "Utilization review" means a set of formal techniques used to monitor or evaluate the medical necessity, appropriateness, or efficiency of a health care service.

2. The department, or a managed care organization, shall not require prior authorization for, or impose additional utilization review requirements on, a recipient for any of the following:

a. A cancer-related screening recommended for the recipient by the recipient's provider in accordance with the most recently updated national comprehensive cancer network clinical practice guidelines in oncology which are designated as category 2A or lower.

b. The diagnosis and treatment of an emergency medical condition that develops or becomes evident in a recipient while the recipient is receiving inpatient care that meets inpatient care standards, if the emergency medical condition is reasonably determined by a provider to present a life-threatening risk unless the recipient receives immediate assessment and treatment.

3. This section applies to all of the following:

a. All contracts between the department and a managed care organization that are delivered, issued for delivery, continued, extended, or renewed on or after January 1, 2027.

b. All requests for prior authorization made on or after January 1, 2027.

4. The department may adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1087, §9
NEW section

249A.6 Prior authorization — requests.

1. A health care provider submitting a request for prior authorization to a managed care organization shall submit the request electronically using a standards-based application programming interface, or another form of electronic submission, supported by the managed care organization, that is compliant with federal interoperability regulations.

2. This section applies to a request for prior authorization made on or after July 1, 2027.

2026 Acts, ch 1087, §10
NEW section

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249A.7 through 249A.10 Reserved.

249A.11 Payment for patient care segregated.

A state resource center or mental health institute, upon receipt of any payment made under this chapter for the care of any patient, shall segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department.

[C77, 79, 81, §249A.11]

83 Acts, ch 96, §157, 159; 85 Acts, ch 146, §3; 2000 Acts, ch 1112, §51; 2005 Acts, ch 167, §33, 66; 2010 Acts, ch 1141, §27; 2023 Acts, ch 19, §800

Referred to in §218.78, 218.97, 222.92

249A.12 Assistance to persons with an intellectual disability.

1. Assistance may be furnished under this chapter to an otherwise eligible recipient who is a resident of a health care facility licensed under chapter 135C and certified as an intermediate care facility for persons with an intellectual disability.

2. If a county reimbursed the department for medical assistance provided under this section, Code 2011, and the amount of medical assistance is subsequently repaid through a medical assistance income trust or a medical assistance special needs trust as defined in section 633C.1, the department shall reimburse the county on a proportionate basis. The department shall adopt rules to implement this subsection.

3. *a.* Effective July 1, 1995, the state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with an intellectual disability services provided under medical assistance to minors. Notwithstanding contrary provisions of section 222.73, Code 2011, effective July 1, 1995, a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services provided to minors.

b. The state shall be responsible for all of the nonfederal share of medical assistance home and community-based services waivers for persons with an intellectual disability services provided to minors, and a county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of the services.

c. The state shall be responsible for all of the nonfederal share of the costs of intermediate care facility for persons with an intellectual disability services provided under medical assistance attributable to the assessment for intermediate care facilities for individuals with an intellectual disability imposed pursuant to section 249A.21. A county is not required to reimburse the department and shall not be billed for the nonfederal share of the costs of such services attributable to the assessment.

4. *a.* The provisions of the home and community-based services waiver for persons with an intellectual disability shall include adult day care, prevocational, and transportation services. Transportation shall be included as a separately payable service.

b. The department shall seek federal approval to amend the home and community-based services waiver for persons with an intellectual disability to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval.

5. When paying the necessary and legal expenses for intermediate care facility for persons with an intellectual disability services, the cost requirements of section 222.60* shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established by the department for intermediate care facilities for persons with an intellectual disability, and the state shall not be obligated for any amount in excess of the rates.

6. If services associated with the intellectual disability can be covered under a medical assistance home and community-based services waiver or other medical assistance program

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provision, the nonfederal share of the medical assistance program costs for such coverage shall be paid from the appropriation made for the medical assistance program.

[C77, 79, 81, §249A.12]

83 Acts, ch 123, §96, 209; 84 Acts, ch 1297, §6; 94 Acts, ch 1120, §2; 94 Acts, ch 1163, §1; 95 Acts, ch 68, §3; 96 Acts, ch 1129, §113; 96 Acts, ch 1183, §30, 31; 2002 Acts, ch 1146, §5, 6; 2003 Acts, ch 62, §4, 8; 2003 Acts, ch 118, §1; 2004 Acts, ch 1086, §45 – 47; 2004 Acts, ch 1090, §15, 16; 2005 Acts, ch 38, §55; 2005 Acts, ch 175, §109 – 111; 2006 Acts, ch 1066, §1; 2006 Acts, ch 1115, §15; 2007 Acts, ch 22, §56; 2010 Acts, ch 1031, §384 – 387, 389; 2012 Acts, ch 1019, §99 – 103; 2012 Acts, ch 1133, §58; 2012 Acts, ch 1138, §57; 2013 Acts, ch 30, §49, 50; 2016 Acts, ch 1139, §51; 2023 Acts, ch 19, §801; 2024 Acts, ch 1161, §102, 137

Referred to in §28M.1, 331.402

*Section 222.60 repealed by 2024 Acts, ch 1161, §135; corrective legislation is pending

249A.13 Medicaid managed care organization health care tax fund.

1. A Medicaid managed care organization health care tax fund is created in the state treasury under the authority of the department of health and human services. Moneys collected by the director of the department of revenue as taxes pursuant to section 432B.2 shall be deposited in the fund.

2. Moneys in the fund are appropriated to the department of health and human services for the purposes of the medical assistance program. Unless expressly approved by the general assembly through legislation, or as required by federal law or regulations, the department shall not take any action that reduces moneys deposited in the fund from a health maintenance organization contracting with the department to administer the medical assistance program under this chapter. Such moneys shall not be diverted, reduced, or used by the department for any other purposes than those permitted by this subsection.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2023 Acts, ch 158, §3; 2026 Acts, ch 1003, §1, 15, 16; 2026 Acts, ch 1160, §12, 15

Referred to in §432B.2, 432B.3

2026 amendment to subsection 1 applies retroactively to January 1, 2026, for tax years beginning on or after that date; 2026 Acts, ch 1003, §16

2026 amendment to subsection 2 effective January 1, 2027; 2026 Acts, ch 1160, §15

Subsection 1 amended

Subsection 2 amended

249A.14 Sex reassignment surgeries or associated procedures — reimbursement prohibited.

1. Moneys appropriated from the general fund of the state to the department for the medical assistance program shall not be used for reimbursement for sex reassignment surgery or associated procedures, including hormone therapy or other medical interventions intended to alter primary or secondary sex characteristics related to an individual's gender dysphoria diagnosis.

2. This section shall not be construed to prohibit Medicaid program reimbursement for services not described under subsection 1 that are otherwise covered under the Medicaid program.

3. The department of health and human services shall adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 169, §14

249A.15 Licensed psychologists eligible for payment — provisional licensees.

1. The department shall adopt rules pursuant to chapter 17A entitling psychologists who are licensed pursuant to chapter 154B and psychologists who are licensed in the state where the services are provided and have a doctorate degree in psychology, have had at least two years of clinical experience in a recognized health setting, or have met the standards of a national register of health service providers in psychology, to payment for services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations and of funds available for the

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medical assistance program. The rules shall also provide that an individual, who holds a provisional license to practice psychology pursuant to section 154B.6, is entitled to payment under this section for services provided to recipients of medical assistance, when such services are provided under the supervision of a supervisor who meets the qualifications determined by the board of behavioral health professionals by rule, and claims for payment for such services are submitted by the supervisor.

2. Entitlement to payment under this section is applicable to services provided to recipients of medical assistance under both the fee-for-service and managed care payment and delivery systems. Neither the fee-for-service nor the managed care payment and delivery system shall impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the board of behavioral health professionals.

[81 Acts, ch 7, §16]

2015 Acts, ch 137, §107, 162, 163; 2018 Acts, ch 1165, §135, 139; 2024 Acts, ch 1170, §507

249A.15A Licensed marital and family therapists, licensed master social workers, licensed mental health counselors, certified alcohol and drug counselors, licensed behavior analysts, and licensed assistant behavior analysts — temporary licensees.

1. The department shall adopt rules pursuant to chapter 17A entitling marital and family therapists who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations. The rules shall also provide that a marital and family therapist, who holds a temporary license to practice marital and family therapy pursuant to section 154D.7, is entitled to payment under this section for behavioral health services provided to recipients of medical assistance, when such services are provided under the supervision of a qualified supervisor as determined by the board of behavioral health professionals by rule, and claims for payment for such services are submitted by the qualified supervisor.

2. The department shall adopt rules pursuant to chapter 17A entitling master social workers who hold a master's degree approved by the board of behavioral health professionals, are licensed as a master social worker pursuant to section 154C.3, subsection 1, paragraph *"b"*, and provide treatment services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph *"c"*, to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

3. The department shall adopt rules pursuant to chapter 17A entitling mental health counselors who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations. The rules shall also provide that a mental health counselor, who holds a temporary license to practice mental health counseling pursuant to section 154D.7, is entitled to payment under this section for behavioral health services provided to recipients of medical assistance, when such services are provided under the supervision of a qualified supervisor as determined by the board of behavioral health professionals by rule, and claims for payment for such services are submitted by the qualified supervisor.

4. The department shall adopt rules pursuant to chapter 17A entitling alcohol and drug counselors who are certified by the nongovernmental Iowa board of certification to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

5. The department shall adopt rules pursuant to chapter 17A entitling behavior analysts and assistant behavior analysts who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

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6. Entitlement to payment under this section is applicable to services provided to recipients of medical assistance under both the fee-for-service and managed care payment and delivery systems. Neither the fee-for-service nor the managed care payment and delivery system shall impose a practice or supervision restriction which is inconsistent with or more restrictive than the authority already granted by law, including the authority to provide supervision in person or remotely through electronic means as specified by rule of the applicable licensing board.

2008 Acts, ch 1187, §123; 2011 Acts, ch 29, §1; 2018 Acts, ch 1106, §12, 14; 2018 Acts, ch 1165, §136, 139; 2023 Acts, ch 19, §802; 2024 Acts, ch 1170, §508

249A.15B Speech pathologists eligible for payment.

The department shall adopt rules pursuant to chapter 17A entitling speech pathologists who are licensed pursuant to chapter 154F, including those certified in independent practice, to payment for speech pathology services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

2012 Acts, ch 1092, §1

249A.16 New rates for services — effective date.

Health care facilities licensed under chapter 135C receiving assistance payments for persons provided services by the health care facility shall submit the financial report to the department as provided by rule. Payment at a new rate is effective for services rendered as of the first day of the month in which the report is postmarked, or if the report is personally delivered, in which the report is received by the department.

[81 Acts, ch 83, §1]

249A.17 Transitional medical assistance. Repealed by 97 Acts, ch 41, §29.

249A.18 Cost-based reimbursement — rural health clinics and federally qualified health centers.

Rural health clinics and federally qualified health centers shall receive cost-based reimbursement for one hundred percent of the reasonable costs for the provision of services to recipients of medical assistance.

98 Acts, ch 1069, §1; 99 Acts, ch 203, §51

249A.18A Resident assessment.

A nursing facility as defined in section 135C.1 shall complete a resident assessment prior to initial admission of a resident and periodically during the resident's stay in the facility. The assessment shall be completed for each prospective resident and current resident regardless of payor source. The nursing facility may utilize the same resident assessment tool required for certification of the facility under the medical assistance and federal Medicare programs to comply with this section.

2000 Acts, ch 1004, §12, 22

249A.19 Reserved.

249A.20 Noninstitutional health providers — reimbursement.

1. Beginning November 1, 2000, the department shall use the federal Medicare resource-based relative value scale methodology to reimburse all applicable noninstitutional health providers, excluding anesthesia and dental services, that on June 30, 2000, are reimbursed on a fee-for-service basis for provision of services under the medical assistance program. The department shall apply the federal Medicare resource-based relative value scale methodology to such health providers in the same manner as the methodology is applied under the federal Medicare program and shall not utilize the resource-based relative value scale methodology in a manner that discriminates between such health providers. The reimbursement schedule shall be adjusted annually on July 1, and shall provide for

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reimbursement that is not less than the reimbursement provided under the fee schedule established for Iowa under the federal Medicare program in effect on January 1 of that calendar year.

2. A provider reimbursed under section 249A.31 is not a noninstitutional health provider.

2000 Acts, ch 1221, §7; 2002 Acts, ch 1120, §2, 9; 2018 Acts, ch 1041, §127

249A.20A Preferred drug list program.

1. The department shall establish and implement a preferred drug list program under the medical assistance program. The department shall submit a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services, no later than May 1, 2003, to implement the program.

2. *a.* A medical assistance pharmaceutical and therapeutics committee shall be established within the department by July 1, 2003, for the purpose of developing and providing ongoing review of the preferred drug list.

b. (1) The members of the committee shall be appointed by the governor and shall include health care professionals who possess recognized knowledge and expertise in one or more of the following:

(a) The clinically appropriate prescribing of covered outpatient drugs.

(b) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

(c) Drug use review, evaluation, and intervention.

(d) Medical quality assurance.

(2) The membership of the committee shall be comprised of at least one third but not more than fifty-one percent licensed and actively practicing physicians and at least one third licensed and actively practicing pharmacists.

c. The members shall be appointed to terms of two years. Members may be appointed to more than one term. The department shall provide staff support to the committee. Committee members shall select a chairperson and vice chairperson annually from the committee membership.

3. *a.* The pharmaceutical and therapeutics committee shall recommend a preferred drug list to the department.

b. The committee shall develop the preferred drug list by considering each drug's clinically meaningful therapeutic advantages in terms of safety, effectiveness, and clinical outcome.

c. The committee shall use evidence-based research methods in selecting the drugs to be included on the preferred drug list.

d. When making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, Pub. L. No. 97-414, and drugs and biological products that are genetically targeted, the committee shall request and consider information from individuals who possess scientific or medical training with respect to the drug, biological product, or rare disease.

e. The committee shall periodically review all drug classes included on the preferred drug list and may amend the list to ensure that the list provides for medically appropriate drug therapies for medical assistance recipients and achieves cost savings to the medical assistance program.

f. The department may procure a sole source contract with an outside entity or contractor to provide professional administrative support to the pharmaceutical and therapeutics committee in researching and recommending drugs to be placed on the preferred drug list.

4. With the exception of drugs prescribed for the treatment of human immunodeficiency virus or acquired immune deficiency syndrome, transplantation, or cancer with the exception of drugs and drug compounds that do not have a significant variation in a therapeutic profile or side effect profile within a therapeutic class, prescribing and dispensing of prescription drugs not included on the preferred drug list shall be subject to prior authorization.

5. The department may negotiate supplemental rebates from manufacturers that are in addition to those required by Tit. XIX of the federal Social Security Act. The committee shall consider a product for inclusion on the preferred drug list if the manufacturer provides a

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supplemental rebate. The department may procure a sole source contract with an outside entity or contractor to conduct negotiations for supplemental rebates.

6. The department shall adopt rules to provide a procedure under which the department and the pharmaceutical and therapeutics committee may disclose information relating to the prices manufacturers or wholesalers charge for pharmaceuticals. The procedures established shall comply with 42 U.S.C. §1396r-8 and with chapter 550.

7. The department shall publish and disseminate the preferred drug list to all medical assistance providers in this state.

8. Until such time as the pharmaceutical and therapeutics committee is operational, the department shall adopt and utilize a preferred drug list developed by a midwestern state that has received approval for its medical assistance state plan amendment from the centers for Medicare and Medicaid services of the United States department of health and human services.

9. The department may procure a sole source contract with an outside entity or contractor to participate in a pharmaceutical pooling program with midwestern or other states to provide for an enlarged pool of individuals for the purchase of pharmaceutical products and services for medical assistance recipients.

10. The department may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph *"b"*, to implement this section.

11. Any savings realized under this section may be used to the extent necessary to pay the costs associated with implementation of this section prior to reversion to the medical assistance program.

2003 Acts, ch 112, §3, 14; 2003 Acts, ch 179, §161; 2005 Acts, ch 3, §53; 2008 Acts, ch 1031, §108; 2010 Acts, ch 1031, §347; 2010 Acts, ch 1061, §180; 2017 Acts, ch 174, §81; 2022 Acts, ch 1109, §1

249A.20B Nursing facility quality assurance assessment. Repealed by 2005 Acts, ch 167, §40, 41, 66.

249A.21 Intermediate care facilities for persons with an intellectual disability — assessment.

1. An intermediate care facility for persons with an intellectual disability, as defined in section 135C.1, shall be assessed an amount for the preceding calendar quarter, not to exceed six percent of the actual paid claims for the previous quarter.

2. The assessment shall be paid by each intermediate care facility for persons with an intellectual disability to the department on a quarterly basis. An intermediate care facility for persons with an intellectual disability shall submit the assessment amount no later than thirty days following the end of each calendar quarter.

3. The department shall collect the assessment imposed and shall credit all revenues collected to the state medical assistance appropriation. This revenue may be used only for services for which federal financial participation under the medical assistance program is available to match state funds.

4. If the department determines that an intermediate care facility for persons with an intellectual disability has underpaid or overpaid the assessment, the department shall notify the intermediate care facility for persons with an intellectual disability of the amount of the unpaid assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.

5. An intermediate care facility for persons with an intellectual disability that fails to pay the assessment within the time frame specified in this section shall pay, in addition to the outstanding assessment, a penalty in the amount of one and five-tenths percent of the assessment amount owed for each month or portion of each month the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the assessment, the department shall waive the penalty or a portion of the penalty.

6. If an assessment has not been received by the department by the last day of the third month after the payment is due, the department shall suspend payment due the intermediate

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care facility for persons with an intellectual disability under the medical assistance program including payments made on behalf of the medical assistance program by a Medicaid managed care contractor.

7. The assessment imposed under this section constitutes a debt due and owing the state and may be collected by civil action, including but not limited to the filing of tax liens, and any other method provided for by law.

8. If federal financial participation to match the assessments made under subsection 1 becomes unavailable under federal law, the department shall terminate the imposing of the assessments beginning on the date that the federal statutory, regulatory, or interpretive change takes effect.

9. The department may procure a sole source contract to implement the provisions of this section.

10. The department may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph *"b"*, to implement this section.

2002 Acts, 2nd Ex, ch 1001, §36, 46; 2004 Acts, ch 1085, §6, 7, 10, 11; 2012 Acts, ch 1019, §104; 2016 Acts, ch 1139, §52; 2023 Acts, ch 19, §803

Referred to in §222.60A, 249A.12

249A.22 and 249A.23 Reserved.

249A.24 Iowa medical assistance drug utilization review commission — created.

1. An Iowa medical assistance drug utilization review commission is created within the department. The commission membership, duties, and related provisions shall comply with 42 C.F.R. pt. 456, subpt. K.

2. In addition to any other duties prescribed, the commission shall make recommendations to the council on health and human services regarding strategies to reduce state expenditures for prescription drugs under the medical assistance program excluding provider reimbursement rates. Following approval of any recommendation by the council on health and human services, the department shall include the approved recommendation in a notice of intended action under chapter 17A and shall comply with chapter 17A in adopting any rules to implement the recommendation. The department shall seek any federal waiver necessary to implement any approved recommendation. The strategies to be considered for recommendation by the commission shall include at a minimum all of the following:

a. Development of a preferred drug formulary pursuant to 42 U.S.C. §1396r-8.

b. Negotiation of supplemental rebates from manufacturers that are in addition to those required by Tit. XIX of the federal Social Security Act. For the purposes of this paragraph, *"supplemental rebates"* may include, at the department's discretion, cash rebates and other program benefits that offset a medical assistance expenditure. Pharmaceutical manufacturers agreeing to provide a supplemental rebate as provided in this paragraph shall have an opportunity to present evidence supporting inclusion of a product on any preferred drug formulary developed.

c. Disease management programs.

d. Drug product donation programs.

e. Drug utilization control programs.

f. Prescriber and beneficiary counseling and education.

g. Fraud and abuse initiatives.

h. Pharmaceutical case management.

i. Services or administrative investments with guaranteed savings to the medical assistance program.

j. Expansion of prior authorization for prescription drugs and pharmaceutical case management under the medical assistance program.

k. Any other strategy that has been approved by the United States department of health and human services regarding prescription drugs under the medical assistance program.

3. When making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of

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1983, Pub. L. No. 97-414, and drugs and biological products that are genetically targeted, the commission shall request and consider information from individuals who possess scientific or medical training with respect to the drug, biological product, or rare disease.

2002 Acts, 2nd Ex, ch 1003, §263, 266; 2005 Acts, ch 175, §112; 2010 Acts, ch 1061, §180; 2017 Acts, ch 174, §82; 2023 Acts, ch 19, §804; 2024 Acts, ch 1018, §11, 13, 14

2024 strike of subsection 4 applies retroactively to reports due on or after January 1, 2024; 2024 Acts, ch 1018, §14

249A.25 Reserved.

249A.26 State and county participation in funding for services to persons with disabilities — case management.

1. The state shall pay for one hundred percent of the nonfederal share of the services paid for under any prepaid mental health services plan for medical assistance implemented by the department as authorized by law.

2. *a.* Except as provided for disallowed costs in section 249A.27, the state shall pay one hundred percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with an intellectual disability, a developmental disability, or chronic mental illness. For purposes of this section, persons with mental disorders resulting from Alzheimer's disease or a substance use disorder shall not be considered to be persons with chronic mental illness.

b. The state shall pay for one hundred percent of the nonfederal share of the costs of case management provided for adults, day treatment, partial hospitalization, and the home and community-based services waiver services.

c. The case management services specified in this subsection shall be paid for by a county only if the services are provided outside of a managed care contract.

3. The state shall pay one hundred percent of the nonfederal share of the cost of services provided to adult persons with chronic mental illness who qualify for habilitation services in accordance with the rules adopted for the services.

4. The state shall pay for the entire nonfederal share of the costs for case management services provided to persons seventeen years of age or younger who are served in a home and community-based services waiver program under the medical assistance program for persons with an intellectual disability.

5. The state shall pay the nonfederal share of the costs of an eligible person's services under the home and community-based services waiver for persons with brain injury.

6. Notwithstanding section 8.39, the department may transfer funds appropriated for the medical assistance program to a separate account established in the department's case management unit in an amount necessary to pay for expenditures required to provide case management for mental health and disability services under the medical assistance program which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were originally appropriated.

91 Acts, ch 158, §7; 92 Acts, ch 1241, §74; 93 Acts, ch 172, §43; 94 Acts, ch 1150, §3; 96 Acts, ch 1183, §32; 2002 Acts, ch 1120, §3, 9; 2004 Acts, ch 1090, §33, 52; 2005 Acts, ch 175, §113; 2007 Acts, ch 218, §119; 2010 Acts, ch 1031, §390; 2012 Acts, ch 1019, §105, 106; 2012 Acts, ch 1133, §59, 60; 2013 Acts, ch 30, §51; 2014 Acts, ch 1026, §53; 2018 Acts, ch 1165, §74, 75; 2023 Acts, ch 19, §805; 2026 Acts, ch 1040, §44; 2026 Acts, ch 1164, §11

Prohibition against requiring county funding for medical assistance program waiver for services to persons with brain injury; 94 Acts, ch 1170, §57

Elimination of monthly budget maximum or cap for individuals eligible for medical assistance program waiver for services to persons with a brain injury; department of health and human services required to track average expended per waiver recipient and report annually to general assembly by December 30; 2019 Acts, ch 82, §1; 2022 Acts, ch 1109, §2; 2023 Acts, ch 19, §1358

Subsection 5 stricken and former subsection 6 renumbered as 5

Former subsection 7 amended and renumbered as 6

249A.26A State and county participation in funding for rehabilitation services for persons with chronic mental illness. Repealed by 2007 Acts, ch 218, §122. See §249A.26.

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249A.27 Indemnity for case management and disallowed costs.

1. If the department contracts with a county or consortium of counties to provide case management services funded under medical assistance, the state shall appear and defend the department's employees and agents acting in an official capacity on the department's behalf and the state shall indemnify the employees and agents for acts within the scope of their employment. The state's duties to defend and indemnify shall not apply if the conduct upon which any claim is based constitutes a willful and wanton act or omission or malfeasance in office.

2. If the department is the case management contractor, the state shall be responsible for any costs included within the unit rate for case management services which are disallowed for medical assistance reimbursement by the federal centers for Medicare and Medicaid services. The contracting county shall be credited for the county's share of any amounts overpaid due to the disallowed costs. However, if certain costs are disallowed due to requirements or preferences of a particular county in the provision of case management services, the county shall not receive credit for the amount of the costs.

91 Acts, ch 158, §8; 2002 Acts, ch 1050, §25
Referred to in §249A.26

249A.28 Hospital directed payment — prohibition of pass-through on non-Medicaid payors.

A hospital participating in the hospital directed payment program pursuant to 42 C.F.R. §438.6 shall not knowingly pass on the directed payment increase for health care services provided to non-Medicaid payors, including as a fee or rate increase. If a hospital violates this section, the hospital shall not receive the directed payment but shall instead only be reimbursed the hospital base reimbursement rate for health care services provided under the medical assistance program for one year from the date the violation is discovered.

2023 Acts, ch 158, §9

249A.29 Home and community-based services waiver providers — records checks.

1. For purposes of this section and section 249A.30 unless the context otherwise requires:

a. "Consumer" means an individual approved by the department to receive services under a waiver.

b. "Provider" means an agency certified by the department to provide services under a waiver.

c. "Waiver" means a home and community-based services waiver approved by the federal government and implemented under the medical assistance program.

2. If a person is being considered by a provider for employment involving direct responsibility for a consumer or with access to a consumer when the consumer is alone, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system of the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment by the provider. The record check evaluation system shall conduct criminal and child and dependent adult abuse records checks of the person in this state and may conduct these checks in other states. The records checks and evaluations required by this section shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the record check evaluation system determines that a person employed by a provider has committed a crime or has a record of founded abuse, the record check evaluation system shall perform an evaluation to determine whether prohibition of the person's employment is warranted.

4. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The record check evaluation system

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may permit a person who is evaluated to be employed or to continue to be employed by the provider if the person complies with the record check evaluation system's conditions relating to the employment, which may include completion of additional training.

5. If the record check evaluation system determines that the person has committed a crime or has a record of founded abuse which warrants prohibition of employment, the person shall not be employed by a provider.

95 Acts, ch 93, §5; 2002 Acts, ch 1120, §4; 2023 Acts, ch 19, §806
Referred to in §249A.32, 335.34, 414.32

249A.30 Home and community-based services waiver — service provider reimbursement rate adjustments.

1. The base reimbursement rate for a provider of services under a medical assistance program home and community-based services waiver for persons with an intellectual disability shall be recalculated at least every three years to adjust for the changes in costs during the immediately preceding three-year period.

2. The annual inflation factor used to adjust such a provider's reimbursement rate for a fiscal year shall not exceed the percentage increase in the employment cost index for private industry compensation issued by the federal department of labor, bureau of labor statistics, for the most recently completed calendar year.

2002 Acts, ch 1120, §5; 2004 Acts, ch 1086, §48; 2010 Acts, ch 1031, §390; 2013 Acts, ch 30, §52
Referred to in §249A.29

249A.30A Medical assistance — personal needs allowance.

1. The personal needs allowance under the medical assistance program, which may be retained by a person who is a resident of a nursing facility, an intermediate care facility for persons with an intellectual disability, or an intermediate care facility for persons with mental illness, as defined in section 135C.1, or a person who is a resident of a psychiatric medical institution for children as defined in section 135H.1, shall be fifty-five dollars per month.

2. A resident who has income of less than fifty-five dollars per month shall receive a supplement from the state in the amount necessary to receive a personal needs allowance of fifty-five dollars per month. The general assembly shall annually appropriate a sufficient amount from the general fund of the state to the department of health and human services for this purpose.

2006 Acts, ch 1113, §1; 2007 Acts, ch 218, §44; 2008 Acts, ch 1032, §41; 2012 Acts, ch 1019, §107; 2024 Acts, ch 1157, §43; 2025 Acts, ch 169, §19

249A.31 Reimbursement — targeted case management services — inpatient psychiatric services.

1. Effective July 1, 2018, targeted case management services shall be reimbursed based on a statewide fee schedule amount developed by rule of the department pursuant to chapter 17A.

2. Effective July 1, 2014, providers of inpatient psychiatric services for individuals under twenty-one years of age shall be reimbursed as follows:

a. For non-state-owned providers, services shall be reimbursed according to a fee schedule without reconciliation.

b. For state-owned providers, services shall be reimbursed at one hundred percent of the actual and allowable cost of providing the service.

2002 Acts, ch 1120, §6, 9; 2004 Acts, ch 1090, §17; 2007 Acts, ch 218, §120; 2009 Acts, ch 121, §2, 3; 2010 Acts, ch 1031, §389; 2012 Acts, ch 1019, §108; 2018 Acts, ch 1165, §132
Referred to in §249A.20

249A.32 Medical assistance home and community-based services waivers — consumer-directed attendant care — termination of contract.

1. A case manager for a medical assistance home and community-based services waiver may terminate the contract of a person providing consumer-directed attendant care services to whom payment is being made for provision of such services under the waiver if the case

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manager determines that the person has breached the contract by not providing the services agreed to under the contract.

2. For the purposes of this section, "*consumer*" and "*waiver*" mean consumer and waiver as defined in section 249A.29.

2003 Acts, ch 118, §2

249A.32A Home and community-based services waivers — limitations.

In administering a home and community-based services waiver, the total number of openings at any one time shall be limited to the number approved for the waiver by the secretary of the United States department of health and human services. The openings shall be available on a first-come, first-served basis.

2005 Acts, ch 175, §115

249A.32B Early and periodic screening, diagnosis, and treatment funding.

The department, in consultation with the department of education, shall continue the program to utilize the early and periodic screening, diagnosis, and treatment program funding under the medical assistance program, to the extent possible, to implement the screening component of the early and periodic screening, diagnosis, and treatment program through the schools. The department may enter into contracts to utilize maternal and child health centers, the public health nursing program, or school nurses in implementing this section.

2005 Acts, ch 175, §116; 2023 Acts, ch 19, §807

249A.33 Pharmaceutical settlement account — medical assistance program.

1. A pharmaceutical settlement account is created in the state treasury under the authority of the department. Moneys received from settlements relating to provision of pharmaceuticals under the medical assistance program shall be deposited in the account.

2. Moneys in the account shall be used only as provided in appropriations from the account to the department for the purpose of technology upgrades under the medical assistance program.

3. The account shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the account shall not be considered revenue of the state, but rather shall be funds of the account. The moneys in the account are not subject to reversion to the general fund of the state under section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the account shall be credited to the account.

4. The treasurer of state shall provide a quarterly report of account activities and balances to the director.

2003 Acts, ch 178, §55; 2023 Acts, ch 19, §808

249A.34 Medical assistance crisis intervention team. Repealed by 2005 Acts, ch 167, §40, 66.

249A.35 Purchase of qualified long-term care insurance policy — computation under medical assistance program.

A computation for the purposes of determining eligibility under this chapter concerning an individual who is the beneficiary of a qualified long-term care insurance policy under chapter 514H shall include consideration of the asset disregard provided in section 514H.5.

2005 Acts, ch 166, §1, 13; 2009 Acts, ch 145, §1

Referred to in §514H.5

249A.36 Medical assistance quality improvement council. Repealed by 2012 Acts, ch 1138, §111.

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249A.37 Duties of third parties.

1. For the purposes of this section, *"Medicaid payor"*, *"recipient"*, *"third party"*, and *"third-party benefits"* mean the same as defined in section 249A.54.

2. The third-party obligations specified under this section are a condition of doing business in the state. A third party that fails to comply with these obligations shall not be eligible to do business in the state.

3. A third party that is a carrier, as defined in section 514C.13, shall enter into a health insurance data match program with the department for the sole purpose of comparing the names of the carrier's insureds with the names of recipients as required by section 505.25.

4. A third party shall do all of the following:

a. Cooperate with the Medicaid payor in identifying recipients for whom third-party benefits are available including but not limited to providing information to determine the period of potential third-party coverage, the nature of the coverage, and the name, address, and identifying number of the coverage. In cooperating with the Medicaid payor, the third party shall provide information upon the request of the Medicaid payor in a manner prescribed by the Medicaid payor or as agreed upon by the department and the third party.

b. (1) Accept the Medicaid payor's rights of recovery and assignment to the Medicaid payor as a subrogee, assignee, or lienholder under section 249A.54 for payments which the Medicaid payor has made under the Medicaid state plan or under a waiver of such state plan.

(2) In the case of a third party other than the original Medicare fee-for-service program under parts A and B of Tit. XVIII of the federal Social Security Act, a Medicare advantage plan offered by a Medicare advantage organization under part C of Tit. XVIII of the federal Social Security Act, a reasonable cost reimbursement contract under 42 U.S.C. §1395mm, a health care prepayment plan under 42 U.S.C. §1395l, or a prescription drug plan offered by a prescription drug plan sponsor under part D of Tit. XVIII of the federal Social Security Act that requires prior authorization for an item or service furnished to an individual eligible to receive medical assistance under Tit. XIX of the federal Social Security Act, accept authorization provided by the Medicaid payor that the health care item or service is covered under the Medicaid state plan or waiver of such state plan for such individual, as if such authorization were the prior authorization made by the third party for such item or service.

c. If, on or before three years from the date a health care item or service was provided, the Medicaid payor submits an inquiry regarding a claim for payment that was submitted to the third party, respond to that inquiry not later than sixty days after receiving the inquiry.

d. Respond to any Medicaid payor's request for payment of a claim described in paragraph *"c"* not later than ninety business days after receipt of written proof of the claim, either by paying the claim or issuing a written denial to the Medicaid payor.

e. Not deny any claim submitted by a Medicaid payor solely on the basis of the date of submission of the claim, the type or format of the claim form, a failure to present proper documentation at the point-of-sale that is the basis of the claim; or in the case of a third party other than the original Medicare fee-for-service program under parts A and B of Tit. XVIII of the federal Social Security Act, a Medicare advantage plan offered by a Medicare advantage organization under part C of Tit. XVIII of the federal Social Security Act, a reasonable cost reimbursement contract under 42 U.S.C. §1395mm, a health care prepayment plan under 42 U.S.C. §1395l, or a prescription drug plan offered by a prescription drug plan sponsor under part D of Tit. XVIII of the federal Social Security Act, solely on the basis of a failure to obtain prior authorization for the health care item or service for which the claim is submitted if all of the following conditions are met:

(1) The claim is submitted to the third party by the Medicaid payor no later than three years after the date on which the health care item or service was furnished.

(2) Any action by the Medicaid payor to enforce its rights under section 249A.54 with respect to such claim is commenced not later than six years after the Medicaid payor submits the claim for payment.

5. Notwithstanding any provision of law to the contrary, the time limitations, requirements, and allowances specified in this section shall apply to third-party obligations under this section.

6. The department may adopt rules pursuant to chapter 17A as necessary to administer

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this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 – 164.

2008 Acts, ch 1187, §124; 2023 Acts, ch 19, §809, 810; 2023 Acts, ch 158, §1

249A.38 Inmates of public institutions — suspension of medical assistance.

1. Following the first thirty days of commitment, the department shall suspend, but not terminate, the eligibility of an individual who is an inmate of a public institution as defined in 42 C.F.R. §435.1010, who is enrolled in the medical assistance program at the time of commitment to the public institution, and who remains eligible for medical assistance as an individual except for the individual's institutional status, during the entire period of the individual's commitment to the public institution.

2. *a.* A public institution shall provide the department and the social security administration with a monthly report of the individuals who are committed to the public institution and of the individuals who are discharged from the public institution. The monthly report to the department shall include the date of commitment or the date of discharge, as applicable, of each individual committed to or discharged from the public institution during the reporting period. The monthly report shall be made through the reporting system created by the department for public, nonmedical institutions to report inmate populations. Any medical assistance expenditures, including but not limited to monthly managed care capitation payments, provided on behalf of an individual who is an inmate of a public institution but is not reported to the department in accordance with this subsection, shall be the financial responsibility of the respective public institution.

b. The department shall provide a public institution with the forms necessary to be used by the individual in expediting restoration of the individual's medical assistance benefits upon discharge from the public institution.

3. The department may adopt rules pursuant to chapter 17A to implement this section.

2011 Acts, ch 98, §13, 15; 2012 Acts, ch 1038, §1; 2018 Acts, ch 1165, §127; 2019 Acts, ch 81, §1

Referred to in §514I.8B

249A.38A Residents of mental health institutes — retaining of Medicaid eligibility.

Notwithstanding any provision of law to the contrary, a Medicaid recipient residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid recipient's stay for which federal financial participation is available.

2024 Acts, ch 1157, §50

249A.38B Supported community living services.

1. As used in this section, *"supported community living service"* means a service provided in a noninstitutional setting to persons sixteen years of age and older with mental illness, an intellectual disability, brain injury, or developmental disabilities to meet the persons' daily living needs.

2. The department shall adopt rules pursuant to chapter 17A establishing minimum standards for supported community living services.

3. The department shall determine whether to grant, deny, or revoke approval for any supported community living service.

4. Approved supported community living services may receive funding from the state, federal and state social services block grant funds, and other appropriate funding sources, consistent with state legislation and federal regulations. The funding may be provided on a per diem, per hour, or grant basis, as appropriate.

2024 Acts, ch 1161, §103, 137

Referred to in §135C.6

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249A.38C Medicaid reimbursement rate — special population nursing facilities.

The provider reimbursement rate for each special population nursing facility must be the special population nursing facility's average allowable per diem costs as adjusted in compliance with applicable federal laws and regulations, including the upper payment limits specified in 42 C.F.R. §447.272(b). If a special population nursing facility subject to this section increases the special population nursing facility's number of beds or expands to provide additional services on or after July 1, 2026, the reimbursement rate in this section shall apply to such additional beds or services.

2026 Acts, ch 1195, §41
NEW section

SUBCHAPTER II

MEDICAL ASSISTANCE PROGRAM INTEGRITY — COST CONTAINMENT

249A.39 Reporting of overpayment.

1. A provider who has received an overpayment shall notify in writing, and return the overpayment to, the department, the department's agent, or the department's contractor, as appropriate. The notification shall include the reason for the return of the overpayment.

2. Notification and return of an overpayment under this section shall be provided by no later than the later of either of the following, as applicable:

a. The date which is sixty days after the date on which the overpayment was identified by the provider.

b. The date any corresponding cost report is due.

3. A violation of this section is a violation of chapter 685.

2013 Acts, ch 24, §3
Referred to in §249A.47, 249A.49

249A.40 Involuntarily dissolved providers — overpayments or incorrect payments.

Medical assistance paid to a provider following administrative dissolution of the provider pursuant to chapter 490, subchapter XIV, part 2, shall be considered incorrectly paid for the purposes of section 249A.53 and the provider shall be considered to have received an overpayment for the purposes of this subchapter. For the purposes of this section, the overpayment shall not accrue until after a grace period of ninety days following receipt of notice by the provider of the dissolution from the department. Notwithstanding section 490.1422, or any other similar retroactive provision for reinstatement, the director shall recoup any medical assistance paid to a provider while the provider was dissolved if the provider is not retroactively reinstated within the ninety-day grace period. The principals of the provider shall be personally liable for the incorrect payment or overpayment.

2013 Acts, ch 24, §4; 2019 Acts, ch 24, §104; 2021 Acts, ch 165, §219, 230

249A.41 Overpayment — interest.

1. Interest may be collected upon any overpayment determined to have been made and shall accrue at the rate and in the manner specified in this section.

2. Prior to the provision of a notice of overpayment to the provider, interest shall accrue at the statutory rate for prejudgment interest applicable in civil actions.

3. After the provision of a notice of overpayment to the provider and after all of the provider's administrative and judicial review remedies under 441 IAC ch. 7 and chapter 17A have been exhausted, interest shall accrue at the statutory rate for prejudgment interest applicable in civil actions plus five percent per annum, or the maximum legal rate, whichever is lower.

4. At the discretion of the director, interest on an overpayment may be waived in whole or in part when the department determines the imposition of interest would produce an

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unjust result, would unduly burden the provider, or would substantially delay the prompt and efficient resolution of an outstanding audit or investigation.

2013 Acts, ch 24, §5
Referred to in §249A.2
Interest on judgments, see §535.3 and 668.13

249A.42 Overpayment — limitations periods.

1. An administrative action to recover an overpayment to a provider shall be commenced within five years of the date the overpayment was incurred. For the purposes of this subsection, *"incurred"* means the date the medical assistance claim was paid, or the date any applicable reconciliation was completed, whichever is later.

2. An administrative action to impose a sanction related to an overpayment to a provider shall be commenced within five years of the date the conduct underlying the sanction concluded, or the director discovered such conduct, whichever is later.

2013 Acts, ch 24, §6

249A.42A Overpayment — subsequent ineligibility of recipient — recovery — recoupment — reimbursement.

Notwithstanding any provision to the contrary, if a recipient is deemed ineligible for medical assistance following delivery of care or service by a provider, in an administrative action to recover an overpayment to the provider based solely on the grounds of such recipient's ineligibility, the department acting as the state Medicaid agency shall reimburse the provider for any recoupment of an overpayment using state-only funds for care or services delivered if all of the following conditions are met:

1. The provider verified eligibility through the eligibility and verification system or the secure web portal of, and obtained any necessary prior authorization for, the recipient on whose behalf payment was made to the provider prior to the delivery of care or service to the recipient.

2. The provider documented the eligibility verification performed and any necessary prior authorization obtained pursuant to subsection 1 in a manner and format established by the department by rule, and retained the required documentation in the recipient's file.

2022 Acts, ch 1065, §1; 2022 Acts, ch 1153, §10

249A.43 Provider overpayment — notice — judgment.

1. Any overpayment to a provider under this chapter shall become a judgment against the provider, by operation of law, ninety days after a notice of overpayment is personally served upon the enrolled provider as required in the Iowa rules of civil procedure or by certified mail, return receipt requested, by the director or the attorney general or, if applicable, upon exhaustion of the provider's administrative and judicial review remedies under 441 IAC ch. 7 or chapter 17A, whichever is later. The judgment is entitled to full faith and credit in all states.

2. The notice of overpayment shall include the amount and cause of the overpayment, the provider's appeal rights, and a disclaimer that a judgment may be established if an appeal is not timely filed or if an appeal is filed and at the conclusion of the administrative process under chapter 17A a determination is made that there is an overpayment.

3. An affidavit of service of a notice of entry of judgment shall be made by first class mail at the address where the debtor was served with the notice of overpayment. Service is completed upon mailing as specified in this subsection.

4. On or after the date an unpaid overpayment becomes a judgment by operation of law, the director or the attorney general may file all of the following with the district court:

a. A statement identifying, or a copy of, the notice of overpayment.

b. Proof of service of the notice of overpayment.

c. An affidavit of default, stating the full name, occupation, place of residence, and last known post office address of the debtor; the name and post office address of the department; the date or dates the overpayment was incurred; the program under which the debtor was overpaid; and the total amount of the judgment.

5. Nothing in this section shall be construed to impede or restrict alternative methods of

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recovery of the overpayments specified in this section or of overpayments which do not meet the requirements of this section.

2013 Acts, ch 24, §7; 2013 Acts, ch 140, §59

249A.44 Overpayment — emergency relief.

1. Concurrently with a withholding of payment, the imposition of a sanction, or the institution of a criminal, civil, or administrative proceeding against a provider or other person for overpayment, the director or the attorney general may bring an action for a temporary restraining order or injunctive relief to prevent a provider or other person from whom recovery may be sought, from transferring property or otherwise taking action to protect the provider's or other person's business inconsistent with the recovery sought.

2. To obtain such relief, the director or the attorney general shall demonstrate all necessary requirements for the relief to be granted.

3. If an injunction is granted, the court may appoint a receiver to protect the property and business of the provider or other person from whom recovery may be sought. The court shall assess the costs of the receiver to the provider or other person.

4. The director or the attorney general may file a lis pendens on the property of the provider or other person during the pendency of a criminal, civil, or administrative proceeding.

5. When requested by the court, the director, or the attorney general, a provider or other person from whom recovery may be sought shall have an affirmative duty to fully disclose all property and liabilities to the requester.

6. An action brought under this section may be brought in the district court for Polk county or any other county in which a provider or other person from whom recovery may be sought has its principal place of business or is domiciled.

2013 Acts, ch 24, §8

249A.45 Provider's third-party submissions.

1. The department may refuse to accept a financial and statistical report, cost report, or any other submission from any third party acting under a provider's authority or direction to prepare or submit such documents or information, for good cause shown. For the purposes of this section, *"good cause"* includes but is not limited to a pattern or practice of submitting unallowable costs on cost reports; making a false statement or certification to the director or any representative of the department; professional negligence or other demonstrated lack of knowledge of the cost reporting process; conviction under a federal or state law relating to the operation of a publicly funded program; or submission of a false claim under chapter 685.

2. If the department refuses to accept a cost report from a third party for good cause under this section, the third party shall be strictly liable to the provider for all fees incurred in preparation of the cost report, as well as reasonable attorney fees and costs. The department shall not take any adverse action against a provider that results from the unintentional delay in the submission of a new cost report or other submission necessitated by the department's refusal to accept a cost report or other submission under this section. The department shall notify an affected provider within seven business days of any refusal to accept a cost report.

2013 Acts, ch 24, §9

249A.46 Liability of other persons — repayment of claims.

1. The department may require repayment of medical assistance paid from the person submitting an incorrect or improper claim, the person causing the claim to be submitted, or the person receiving payment for the claim.

2. Nothing in this section shall be construed to impede or restrict alternative recovery methods for claims specified in this section or claims which do not meet the requirements of this section.

2013 Acts, ch 24, §10

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249A.47 Improperly filed claims — other violations — imposition of monetary recovery and sanctions.

1. In addition to any other remedies or penalties prescribed by law, including but not limited to those specified pursuant to section 249A.51 or chapter 685, all of the following shall be applicable to violations under the medical assistance program:

a. A person who intentionally and purposefully presents or causes to be presented to the department a claim that the department determines meets any of the following criteria is subject to a civil penalty of not more than ten thousand dollars for each item or service:

(1) A claim for medical or other items or services that the provider knows was not provided as claimed, including a claim by any provider who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a billing code that the provider knows will result in a greater payment to the provider than the billing code the provider knows is applicable to the item or service actually provided.

(2) A claim for medical or other items or services the provider knows to be false or fraudulent.

(3) A claim for a physician service or an item or service incident to a physician service by a person who knows that the individual who furnished or supervised the furnishing of the service meets any of the following:

(a) Was not licensed as a physician.

(b) Was licensed as a physician, but such license had been obtained through a misrepresentation of material fact.

(c) Represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board when the individual was not so certified.

(4) A claim for medical or other items or services furnished during a period in which the provider was excluded from providing such items or services.

(5) A claim for a pattern of medical or other items or services that a provider knows were not medically necessary.

b. A provider who intentionally and purposefully presents or causes to be presented to any person a request for payment which is in violation of the terms of either of the following is subject to a civil penalty of not more than ten thousand dollars for each item or service:

(1) An agreement with the department or a requirement of a state plan under Tit. XIX or XXI of the federal Social Security Act not to charge a person for an item or service in excess of the amount permitted to be charged.

(2) An agreement to be a participating provider.

c. A provider who is not an organization, agency, or other entity, and knowing that the provider is excluded from participating in a program under Tit. XVIII, XIX, or XXI of the federal Social Security Act at the time of the exclusion, who does any of the following, is subject to a civil penalty of ten thousand dollars for each day that the prohibited relationship occurs:

(1) Retains a direct or indirect ownership or control interest in an entity that is participating in such programs, and knows of the action constituting the basis for the exclusion.

(2) Is an officer or managing employee of such an entity.

d. A provider who intentionally and purposefully offers to or transfers remuneration to any individual eligible for benefits under Tit. XIX or XXI of the federal Social Security Act and who knows such offer or remuneration is likely to influence such individual to order or receive from a particular provider any item or service for which payment may be made, in whole or in part, under Tit. XIX or XXI of the federal Social Security Act, is subject to a civil penalty of not more than ten thousand dollars for each item or service.

e. A provider who intentionally and purposefully arranges or contracts, by employment or otherwise, with an individual or entity that the provider knows is excluded from participation under Tit. XVIII, XIX, or XXI of the federal Social Security Act, for the provision of items or services for which payment may be made under such titles, is subject to a civil penalty of not more than ten thousand dollars for each item or service.

f. A provider who intentionally and purposefully offers, pays, solicits, or receives payment,

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directly or indirectly, to reduce or limit services provided to any individual eligible for benefits under Tit. XVIII, XIX, or XXI of the federal Social Security Act, is subject to a civil penalty of not more than fifty thousand dollars for each act.

g. A provider who intentionally and purposefully makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim for payment for items and services furnished under Tit. XIX or XXI of the federal Social Security Act, is subject to a civil penalty of not more than fifty thousand dollars for each false record or statement.

h. A provider who intentionally and purposefully and without good cause fails to grant timely access, upon reasonable request, to the department for the purpose of audits, investigations, evaluations, or other functions of the department, is subject to a civil penalty of fifteen thousand dollars for each day of the failure.

i. A provider who intentionally and purposefully makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, bid, or contract to participate or enroll as a provider of services or a supplier under Tit. XVIII, XIX, or XXI of the federal Social Security Act, including a managed care organization or entity that applies to participate as a provider of services or supplier in such a managed care organization or plan, is subject to a civil penalty of fifty thousand dollars for each false statement, omission, or misrepresentation of a material fact.

j. A provider who intentionally and purposefully fails to report and return an overpayment in accordance with section 249A.39 is subject to a civil penalty of ten thousand dollars for each failure to report and return an overpayment.

2. In addition to the civil penalties prescribed under subsection 1, for any violation specified in subsection 1, a provider shall be subject to the following, as applicable:

a. For violations specified in subsection 1, paragraph *"a"*, *"b"*, *"c"*, *"d"*, *"e"*, *"g"*, *"h"*, or *"j"*, an assessment of not more than three times the amount claimed for each such item or service in lieu of damages sustained by the department because of such claim.

b. For a violation specified in subsection 1, paragraph *"f"*, damages of not more than three times the total amount of remuneration offered, paid, solicited, or received, without regard to whether a portion of such remuneration was offered, paid, solicited, or received for a lawful purpose.

c. For a violation specified in subsection 1, paragraph *"i"*, an assessment of not more than three times the total amount claimed for each item or service for which payment was made based upon the application containing the false statement, omission, or misrepresentation of a material fact.

3. In determining the amount or scope of any penalty or assessment imposed pursuant to a violation specified in subsection 1, the director shall consider all of the following:

a. The nature of the claims and the circumstances under which they were presented.

b. The degree of culpability, history of prior offenses, and financial condition of the person against whom the penalties or assessments are levied.

c. Such other matters as justice may require.

4. Of any amount recovered arising out of a claim under Tit. XIX or XXI of the federal Social Security Act, the department shall receive the amount bearing the same proportion paid by the department for such claims, including any federal share that must be returned to the centers for Medicare and Medicaid services of the United States department of health and human services. The remainder of any amount recovered shall be deposited in the general fund of the state.

5. Civil penalties levied under this section are appealable under 441 IAC ch. 7, but, notwithstanding any provision to the contrary in that chapter, the appellant shall bear the burden to prove by clear and convincing evidence that the claim was not filed improperly.

6. For the purposes of this section, *"claim"* includes but is not limited to the submission of a cost report.

2013 Acts, ch 24, §11; 2014 Acts, ch 1092, §53; 2018 Acts, ch 1041, §64

249A.48 Temporary moratoria.

1. The Medicaid program shall impose a temporary moratorium on the enrollment of new providers or provider types identified by the centers for Medicare and Medicaid services of

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the United States department of health and human services as posing an increased risk to the Medicaid program.

a. This section shall not be interpreted to require the Medicaid program to impose a moratorium if the Medicaid program determines that imposition of a temporary moratorium would adversely affect access of recipients to medical assistance services.

b. If the Medicaid program makes a determination as specified in paragraph *"a"*, the Medicaid program shall notify the centers for Medicare and Medicaid services of the United States department of health and human services in writing.

2. The Medicaid program may impose a temporary moratorium on the enrollment of new providers, or impose numerical caps or other limits that the Medicaid program and the centers for Medicare and Medicaid services identify as having a significant potential for fraud, waste, or abuse.

a. Before implementing the moratorium, caps, or other limits, the Medicaid program shall determine that its action would not adversely impact access by recipients to Medicaid services.

b. The Medicaid program shall notify, in writing, the centers for Medicare and Medicaid services, if the Medicaid program seeks to impose a moratorium under this subsection, including all of the details of the moratorium. The Medicaid program shall receive approval from the centers for Medicare and Medicaid services prior to imposing a moratorium under this subsection.

3. *a.* The Medicaid program shall impose any moratorium for an initial period of six months.

b. If the Medicaid program determines that it is necessary, the Medicaid program may extend the moratorium in six-month increments. Each time a moratorium is extended, the Medicaid program shall document, in writing, the necessity for extending the moratorium.

2013 Acts, ch 24, §12; 2023 Acts, ch 19, §811

249A.49 Internet site — providers found in violation of medical assistance program.

1. The director shall maintain on the department's internet site, in a manner readily accessible by the public, all of the following:

a. A list of all providers that the department has terminated, suspended, or placed on probation.

b. A list of all providers that have failed to return an identified overpayment of medical assistance within the time frame specified in section 249A.39.

c. A list of all providers found liable for a false claims law violation related to the medical assistance program under chapter 685.

2. The director shall take all appropriate measures to safeguard the protected health information, social security numbers, and other information of the individuals involved, which may be redacted or omitted as provided in rule of civil procedure 1.422. A provider shall not be included on the internet site until all administrative and judicial remedies relating to the violation have been exhausted.

2013 Acts, ch 24, §13; 2014 Acts, ch 1092, §153, 197, 199

249A.50 Fraudulent practices — investigations and audits — Medicaid fraud fund.

1. A person who obtains assistance or payments for medical assistance under this chapter by knowingly making or causing to be made, a false statement or a misrepresentation of a material fact or by knowingly failing to disclose a material fact required of an applicant for aid under the provisions of this chapter and a person who knowingly makes or causes to be made, a false statement or a misrepresentation of a material fact or knowingly fails to disclose a material fact concerning the applicant's eligibility for aid under this chapter commits a fraudulent practice.

2. The department of inspections, appeals, and licensing shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program administered under this chapter. The department of inspections, appeals, and licensing shall cooperate with the department on the development of procedures relating to such

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investigations and audits to ensure compliance with federal and state single state agency requirements.

3. *a.* A Medicaid fraud fund is created in the state treasury under the authority of the department of inspections, appeals, and licensing. Moneys from penalties, investigative costs recouped by the Medicaid fraud control unit, and other amounts received as a result of prosecutions involving the department of inspections, appeals, and licensing investigations and audits to ensure compliance with the medical assistance program that are not credited to the program shall be credited to the fund.

b. Notwithstanding section 8.33, moneys credited to the fund from any other account or fund shall not revert to the other account or fund. Moneys in the fund shall only be used as provided in appropriations from the fund and shall be used in accordance with applicable laws, regulations, and the policies of the office of inspector general of the United States department of health and human services.

c. Any funds remaining in the Medicaid fraud fund at the close of a fiscal year are appropriated to the department of health and human services to supplement any medical assistance program appropriation for the same fiscal year to be used for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

d. For the purposes of this subsection, *"investigative costs"* means the reasonable value of a Medicaid fraud control unit investigator's, auditor's, or employee's time, any moneys expended by the Medicaid fraud control unit, and the reasonable fair market value of resources used or expended by the Medicaid fraud control unit in a case resulting in a criminal conviction of a provider under this chapter or chapter 714 or 715A.

[C62, 66, §249A.15; C71, 73, 75, 77, 79, 81, §249A.7]

90 Acts, ch 1204, §63; 97 Acts, ch 56, §3; 2009 Acts, ch 136, §10; 2011 Acts, ch 52, §1; 2011 Acts, ch 127, §49, 89; 2013 Acts, ch 24, §14

C2014, §249A.50

2023 Acts, ch 19, §812, 1962, 1963; 2024 Acts, ch 1157, §47

Referred to in §910.1

Fraudulent practices, see §714.8 – 714.14

249A.51 Fraudulent practice.

A person who knowingly makes or causes to be made false statements or misrepresentations of material facts or knowingly fails to disclose material facts in application for payment of services or merchandise rendered or purportedly rendered by a provider participating in the medical assistance program under this chapter commits a fraudulent practice.

91 Acts, ch 107, §12

CS91, §249A.8

97 Acts, ch 56, §4; 2013 Acts, ch 24, §14

C2014, §249A.51

Referred to in §249A.47

Fraudulent practices, see §714.8 – 714.14

249A.52 Garnishment.

When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department may garnish the wages, salary, or other compensation of the person obligated to pay child support or may withhold amounts pursuant to chapter 252D from the income of the person obligated to pay support, and shall withhold amounts from state income tax refunds of a person obligated to pay support, to the extent necessary to reimburse the department for expenditures for medical care or expenses on behalf of a recipient if all of the following conditions apply:

1. The person is required by court or administrative order to provide medical support to a recipient.

2. The person has received payment from a third party for the costs of medical assistance

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to the recipient and has not used the payments to reimburse the costs of medical care or expenses.

94 Acts, ch 1171, §9
C95, §249A.4A
2013 Acts, ch 24, §14
C2014, §249A.52

249A.53 Recovery of payment.

1. Medical assistance paid to, or on behalf of, a recipient or paid to a provider of services is not recoverable, except as provided in subsection 2, unless the assistance was incorrectly paid. Assistance incorrectly paid is recoverable from the provider, or from the recipient, while living, as a debt due the state and, upon the recipient's death, as a claim classified with taxes having preference under the laws of this state.

2. The provision of medical assistance to an individual who is fifty-five years of age or older, or who is a resident of a nursing facility, intermediate care facility for persons with an intellectual disability, or mental health institute, who cannot reasonably be expected to be discharged and return to the individual's home, creates a debt due the department from the individual's estate for all medical assistance provided on the individual's behalf, upon the individual's death.

a. The department shall waive the collection of the debt created under this subsection from the estate of a recipient of medical assistance to the extent that collection of the debt would result in either of the following:

(1) Reduction in the amount received from the recipient's estate by a surviving spouse, or by a surviving child who was under age twenty-one, blind, or permanently and totally disabled at the time of the individual's death.

(2) Otherwise work an undue hardship as determined on the basis of criteria established pursuant to 42 U.S.C. §1396p(b)(3).

b. If the collection of all or part of a debt is waived pursuant to subsection 2, paragraph "*a*", to the extent the medical assistance recipient's estate was received by the following persons, the amount waived shall be a debt due from one of the following, as applicable:

(1) The estate of the medical assistance recipient's surviving spouse or child who is blind or has a disability, upon the death of such spouse or child.

(2) A surviving child who was under twenty-one years of age at the time of the medical assistance recipient's death, upon the child reaching the age of twenty-one or from the estate of the child if the child dies prior to reaching the age of twenty-one.

(3) The estate of the recipient of the undue hardship waiver, at the time of death of the hardship waiver recipient, or from the hardship waiver recipient when the hardship no longer exists.

c. For purposes of this section, the estate of a medical assistance recipient, surviving spouse, or surviving child includes any real property, personal property, or other asset in which the recipient, spouse, or child had any legal title or interest at the time of the recipient's, spouse's, or child's death, to the extent of such interests, including but not limited to interests in jointly held property, retained life estates, and interests in trusts.

d. For purposes of collection of a debt created by this subsection, all assets included in the estate of a medical assistance recipient, surviving spouse, or surviving child pursuant to paragraph "*c*" are subject to probate.

e. Interest shall accrue on a debt due under this subsection, at the rate provided pursuant to section 535.3, beginning six months after the death of a medical assistance recipient, surviving spouse, or surviving child.

f. (1) If a debt is due under this subsection from the estate of a recipient, the administrator of the nursing facility, intermediate care facility for persons with an intellectual disability, or mental health institute in which the recipient resided at the time of the recipient's death, and the personal representative of the recipient, if applicable, shall report the death to the department within ten days of the death of the recipient.

(2) If a personal representative or executor of an estate makes a distribution either in whole or in part of the property of an estate to the heirs, next of kin, distributees, legatees, or

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devisees without having executed the obligations pursuant to section 633.425, the personal representative or executor may be held personally liable for the amount of medical assistance paid on behalf of the recipient, to the full value of any property belonging to the estate which may have been in the custody or control of the personal representative or executor.

(3) For the purposes of this paragraph, *"executor"* means executor as defined in section 633.3, and *"personal representative"* means a person who filed a medical assistance application on behalf of the recipient or who manages the financial affairs of the recipient.

3. *a.* Following the death of an individual who is a designated beneficiary of an account established under a participation agreement pursuant to chapter 12I, all of the following shall apply to the extent permitted pursuant to chapter 12I and under federal law including section 529A of the Internal Revenue Code:

(1) The department shall not seek recovery of any account balance remaining in the designated beneficiary's account for medical assistance paid to or on behalf of the designated beneficiary on or after the date the participation agreement was entered into and the account established for the designated beneficiary.

(2) The department shall not file a claim for payment under section 529A(f) of the Internal Revenue Code.

(3) Any account balance remaining in the designated beneficiary's account may be transferred to an account for another eligible individual specified by the designated beneficiary, or if another eligible beneficiary is not so designated, then the account balance shall be transferred to the estate of the designated beneficiary or to the successor as defined in section 633.356.

b. For the purposes of this section, *"designated beneficiary"*, *"Internal Revenue Code"*, and *"participation agreement"* mean the same as defined in section 12I.1.

c. For the purposes of this section, *"eligible individual"* means the same as defined in section 529A of the Internal Revenue Code.

[C62, 66, §249A.13; C71, 73, 75, 77, 79, 81, §249A.5]

83 Acts, ch 153, §14; 94 Acts, ch 1120, §10; 95 Acts, ch 68, §2; 96 Acts, ch 1107, §1; 96 Acts, ch 1129, §65, 113; 2002 Acts, ch 1086, §2, 21; 2003 Acts, ch 62, §3; 2012 Acts, ch 1019, §97, 98; 2013 Acts, ch 24, §14

C2014, §249A.53

2021 Acts, ch 136, §7

Referred to in §97B.39, 249A.40, 523A.303, 561.19, 633.231, 633.304A, 633.356, 633.410, 633.425

249A.54 Responsibility for payment on behalf of Medicaid-eligible persons — liability of other parties.

1. It is the intent of the general assembly that a Medicaid payor be the payor of last resort for medical services furnished to recipients. All other sources of payment for medical services are primary relative to medical assistance provided by the Medicaid payor. If benefits of a third party are discovered or become available after medical assistance has been provided by the Medicaid payor, it is the intent of the general assembly that the Medicaid payor be repaid in full and prior to any other person, program, or entity. The Medicaid payor shall be repaid in full from and to the extent of any third-party benefits, regardless of whether a recipient is made whole or other creditors are paid.

2. For the purposes of this section:

a. *"Collateral"* means all of the following:

(1) Any and all causes of action, suits, claims, counterclaims, and demands that accrue to the recipient or to the recipient's agent, related to any covered injury or illness, or medical services that necessitated that the Medicaid payor provide medical assistance to the recipient.

(2) All judgments, settlements, and settlement agreements rendered or entered into and related to such causes of action, suits, claims, counterclaims, demands, or judgments.

(3) Proceeds.

b. *"Covered injury or illness"* means any sickness, injury, disease, disability, deformity, abnormality disease, necessary medical care, pregnancy, or death for which a third party is, may be, could be, should be, or has been liable, and for which the Medicaid payor is, or may be, obligated to provide, or has provided, medical assistance.

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c. "Medicaid payor" means the department or any person, entity, or organization that is legally responsible by contract, statute, or agreement to pay claims for medical assistance including but not limited to managed care organizations and other entities that contract with the state to provide medical assistance under chapter 249A.

d. "Medical service" means medical or medically related institutional or noninstitutional care, or a medical or medically related institutional or noninstitutional good, item, or service covered by Medicaid.

e. "Payment" as it relates to third-party benefits, means performance of a duty, promise, or obligation, or discharge of a debt or liability, by the delivery, provision, or transfer of third-party benefits for medical services. *"To pay"* means to make payment.

f. "Proceeds" means whatever is received upon the sale, exchange, collection, or other disposition of the collateral or proceeds from the collateral and includes insurance payable because of loss or damage to the collateral or proceeds. *"Cash proceeds"* include money, checks, and deposit accounts and similar proceeds. All other proceeds are *"noncash proceeds"*.

g. "Recipient" means a person who has applied for medical assistance or who has received medical assistance.

h. "Recipient's agent" includes a recipient's legal guardian, legal representative, or any other person acting on behalf of the recipient.

i. "Third party" means an individual, entity, or program, excluding Medicaid, that is or may be liable to pay all or a part of the expenditures for medical assistance provided by a Medicaid payor to the recipient. A third party includes but is not limited to all of the following:

(1) A third-party administrator.
(2) A pharmacy benefits manager.
(3) A health insurer.
(4) A self-insured plan.
(5) A group health plan, as defined in section 607(1) of the federal Employee Retirement Income Security Act of 1974.
(6) A service benefit plan.
(7) A managed care organization.
(8) Liability insurance including self-insurance.
(9) No-fault insurance.
(10) Workers' compensation laws or plans.
(11) Other parties that by law, contract, or agreement are legally responsible for payment of a claim for medical services.

j. "Third-party benefits" mean any benefits that are or may be available to a recipient from a third party and that provide or pay for medical services. *"Third-party benefits"* may be created by law, contract, court award, judgment, settlement, agreement, or any arrangement between a third party and any person or entity, recipient, or otherwise. *"Third-party benefits"* include but are not limited to all of the following:

(1) Benefits from collateral or proceeds.
(2) Health insurance benefits.
(3) Health maintenance organization benefits.
(4) Benefits from preferred provider arrangements and prepaid health clinics.
(5) Benefits from liability insurance, uninsured and underinsured motorist insurance, or personal injury protection coverage.
(6) Medical benefits under workers' compensation.
(7) Benefits from any obligation under law or equity to provide medical support.

3. Third-party benefits for medical services shall be primary to medical assistance provided by the Medicaid payor.

4. *a.* A Medicaid payor has all of the rights, privileges, and responsibilities identified under this section. Each Medicaid payor is a Medicaid payor to the extent of the medical assistance provided by that Medicaid payor. Therefore, Medicaid payors may exercise their Medicaid payor's rights under this section concurrently.

b. Notwithstanding the provisions of this subsection to the contrary, if the department determines that a Medicaid payor has not taken reasonable steps within a reasonable time

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to recover third-party benefits, the department may exercise all of the rights of the Medicaid payor under this section to the exclusion of the Medicaid payor. If the department determines the department will exercise such rights, the department shall give notice to third parties and to the Medicaid payor.

5. A Medicaid payor may assign the Medicaid payor's rights under this section, including but not limited to an assignment to another Medicaid payor, a provider, or a contractor.

6. After the Medicaid payor has provided medical assistance under the Medicaid program, the Medicaid payor shall seek reimbursement for third-party benefits to the extent of the Medicaid payor's legal liability and for the full amount of the third-party benefits, but not in excess of the amount of medical assistance provided by the Medicaid payor.

7. On or before the thirtieth day following discovery by a recipient of potential third-party benefits, a recipient or the recipient's agent, as applicable, shall inform the Medicaid payor of any rights the recipient has to third-party benefits and of the name and address of any person that is or may be liable to provide third-party benefits.

8. When the Medicaid payor provides or becomes liable for medical assistance, the Medicaid payor has the following rights which shall be construed together to provide the greatest recovery of third-party benefits:

a. The Medicaid payor is automatically subrogated to any rights that a recipient or a recipient's agent or legally liable relative has to any third-party benefit for the full amount of medical assistance provided by the Medicaid payor. Recovery pursuant to these subrogation rights shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement, but shall provide full recovery to the Medicaid payor from any and all third-party benefits. Equities of a recipient or a recipient's agent, creditor, or health care provider shall not defeat, reduce, or prorate recovery by the Medicaid payor as to the Medicaid payor's subrogation rights granted under this paragraph.

b. By applying for, accepting, or accepting the benefit of medical assistance, a recipient or a recipient's agent or legally liable relative automatically assigns to the Medicaid payor any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law.

(1) The assignment granted under this paragraph is absolute and vests legal and equitable title to any such right in the Medicaid payor, but not in excess of the amount of medical assistance provided by the Medicaid payor.

(2) The Medicaid payor is a bona fide assignee for value in the assigned right, title, or interest and takes vested legal and equitable title free and clear of latent equities in a third party. Equities of a recipient or a recipient's agent, creditor, or health care provider shall not defeat or reduce recovery by the Medicaid payor as to the assignment granted under this paragraph.

c. The Medicaid payor is entitled to and has an automatic lien upon the collateral for the full amount of medical assistance provided by the Medicaid payor to or on behalf of the recipient for medical services furnished as a result of any covered injury or illness for which a third party is or may be liable.

(1) The lien attaches automatically when a recipient first receives medical services for which the Medicaid payor may be obligated to provide medical assistance.

(2) The filing of the notice of lien with the clerk of the district court in the county in which the recipient's eligibility is established pursuant to this section shall be notice of the lien to all persons. Notice is effective as of the date of filing of the notice of lien.

(3) If the Medicaid payor has actual knowledge that the recipient is represented by an attorney, the Medicaid payor shall provide the attorney with a copy of the notice of lien. However, this provision of a copy of the notice of lien to the recipient's attorney does not abrogate the attachment, perfection, and notice satisfaction requirements specified under subparagraphs (1) and (2).

(4) Only one claim of lien need be filed to provide notice and shall provide sufficient notice as to any additional or after-paid amount of medical assistance provided by the Medicaid payor for any specific covered injury or illness. The Medicaid payor may, in the Medicaid payor's discretion, file additional, amended, or substitute notices of lien at any time after the

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initial filing until the Medicaid payor has been repaid the full amount of medical assistance provided by Medicaid or otherwise has released the liable parties and recipient.

(5) A release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall not be effective as against a lien created under this paragraph, unless the Medicaid payor joins in the release or satisfaction or executes a release of the lien. An acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of a lien created under this paragraph shall prima facie constitute an impairment of the lien, and the Medicaid payor is entitled to recover damages on account of such impairment. In an action on account of impairment of a lien, the Medicaid payor may recover from the person accepting the release or satisfaction or the person making the settlement the full amount of medical assistance provided by the Medicaid payor.

(6) The lack of a properly filed claim of lien shall not affect the Medicaid payor's assignment or subrogation rights provided in this subsection nor affect the existence of the lien, but shall only affect the effective date of notice.

(7) The lien created by this paragraph is a first lien and superior to the liens and charges of any provider of a recipient's medical services. If the lien is recorded, the lien shall exist for a period of seven years after the date of recording. If the lien is not recorded, the lien shall exist for a period of seven years after the date of attachment. If recorded, the lien may be extended for one additional period of seven years by rerecording the claim of lien within the ninety-day period preceding the expiration of the lien.

9. Except as otherwise provided in this section, the Medicaid payor shall recover the full amount of all medical assistance provided by the Medicaid payor on behalf of the recipient to the full extent of third-party benefits. The Medicaid payor may collect recovered benefits directly from any of the following:

a. A third party.

b. The recipient.

c. The provider of a recipient's medical services if third-party benefits have been recovered by the provider. Notwithstanding any provision of this section to the contrary, a provider shall not be required to refund or pay to the Medicaid payor any amount in excess of the actual third-party benefits received by the provider from a third party for medical services provided to the recipient.

d. Any person who has received the third-party benefits.

10. *a.* A recipient and the recipient's agent shall cooperate in the Medicaid payor's recovery of the recipient's third-party benefits and in establishing paternity and support of a recipient child born out of wedlock. Such cooperation shall include but is not limited to all of the following:

(1) Appearing at an office designated by the Medicaid payor to provide relevant information or evidence.

(2) Appearing as a witness at a court proceeding or other legal or administrative proceeding.

(3) Providing information or attesting to lack of information under penalty of perjury.

(4) Paying to the Medicaid payor any third-party benefit received.

(5) Taking any additional steps to assist in establishing paternity or securing third-party benefits, or both.

b. Notwithstanding paragraph *"a"*, the Medicaid payor has the discretion to waive, in writing, the requirement of cooperation for good cause shown and as required by federal law.

c. The department may deny or terminate eligibility for any recipient who refuses to cooperate as required under this subsection unless the department has waived cooperation as provided under this subsection.

11. On or before the thirtieth day following the initiation of a formal or informal recovery, other than by filing a lawsuit, a recipient's attorney shall provide written notice of the activity or action to the Medicaid payor.

12. A recipient is deemed to have authorized the Medicaid payor to obtain and release

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medical information and other records with respect to the recipient's medical services for the sole purpose of obtaining reimbursement for medical assistance provided by the Medicaid payor.

13. *a.* To enforce the Medicaid payor's rights under this section, the Medicaid payor may, as a matter of right, institute, intervene in, or join in any legal or administrative proceeding in the Medicaid payor's own name, and in any or a combination of any, of the following capacities:

(1) Individually.

(2) As a subrogee of the recipient.

(3) As an assignee of the recipient.

(4) As a lienholder of the collateral.

b. An action by the Medicaid payor to recover damages in an action in tort under this subsection, which action is derivative of the rights of the recipient, shall not constitute a waiver of sovereign immunity.

c. A Medicaid payor, other than the department, shall obtain the written consent of the department before the Medicaid payor files a derivative legal action on behalf of a recipient.

d. When a Medicaid payor brings a derivative legal action on behalf of a recipient, the Medicaid payor shall provide written notice no later than thirty days after filing the action to the recipient, the recipient's agent, and, if the Medicaid payor has actual knowledge that the recipient is represented by an attorney, to the attorney of the recipient, as applicable.

e. If the recipient or a recipient's agent brings an action against a third party, on or before the thirtieth day following the filing of the action, the recipient, the recipient's agent, or the attorney of the recipient or the recipient's agent, as applicable, shall provide written notice to the Medicaid payor of the action, including the name of the court in which the action is brought, the case number of the action, and a copy of the pleadings. The recipient, the recipient's agent, or the attorney of the recipient or the recipient's agent, as applicable, shall provide written notice of intent to dismiss the action at least twenty-one days before the voluntary dismissal of an action against a third party. Notice to the Medicaid payor shall be sent as specified by rule.

14. On or before the thirtieth day before the recipient finalizes a judgment, award, settlement, or any other recovery where the Medicaid payor has the right to recovery, the recipient, the recipient's agent, or the attorney of the recipient or recipient's agent, as applicable, shall give the Medicaid payor notice of the judgment, award, settlement, or recovery. The judgment, award, settlement, or recovery shall not be finalized unless such notice is provided and the Medicaid payor has had a reasonable opportunity to recover under the Medicaid payor's rights to subrogation, assignment, and lien. If the Medicaid payor is not given notice, the recipient, the recipient's agent, and the recipient's or recipient's agent's attorney are jointly and severally liable to reimburse the Medicaid payor for the recovery received to the extent of medical assistance paid by the Medicaid payor. The notice required under this subsection means written notice sent via certified mail to the address listed on the department's internet site for a Medicaid payor's third-party liability contact. The notice requirement is only satisfied for the specific Medicaid payor upon receipt by the specific Medicaid payor's third-party liability contact of such written notice sent via certified mail.

15. *a.* Except as otherwise provided in this section, the entire amount of any settlement of the recipient's action or claim involving third-party benefits, with or without suit, is subject to the Medicaid payor's claim for reimbursement of the amount of medical assistance provided and any lien pursuant to the claim.

b. Insurance and other third-party benefits shall not contain any term or provision which purports to limit or exclude payment or the provision of benefits for an individual if the individual is eligible for, or a recipient of, medical assistance, and any such term or provision shall be void as against public policy.

16. In an action in tort against a third party in which the recipient is a party and which results in a judgment, award, or settlement from a third party, the amount recovered shall be distributed as follows:

a. After deduction of reasonable attorney fees, reasonably necessary legal expenses, and filing fees, there is a rebuttable presumption that all Medicaid payors shall collectively

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receive two-thirds of the remaining amount recovered or the total amount of medical assistance provided by the Medicaid payors, whichever is less. A party may rebut this presumption in accordance with subsection 17.

b. The remaining recovered amount shall be paid to the recipient.

c. If the recovered amount available for the repayment of medical assistance is insufficient to satisfy the competing claims of the Medicaid payors, each Medicaid payor shall be entitled to the Medicaid payor's respective pro rata share of the recovered amount that is available.

17. *a.* A recipient or a recipient's agent who has notice or who has actual knowledge of the Medicaid payor's rights to third-party benefits under this section and who receives any third-party benefit or proceeds for a covered injury or illness shall on or before the sixtieth day after receipt of the proceeds pay the Medicaid payor the full amount of the third-party benefits, but not more than the total medical assistance provided by the Medicaid payor, or shall place the full amount of the third-party benefits in an interest-bearing trust account for the benefit of the Medicaid payor pending a determination of the Medicaid payor's rights to the benefits under this subsection.

b. If federal law limits the Medicaid payor to reimbursement from the recovered damages for medical expenses, a recipient may contest the amount designated as recovered damages for medical expenses payable to the Medicaid payor pursuant to the formula specified in subsection 16. In order to successfully rebut the formula specified in subsection 16, the recipient shall prove, by clear and convincing evidence, that the portion of the total recovery which should be allocated as medical expenses, including future medical expenses, is less than the amount calculated by the Medicaid payor pursuant to the formula specified in subsection 16. Alternatively, to successfully rebut the formula specified in subsection 16, the recipient shall prove, by clear and convincing evidence, that Medicaid provided a lesser amount of medical assistance than that asserted by the Medicaid payor. A settlement agreement that designates the amount of recovered damages for medical expenses is not clear and convincing evidence and is not sufficient to establish the recipient's burden of proof, unless the Medicaid payor is a party to the settlement agreement.

c. If the recipient or the recipient's agent filed a legal action to recover against the third party, the court in which such action was filed shall resolve any dispute concerning the amount owed to the Medicaid payor, and shall retain jurisdiction of the case to resolve the amount of the lien after the dismissal of the action.

d. If the recipient or the recipient's agent did not file a legal action, to resolve any dispute concerning the amount owed to the Medicaid payor, the recipient or the recipient's agent shall file a petition for declaratory judgment as permitted under rule of civil procedure 1.1101 on or before the one hundred twenty-first day after the date of payment of funds to the Medicaid payor or the date of placing the full amount of the third-party benefits in a trust account. Venue for all declaratory actions under this subsection shall lie in Polk county.

e. If a Medicaid payor and the recipient or the recipient's agent disagree as to whether a medical claim is related to a covered injury or illness, the Medicaid payor and the recipient or the recipient's agent shall attempt to work cooperatively to resolve the disagreement before seeking resolution by the court.

f. Each party shall pay the party's own attorney fees and costs for any legal action conducted under this subsection.

18. Notwithstanding any other provision of law to the contrary, when medical assistance is provided for a minor, any statute of limitation or repose applicable to an action or claim of a legally responsible relative for the minor's medical expenses is extended in favor of the legally responsible relative so that the legally responsible relative shall have one year from and after the attainment of the minor's majority within which to file a complaint, make a claim, or commence an action.

19. In recovering any payments in accordance with this section, the Medicaid payor may make appropriate settlements.

20. If a recipient or a recipient's agent submits via notice a request that the Medicaid payor provide an itemization of medical assistance paid for any covered injury or illness, the Medicaid payor shall provide the itemization on or before the sixty-fifth day following the day on which the Medicaid payor received the request. Failure to provide the itemization

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within the specified time shall not bar a Medicaid payor's recovery, unless the itemization response is delinquent for more than one hundred twenty days without justifiable cause. A Medicaid payor shall not be under any obligation to provide a final itemization until a reasonable period of time after the processing of payment in relation to the recipient's receipt of final medical services. A Medicaid payor shall not be under any obligation to respond to more than one itemization request in any one-hundred-twenty-day period. The notice required under this subsection means written notice sent via certified mail to the address listed on the department's internet site for a Medicaid payor's third-party liability contact. The notice requirement is only satisfied for the specific Medicaid payor upon receipt by the specific Medicaid payor's third-party liability contact of such written notice sent via certified mail.

21. The department may adopt rules to administer this section and applicable federal requirements.

[C79, 81, §249A.6]

83 Acts, ch 120, §1; 83 Acts, ch 153, §15; 89 Acts, ch 111, §1; 93 Acts, ch 180, §50; 94 Acts, ch 1023, §89; 2008 Acts, ch 1014, §2; 2009 Acts, ch 41, §244; 2009 Acts, ch 133, §96; 2013 Acts, ch 24, §14

C2014, §249A.54

2023 Acts, ch 158, §2

Referred to in §249A.37

249A.55 Restitution.

If restitution is ordered by the court pursuant to section 910.2, and the victim is a recipient of medical assistance for whom expenditures were made as a result of the offender's criminal activities, restitution may be made to the medical assistance program in accordance with section 910.2.

2010 Acts, ch 1093, §1

C2011, §249A.6A

2013 Acts, ch 24, §14

C2014, §249A.55

249A.56 County attorney to enforce.

It is the intent of the general assembly that violations of law relating to the family investment program, medical assistance, and supplemental assistance shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide assistance in prosecution as required.

[C79, 81, §249A.14]

85 Acts, ch 195, §27; 93 Acts, ch 97, §38; 2013 Acts, ch 24, §14

C2014, §249A.56

Referred to in §331.756(43)

249A.57 Health care facilities — penalty.

The department shall adopt rules pursuant to chapter 17A to assess and collect, with interest, a civil penalty for each day a health care facility which receives medical assistance reimbursements does not comply with the requirements of the federal Social Security Act, section 1919, as codified in 42 U.S.C. §1396r. A civil penalty shall not exceed the amount authorized under 42 C.F.R. §488.438 for health care facility violations. Any moneys collected by the department pursuant to this section shall be applied to the protection of the health or property of the residents of the health care facilities which are determined by the state or by the federal centers for Medicare and Medicaid services to be out of compliance. The purposes for which the collected moneys shall be applied may include payment for the costs of relocation of residents to other facilities, maintenance or operation of a health care facility pending correction of deficiencies or closure of the facility, and reimbursing residents for personal funds lost. If a health care facility is assessed a civil penalty under this section,

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the health care facility shall not be assessed a penalty under section 135C.36 for the same violation.

90 Acts, ch 1031, §1
C91, §249A.19
96 Acts, ch 1107, §2; 2002 Acts, ch 1050, §24; 2013 Acts, ch 24, §14
C2014, §249A.57

249A.58 Cooperation with child support services.

1. Unless exempt pursuant to state or federal law or regulation, an applicant for or recipient of medical assistance shall be required to cooperate with child support services as a condition of eligibility.

2. The department shall adopt rules pursuant to chapter 17A to administer this section.

2023 Acts, ch 104, §11

249A.59 Medicaid waivers and state plan amendments — expenditure neutrality.

1. For purposes of this section, unless the context otherwise requires, *"expenditure neutral"* means that the cost of a federally approved change to an existing, or new request for a, Medicaid waiver or state plan amendment will not result in a net increase in expenditures from the appropriation enacted for the fiscal year the change or new request is made, as certified by an actuary retained by the department.

2. *a.* The department shall not implement a change to a Medicaid waiver or a state plan amendment approved by the centers for Medicare and Medicaid services of the United States department of health and human services, or submit a new request, if the change or new request is not expenditure neutral, unless expressly approved by the general assembly through legislation prior to implementation of the change or submission of the new request.

b. The department shall not implement a change to a Medicaid waiver or a state plan amendment approved by the centers for Medicare and Medicaid services of the United States department of health and human services, or submit a new request, if the change or new request expands coverage under the Medicaid program to individuals or classes of individuals, unless expressly approved by the general assembly through legislation prior to implementation of the change or submission of the new request.

3. This section shall not apply when the department implements a federally approved change to, or submits a new request to the federal government for, a Medicaid waiver or state plan amendment that meets any of the following requirements:

a. The change or new request was submitted for federal approval prior to January 1, 2026, regardless of whether federal approval has been received by the department by January 1, 2026.

b. The change or new request is required by federal law or regulation, or is necessary to comply with federal law or regulations.

c. The change or new request is necessary to comply with a settlement agreement, consent decree, or other resolution of a state violation of the federal Medicaid program. A change or new request initiated under this paragraph shall be reported to the general assembly, with an estimate of the fiscal impact of the change or new request to the extent it is known, within thirty days of the date of the settlement agreement, consent decree, or other resolution of a state violation of the federal Medicaid program.

d. The change or new request involves the development or implementation of actuarially sound capitation rates consistent with 42 C.F.R. §438.4.

4. The department may adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1160, §13, 18
NEW section

249A.60 Medicaid — exceptions to policy.

The department shall make publicly available, pursuant to section 217.22, information on petitions for a waiver, also referred to by the department as exceptions to policy, of the rules governing the rules of department, including but not limited to the following:

1. The total number of exceptions to policy granted.

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2. The cumulative cost of the exceptions to policy that were granted.
3. The types of exceptions to policy that were granted.
4. Identifiable trends noted by the department including any of the following:
a. The number of exceptions to policy granted in a particular geographic location.
b. The types of Medicaid services that were the basis for exceptions to policy.
c. The Medicaid program classification of individuals granted exceptions to policy.

2026 Acts, ch 1160, §14, 18
NEW section

CHAPTER 249B

MEDICAL ASSISTANCE TO INSTITUTIONALIZED SPOUSES

249B.1 Definitions.
249B.2 Creation of spousal support debt.
249B.3 Notice of spousal support debt — failure to respond — hearing — order.
249B.4 Certification to court — hearing — default.
249B.5 Filing and docketing of financial responsibility order — order effective as court decree.
249B.6 Interest on spousal support debts.
249B.7 Security for payment of spousal support — forfeiture.

249B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Community spouse"* means an individual who has not resided or is not likely to reside in a hospital or a health care facility for more than twenty-nine consecutive days and is married to an institutionalized spouse.

2. *"Community spouse resource allowance"* means a resource amount established for a community spouse pursuant to state policy adopted in accordance with the federal Social Security Act, section 1924(f)(2), as codified in 42 U.S.C. §1396r-5(f)(2).

3. *"Court order"* means a judgment or order of a court of this state or another state requiring the payment of a set or determinable amount of monetary support.

4. *"Department"* means the department of health and human services.

5. *"Institutionalized spouse"* means a married individual who has resided or is likely to reside in a hospital or a health care facility for more than twenty-nine consecutive days.

6. *"Medical assistance"* means *"mandatory medical assistance"*, *"optional medical assistance"*, *"discretionary medical assistance"* or *"Medicare cost sharing"* as defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

7. *"Minimum monthly maintenance needs allowance"* or *"minimum allowance"* means the minimum monthly maintenance needs allowance established for the community spouse in accordance with Tit. XIX of the federal Social Security Act, section 1924(d)(3), as codified in 42 U.S.C. §1396r-5(d)(3).

90 Acts, ch 1098, §1; 91 Acts, ch 158, §9; 2010 Acts, ch 1061, §180; 2013 Acts, ch 138, §73; 2023 Acts, ch 19, §813

249B.2 Creation of spousal support debt.

1. Medical assistance provided to an institutionalized spouse due to the institutionalized spouse's assignment of support rights, an inability to execute an assignment of support rights, or hardship, creates a spousal support debt due and owing to the department from the community spouse in an amount equal to the medical assistance provided on behalf of the institutionalized spouse.

2. The department may recover the spousal support debt from any income or resources of the community spouse that are not exempt for medical assistance eligibility purposes and

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that are in excess of the minimum monthly maintenance needs allowance and the community spouse resource allowance.

3. When an institutionalized spouse is determined to be eligible for medical assistance pursuant to subsection 1, prior to issuing a formal notice of a spousal support debt pursuant to section 249B.3, the department shall offer to meet with the community spouse concerning creation of the spousal support debt.

90 Acts, ch 1098, §2

249B.3 Notice of spousal support debt — failure to respond — hearing — order.

1. The department shall issue a notice establishing and demanding payment of an accrued or accruing spousal support debt due and owing to the department. The notice shall be served upon the community spouse in accordance with the rules of civil procedure. The notice shall include all of the following:

a. The amount of medical assistance provided to the institutionalized spouse which creates the spousal support debt.

b. A computation of spousal support debt, the minimum monthly maintenance needs allowance, and the community spouse resource allowance.

c. A demand for immediate payment of the spousal support debt.

d. (1) A statement that if the community spouse desires to discuss the amount of support that the community spouse should be required to pay, the community spouse, within ten days after being served, may contact the unit of the department which issued the notice and request a conference.

(2) A statement that if a conference is requested, the community spouse has ten days from the date set for the conference or twenty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the unit of the department which issued the notice.

(3) A statement that after the holding of the conference, the department may issue a new notice and finding of financial responsibility to be sent to the community spouse by regular mail addressed to the community spouse's last known address, or if applicable, to the last known address of the community spouse's attorney.

(4) A statement that if the department issues a new notice and finding of financial responsibility, the community spouse has ten days from the date of issuance of the new notice or twenty days from the date of service of the original notice, whichever is later, to send a request for a hearing to the unit of the department which issued the notice.

e. A statement that if the community spouse objects to all or any part of the notice or finding of financial responsibility and no negotiation conference is requested, the community spouse, within twenty days of the date of service, shall send to the unit of the department which issued the notice, a written response setting forth any objections and requesting a hearing.

f. A statement that if a timely written request for a hearing is received by the unit of the department which issued the notice, the spouse has the right to a hearing to be held in district court; and that if no timely written response is received, the department will enter an order in accordance with the notice and finding of financial responsibility.

g. A statement that, as soon as the order is entered, the property of the community spouse is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

h. A statement that the community spouse must notify the department of any change of address or employment.

i. A statement that if the community spouse has any questions, the community spouse should telephone or visit the department or consult an attorney.

j. Other information as the department finds appropriate.

2. If a timely written response setting forth objections and requesting a hearing is received by the unit of the department which issued the notice, a hearing shall be held in district court.

3. If timely written response and request for hearing is not received by the department, the department may enter an order in accordance with the notice, and the order shall specify all of the following:

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a. The amount to be paid with directions as to the manner of payment.

b. The amount of the spousal support debt accrued and accruing in favor of the department.

c. Notice that the property of the community spouse is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

4. The community spouse shall be sent a copy of the order by regular mail addressed to the community spouse's last known address, or if applicable, to the last known address of the community spouse's attorney. The order is final, and action by the department to enforce and collect upon the order may be taken from the date of the issuance of the order.

90 Acts, ch 1098, §3; 2003 Acts, ch 112, §6
Referred to in §249B.2

249B.4 Certification to court — hearing — default.

1. If a timely written request for a hearing is received, the department shall certify the matter to the district court in the county where the institutionalized spouse resides.

2. The certification shall include true copies of the notice and finding of financial responsibility or notice of the spousal support debt accrued and accruing, the return of service, the written objections and request for hearing, and true copies of any administrative orders previously entered.

3. The district court shall set the matter for hearing and notify the parties of the time and place of hearing.

4. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the district court may find the party in default and enter an appropriate order.

90 Acts, ch 1098, §4

249B.5 Filing and docketing of financial responsibility order — order effective as court decree.

A true copy of an order entered by the department pursuant to this chapter, along with a true copy of the return of service if applicable, may be filed in the office of the clerk of the district court in the county in which the institutionalized spouse resides. Upon filing, the clerk shall enter the order in the judgment docket, and the department's order shall be presented to the district court for ex parte review and approval, and unless defects appear on the face of the order or on the attachments, the district court shall approve the order and the order has the force, effect, and attributes of a docketed order or decree of the district court.

90 Acts, ch 1098, §5

249B.6 Interest on spousal support debts.

Interest accrues on a spousal support debt at the rate provided in section 535.3 for court judgments. The department may collect the accrued interest, but is not required to maintain interest balance accounts. The department may waive payment of the interest if the waiver will facilitate the collection of the spousal support debt.

90 Acts, ch 1098, §6

249B.7 Security for payment of spousal support — forfeiture.

Upon entry of a court order or upon the failure of a community spouse to make payments pursuant to a court order, the court may require the community spouse to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the spousal support obligation under the court order. If the community spouse fails to make payments pursuant to the court order, the court may declare the security, bond, or other guarantee forfeited.

90 Acts, ch 1098, §7

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CHAPTERS 249C to 249E

RESERVED

CHAPTER 249F

TRANSFER OF ASSETS — MEDICAL ASSISTANCE DEBT

249F.1	Definitions.	249F.5	Filing and docketing of order — order effective as court decree.
249F.2	Creation of debt.	249F.6	Security for payment of debt — forfeiture.
249F.3	Notice of debt — failure to respond — hearing — order.	249F.6A	Exemption from chapter 17A.
249F.4	Certification to court — hearing — default.	249F.7	Administration.
		249F.8	Inconsistency with federal laws.

249F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of health and human services.

2. *"Medical assistance"* means *"mandatory medical assistance"*, *"optional medical assistance"*, *"discretionary medical assistance"*, or *"Medicare cost sharing"* as each is defined in section 249A.2 which is provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

3. *a. "Transfer of assets"* means any transfer or assignment of a legal or equitable interest in property, as defined in section 702.14, from a transferor to a transferee for less than fair consideration, made while the transferor is receiving medical assistance or within five years prior to application for medical assistance by the transferor. Any such transfer or assignment is presumed to be made with the intent, on the part of the transferee; transferor; or another person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary, of enabling the transferor to obtain or maintain eligibility for medical assistance or of impacting the recovery or payment of a medical assistance debt. This presumption is rebuttable only by clear and convincing evidence that the transferor's eligibility or potential eligibility for medical assistance or the impact on the recovery or payment of a medical assistance debt was no part of the reason of the transferee; transferor; or other person acting on behalf of a transferor who is an actual or implied agent, guardian, attorney-in-fact, or person acting as a fiduciary for making or accepting the transfer or assignment. A transfer of assets includes a transfer of an interest in the transferor's home, domicile, or land appertaining to such home or domicile while the transferor is receiving medical assistance, unless otherwise exempt under paragraph *"b"*.

b. However, transfer of assets does not include the following:

(1) Transfers to or for the sole benefit of the transferor's spouse, including a transfer to a spouse by an institutionalized spouse pursuant to section 1924(f)(1) of the federal Social Security Act.

(2) Transfers to or for the sole benefit of the transferor's child who is blind or has a disability as defined in section 1614 of the federal Social Security Act.

(3) Transfer of a dwelling, which serves as the transferor's home as defined in 20 C.F.R. §416.1212, to a child of the transferor under twenty-one years of age.

(4) Transfer of a dwelling, which serves as the transferor's home as defined in 20 C.F.R. §416.1212, after the transferor is institutionalized, to either of the following:

(a) A sibling of the transferor who has an equity interest in the dwelling and who was residing in the dwelling for a period of at least one year immediately prior to the date the transferor became institutionalized.

(b) A child of the transferor who was residing in the dwelling for a period of at least two years immediately prior to the date the transferor became institutionalized and who provided

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care to the transferor which permitted the transferor to reside at the dwelling rather than in an institution or facility.

(5) Transfers of less than two thousand dollars. However, all transfers by the same transferor during the five-year period prior to application for medical assistance by the transferor shall be aggregated. If a transferor transfers property to more than one transferee during the five-year period prior to application for medical assistance by the transferor, the two thousand dollar exemption shall be divided equally between the transferees.

(6) Transfers of assets that would, at the time of the transferor's application for medical assistance, have been exempt from consideration as a resource if retained by the transferor, pursuant to 42 U.S.C. §1382b(a), as implemented by regulations adopted by the secretary of the United States department of health and human services, excluding the home and land appertaining to the home.

(7) Transfers to a trust established solely for the benefit of the transferor's child who is blind or permanently and totally disabled as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. §1382c.

(8) Transfers to a trust established solely for the benefit of an individual under sixty-five years of age who is disabled, as defined in the federal Social Security Act, section 1614, as codified in 42 U.S.C. §1382c.

4. *"Transferee"* means the person who receives a transfer of assets.

5. *"Transferor"* means the person who makes a transfer of assets.

93 Acts, ch 106, §1; 96 Acts, ch 1107, §3; 96 Acts, ch 1129, §66; 97 Acts, ch 23, §23; 2000 Acts, ch 1060, §4, 5; 2010 Acts, ch 1031, §352, 353; 2010 Acts, ch 1061, §180; 2013 Acts, ch 138, §74; 2014 Acts, ch 1092, §175; 2023 Acts, ch 19, §814

249F.2 Creation of debt.

A transfer of assets creates a debt due and owing to the department from the transferee in an amount equal to medical assistance provided to or on behalf of the transferor, on or after the date of the transfer of assets, but not exceeding the fair market value of the assets at the time of the transfer.

93 Acts, ch 106, §2; 96 Acts, ch 1107, §4; 2023 Acts, ch 19, §815
Referred to in §249F.3

249F.3 Notice of debt — failure to respond — hearing — order.

1. The department may issue a notice establishing and demanding payment of an accrued or accruing debt due and owing to the department as provided in section 249F.2. The notice shall be sent by restricted certified mail as defined in section 618.15, to the transferee at the transferee's last known address. If service of the notice is unable to be completed by restricted certified mail, the notice shall be served upon the transferee in accordance with the rules of civil procedure. The notice shall include all of the following:

a. The amount of medical assistance provided to the transferor to date which creates the debt.

b. A computation of the debt due and owing.

c. A demand for immediate payment of the debt.

d. (1) A statement that if the transferee desires to discuss the notice, the transferee, within ten days after being served, may contact the department and request an informal conference.

(2) A statement that if a conference is requested, the transferee has until ten days after the date set for the conference or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department.

(3) A statement that after the holding of the conference, the department may issue a new notice to be sent to the transferee by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney.

(4) A statement that if the department issues a new notice, the transferee has until ten days after the date of mailing of the new notice or until twenty days after the date of service of the original notice, whichever is later, to send a request for a hearing to the department.

e. A statement that if the transferee objects to all or any part of the original notice and

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no conference is requested, the transferee has until twenty days after the date of service of the original notice to send a written response setting forth any objections and requesting a hearing to the department.

f. A statement that if a timely written request for a hearing is received by the department, the transferee has the right to a hearing to be held in district court as provided in section 249F.4; and that if no timely written request for hearing is received, the department will enter an order in accordance with the latest notice.

g. A statement that as soon as the order is entered, the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, or execution.

h. A statement that the transferee must notify the department of any change of address or employment.

i. A statement that if the transferee has any questions concerning the transfer of assets, the transferee should contact the department or consult an attorney.

j. Other information as the department finds appropriate.

2. If a timely written request for hearing is received by the department, a hearing shall be held in district court.

3. If a timely written request for hearing is not received by the department, the department may enter an order in accordance with the latest notice, and the order shall specify all of the following:

a. The amount to be paid with directions as to the manner of payment.

b. The amount of the debt accrued and accruing in favor of the department.

c. Notice that the property of the transferee is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

4. The transferee shall be sent a copy of the order by first-class mail addressed to the transferee at the transferee's last known address, or if applicable, to the transferee's attorney at the last known address of the transferee's attorney. The order is final, and action by the department to enforce and collect upon the order may be taken from the date of the issuance of the order.

93 Acts, ch 106, §3; 99 Acts, ch 52, §1; 2023 Acts, ch 19, §816

249F.4 Certification to court — hearing — default.

1. If a timely written request for a hearing is received, the department shall certify the matter to the district court in the county where the transferee resides.

2. The certification shall include true copies of the original notice, the return of service, if applicable, any request for an informal conference, any subsequent notices, the written request for hearing, and true copies of any administrative orders previously entered.

3. The department may also request a hearing on its own motion regarding the determination of a debt, at any time prior to entry of an administrative order.

4. The district court shall set the matter for hearing and notify the parties of the time and place of hearing.

5. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the district court may find the party in default and enter an appropriate order.

93 Acts, ch 106, §4; 99 Acts, ch 52, §2; 2023 Acts, ch 19, §817

Referred to in §249F.3

249F.5 Filing and docketing of order — order effective as court decree.

1. A true copy of an order entered by the department pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the county in which the transferee resides or, if the transferee resides in another state, in the office of the district court in the county in which the transferor resides.

2. The department order shall be presented, ex parte, to the district court for review and approval. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all force, effect, and attributes of a docketed order or decree of the district court.

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3. Upon filing, the clerk shall enter the order in the judgment docket.

93 Acts, ch 106, §5; 2023 Acts, ch 19, §818

249F.6 Security for payment of debt — forfeiture.

Upon entry of a court order or upon the failure of a transferee to make payments pursuant to a court order, the court may require the transferee to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the debt under the court order. If the transferee fails to make payments pursuant to the court order, the court may declare the security, bond, or other guarantee forfeited.

93 Acts, ch 106, §6

249F.6A Exemption from chapter 17A.

Actions initiated under this chapter are not subject to chapter 17A. Review by the district court shall be an original hearing before the district court.

2000 Acts, ch 1060, §6

249F.7 Administration.

As provided in this chapter, the establishment of a debt for medical assistance due to transfer of assets shall be administered by the department. All administrative discretion in the administration of this chapter shall be exercised by the department, and any state administrative rules implementing or interpreting this chapter shall be adopted by the department.

93 Acts, ch 106, §7; 2023 Acts, ch 19, §819

249F.8 Inconsistency with federal laws.

If it is determined by the attorney general that any provision of this chapter would cause denial of funds from the United States government under Tit. XIX of the federal Social Security Act, or would otherwise be inconsistent or conflict with the requirements of federal law for state participation in the Tit. XIX program, such provision shall be suspended, but only to the extent necessary to prevent denial of such funds or to eliminate the inconsistency or conflict with the requirements of federal law. If the attorney general makes such a suspension determination, the attorney general shall report it to the general assembly at its next session. This report shall include any recommendations in regard to corrective legislation needed to conform this chapter with federal law.

93 Acts, ch 106, §8; 2010 Acts, ch 1061, §180

CHAPTER 249G

LONG-TERM CARE ASSET PRESERVATION PROGRAM

Repealed by 2005 Acts, ch 166, §11, 13; see chapter 514H
Individuals covered by a long-term care insurance policy under the long-term care asset preservation program established in ch 249G, Code 2005, on or before November 17, 2005, are eligible to continue to receive the asset adjustment as defined under that chapter; see §514H.7

CHAPTER 249H

SENIOR LIVING PROGRAM

Repealed by 2013 Acts, ch 18, §35

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CHAPTER 249I

HOSPITAL TRUST FUND

Repealed by 2005 Acts, ch 167, §39, 66

CHAPTER 249J

IOWACARE

Repealed by its own terms; 2013 Acts, ch 138, §94, 179, 187

CHAPTER 249K

NURSING FACILITY CONSTRUCTION OR EXPANSION

249K.1 Purpose — intent.
249K.2 Definitions.
249K.3 General provisions — instant relief — nondirect care limit exception.
249K.4 Preliminary evaluation.
249K.5 Participation criteria.

249K.1 Purpose — intent.

The purpose of this chapter is to provide a mechanism to support the appropriate number of nursing facility beds for the state's citizens and to financially assist nursing facilities in remaining compliant with applicable regulations. It is the intent of this chapter that the administrative burden on both the state and nursing facilities be minimal.

2007 Acts, ch 219, §35, 41, 43

249K.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Complete replacement"* means completed construction on a new nursing facility to replace an existing licensed and certified facility. The replacement facility shall be located in the same geographical service area as the facility that is replaced and shall have the same number or fewer licensed beds than the original facility.
2. *"Department"* means the department of health and human services.
3. *"Major renovations"* means construction or facility improvements to a nursing facility in which the total amount expended exceeds seven hundred fifty thousand dollars.
4. *"Medical assistance"*, *"medical assistance program"*, or *"Medicaid program"* means the medical assistance program created pursuant to chapter 249A.
5. *"New construction"* means the construction of a new nursing facility which does not replace an existing licensed and certified facility and requires the provider to obtain a certificate of need pursuant to chapter 10A, subchapter VII.
6. *"Nondirect care component"* means the portion of the reimbursement rate under the medical assistance program attributable to administrative, environmental, property, and support care costs reported on the provider's financial and statistical report.
7. *"Nursing facility"* means a nursing facility as defined in section 135C.1.
8. *"Provider"* means a current or future owner or operator of a nursing facility that provides medical assistance program services.
9. *"Rate determination letter"* means the letter that is distributed quarterly by the Medicaid program to each nursing facility, which is based on previously submitted financial and statistical reports from each nursing facility.

2007 Acts, ch 219, §36, 41, 43; 2013 Acts, ch 138, §123, 127; 2016 Acts, ch 1073, §85, 189; 2019 Acts, ch 24, §104; 2022 Acts, ch 1131, §79; 2023 Acts, ch 19, §820; 2023 Acts, ch 119, §22

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249K.3 General provisions — instant relief — nondirect care limit exception.

1. A provider that constructs a complete replacement, makes major renovations to, or newly constructs a nursing facility may be entitled to the rate relief and exceptions provided under this chapter. The total period during which a provider may participate in any relief shall not exceed two years. The total period during which a provider may participate in any nondirect care limit exception shall not exceed ten years. A provider seeking assistance under this chapter may request both instant relief and the nondirect care limit exception.

2. If the provider requests instant relief, the following provisions shall apply:

a. The provider shall submit a written request for instant relief to the Medicaid program explaining the nature, timing, and goals of the project and the time period during which the relief is requested. The written request shall clearly state if the provider is also requesting the nondirect care limit exception. The written request for instant relief shall be submitted no earlier than thirty days prior to the placement of the provider's assets in service. The written request for relief shall provide adequate details to calculate the estimated value of relief including but not limited to the total cost of the project, the estimated annual depreciation expenses using generally accepted accounting principles, the estimated useful life based upon existing medical assistance and Medicare provisions, and a copy of the most current depreciation schedule. If interest expenses are included, a copy of the general terms of the debt service and the estimated annual amount of the interest expenses shall be submitted with the written request for relief.

b. The following shall apply to the value of relief amount:

(1) If interest expenses are disclosed, the amount of these expenses shall be added to the value of relief.

(2) The calculation of the estimated value of relief shall take into consideration the removal of existing assets and debt service.

(3) The calculation of the estimated value of relief shall be demonstrated as an amount per patient day to be added to the nondirect care component for the relevant period. The estimated annual patient days for this calculation shall be determined based upon budgeted amounts or the most recent annual total as demonstrated on the provider's Medicaid financial and statistical report. For the purposes of calculating the per diem relief, total patient days shall be the greater of the estimated annual patient days or eighty-five percent of the facility's estimated licensed capacity.

(4) The combination of the nondirect care component and the estimated value of relief shall not exceed one hundred and ten percent of the nondirect care median for the relevant period. If a nondirect care limit exception has been requested and granted, the combination of the nondirect care component and the estimated value of relief shall not exceed one hundred twenty percent of the nondirect care median for the relevant period.

c. Instant relief granted under this subsection shall begin the first day of the calendar quarter following placement of the provider's assets in service. If the required information to calculate the instant relief, as specified in paragraph "*a*", is not submitted prior to the first day of the calendar quarter following placement of the provider's assets in service, instant relief shall instead begin on the first day of the calendar quarter following receipt of the required information.

d. Instant relief granted under this subsection shall be terminated at the time of the provider's subsequent biannual rebasing when the submission of the annual cost report for the provider includes the new replacement costs and the annual property costs reflect the new assets.

e. During the period in which instant relief is granted, the Medicaid program shall recalculate the value of the instant relief based on allowable costs and patient days reported on the annual financial and statistical report. For purposes of calculating the per diem relief, total patient days shall be the greater of actual annual patient days or eighty-five percent of the facility's licensed capacity. The actual value of relief shall be added to the nondirect care component for the relevant period, not to exceed one hundred ten percent of the nondirect care median for the relevant period or not to exceed one hundred twenty percent of the nondirect care median for the relevant period if the nondirect care limit exception is requested and granted. The provider's quarterly rates for the relevant period

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shall be retroactively adjusted to reflect the revised nondirect care rate. All claims with dates of service from the date that instant relief is granted to the date that the instant relief is terminated shall be repriced to reflect the actual value of the instant relief per diem utilizing a mass adjustment.

3. If the provider requests the nondirect care limit exception, all of the following shall apply:

a. The nondirect care limit for the rate setting period shall be increased to one hundred and twenty percent of the median for the relevant period.

b. The exception period shall not exceed a period of two years. If the provider is requesting only the nondirect care limit exception, the request shall be submitted within sixty days of the release of the July 1 rate determination letters following each biannual rebasing cycle, and shall be effective the first day of the month following receipt of the request. If applicable, the provider shall identify any time period in which instant relief was granted and shall indicate how many times the instant relief or nondirect care limit exception was granted previously.

2007 Acts, ch 219, §37, 41, 43; 2023 Acts, ch 19, §821
Referred to in §249K.4

249K.4 Preliminary evaluation.

1. A provider preparing cost or other feasibility projections for a request for relief or an exception pursuant to section 249K.3 may submit a request for preliminary evaluation.

2. The request shall contain all of the information required for the type of assistance sought pursuant to section 249K.3.

3. The provider shall estimate the timing of the initiation and completion of the project to allow the department to respond with estimates of both instant relief and the nondirect care limit exception.

4. The department shall respond to a request for preliminary evaluation under this section within thirty days of receipt of the request. A preliminary evaluation does not guarantee approval of instant relief or the nondirect care limit exception upon submission of a formal request. A preliminary evaluation provides only an estimate of value of the instant relief or nondirect care limit exception based only on the projections.

2007 Acts, ch 219, §38, 41, 43

249K.5 Participation criteria.

1. The Medicaid program shall administer this chapter. The department shall adopt rules, pursuant to chapter 17A, to administer this chapter.

2. A provider requesting instant relief or a nondirect care limit exception under this chapter shall meet one of the following criteria:

a. The nursing facility for which relief or an exception is requested is in violation of life safety code requirements and changes are necessary to meet regulatory compliance.

b. The nursing facility for which relief or an exception is requested is proposing development of a home and community-based services waiver program service that meets the following requirements:

(1) The service is provided on the direct site and is a nonnursing service.

(2) The service is provided in an underserved area, which may include a rural area, and the nursing facility provides documentation of this.

(3) The service meets all federal and state requirements.

(4) The service is adult day care, consumer directed attendant care, assisted living, day habilitation, home delivered meals, personal emergency response, or respite.

c. The nursing facility for which relief or an exception is requested is proposing replacement or enhancement of an HVAC, as defined in section 105.2, system for improved infection control.

3. In addition to any other factors to be considered in determining if a provider is eligible to participate under this chapter, the Medicaid program shall consider all of the following:

a. The history of the provider's regulatory compliance.

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b. The historical access to nursing facility services for medical assistance program beneficiaries.

c. The provider's dedication to and participation in quality of care, considering all quality programs in which the provider has participated.

d. The provider's plans to facilitate person-directed care.

e. The provider's plans to facilitate dementia units and specialty post-acute services.

4. *a.* Any relief or exception granted under this chapter is temporary and shall be immediately terminated if all of the participation requirements under this chapter are not met.

b. If a provider's medical assistance program or Medicare certification is revoked, any existing exception or relief shall be terminated and the provider shall not be eligible to request subsequent relief or an exception under this chapter.

5. Following a change in ownership, relief or an exception previously granted shall continue and future rate calculations shall be determined under the provisions of 441 IAC 81.6(12) relating to termination or change of ownership of a nursing facility.

2007 Acts, ch 219, §39, 41, 43; 2022 Acts, ch 1131, §80; 2023 Acts, ch 19, §822

CHAPTER 249L

NURSING FACILITY QUALITY ASSURANCE ASSESSMENT PROGRAM

249L.1 Title.
249L.2 Definitions.
249L.3 Quality assurance assessment — imposed — collection — deposit — documentation — civil actions.
249L.4 Quality assurance trust fund — limitations of use — reimbursement adjustments to nursing facilities.

249L.1 Title.

This chapter shall be known and may be cited as the *"Quality Assurance Assessment Program"*.

2009 Acts, ch 160, §1, 5

249L.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the department of health and human services.

2. *"Direct care worker"* means an employee of a nursing facility who holds a nursing assistant certification, is employed for the purpose of nursing assistance, and provides direct care to residents, regardless of the employee's job title.

3. *"Gross revenue"* means all revenue reported by the nursing facility for patient care, room, board and services, but does not include contractual adjustments, bad debt, Medicare revenue, or revenue derived from sources other than nursing facility operations including but not limited to nonoperating revenue and other operating revenue.

4. *"Medically indigent individual"* means an individual eligible for coverage under the medical assistance program who is a resident of a Medicaid-certified nursing facility.

5. *"Nonoperating revenue"* means income from activities not relating directly to the day-to-day operations of a nursing facility such as gains on the disposal of a facility's assets, dividends, and interest from security investments, gifts, grants, and endowments.

6. *"Nursing facility"* means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit.

7. *"Other operating revenue"* means income from nonpatient care services to patients and

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from sales to and activities for persons other than patients which may include but are not limited to such activities as providing personal laundry service for patients, providing meals to persons other than patients, gift shop sales, or vending machine commissions.

8. *"Patient day"* means a calendar day of care provided to an individual resident of a nursing facility that is not reimbursed under Medicare, including the date of admission but not including the date of discharge, unless the dates of admission and discharge occur on the same day, in which case the resulting number of patient days is one patient day.

9. *"Uniform tax requirement waiver"* means a waiver of the uniform tax requirement for permissible health care-related taxes as provided in 42 C.F.R. §433.68(e)(2)(i) and (ii).

2009 Acts, ch 160, §2, 5; 2016 Acts, ch 1139, §80, 81, 83, 84; 2017 Acts, ch 174, §112, 115, 116; 2019 Acts, ch 85, §103, 105, 107; 2020 Acts, ch 1063, §95, 96; 2022 Acts, ch 1131, §52 – 54; 2023 Acts, ch 19, §823

249L.3 Quality assurance assessment — imposed — collection — deposit — documentation — civil actions.

1. *a.* A nursing facility in this state shall be assessed a quality assurance assessment for each patient day for the preceding quarter.

b. The quality assurance assessment shall be implemented as a broad-based health care-related tax as defined in 42 U.S.C. §1396b(w)(3)(B).

c. The quality assurance assessment shall be imposed uniformly upon all nursing facilities, unless otherwise provided in this chapter.

d. The aggregate quality assurance assessments imposed under this chapter shall not exceed the maximum amount that may be assessed pursuant to the indirect guarantee threshold as established pursuant to 42 C.F.R. §433.68(f)(3)(i), and shall be stated on a per-patient-day basis.

2. The quality assurance assessment shall be paid by each nursing facility to the department on a quarterly basis, or other schedule as determined by the department due to a nursing facility's noncompliance or based on an indication of a nursing facility's financial instability, after the nursing facility's medical assistance payment rates are adjusted to include funds appropriated from the quality assurance trust fund for that purpose. The department shall prepare and distribute a form upon which nursing facilities shall calculate and report the quality assurance assessment. A nursing facility shall submit the completed form with the assessment amount no later than thirty days following the end of each assessment period.

3. A nursing facility shall retain and preserve for a period of three years such books and records as may be necessary to determine the amount of the quality assurance assessment for which the nursing facility is liable under this chapter. The department may inspect and copy the books and records of a nursing facility for the purpose of auditing the calculation of the quality assurance assessment. All information obtained by the department under this subsection is confidential and does not constitute a public record.

4. The department shall collect the quality assurance assessment imposed and shall deposit all revenues collected in the quality assurance trust fund created in section 249L.4.

5. If the department determines that a nursing facility has underpaid or overpaid the quality assurance assessment, the department shall notify the nursing facility of the amount of the unpaid quality assurance assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.

6. *a.* A nursing facility that fails to pay the quality assurance assessment within the time frame specified in this section shall pay, in addition to the outstanding quality assurance assessment, a penalty of one and five-tenths percent of the quality assurance assessment amount owed for each month or portion of each month that the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the quality assurance assessment, the department shall waive the penalty or a portion of the penalty.

b. If a quality assurance assessment has not been received by the department by the last day of the month in which the payment is due, the department shall withhold an amount equal

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to the quality assurance assessment and penalty owed from any payment due such nursing facility under the medical assistance program.

c. The quality assurance assessment imposed under this chapter constitutes a debt due the state and may be collected by civil action, including but not limited to the filing of tax liens, and any other method provided for by law.

d. Any penalty collected pursuant to this subsection shall be credited to the quality assurance trust fund.

7. A nursing facility shall not knowingly pass on the quality assurance assessment to non-Medicaid payors, including as a rate increase or service charge. If a nursing facility violates this section, the department shall not reimburse the nursing facility the quality assurance assessment due the nursing facility under the medical assistance program, but shall instead only reimburse the nursing facility at the nursing facility base reimbursement rate under the medical assistance program for one year from the date the violation is discovered.

8. If federal financial participation to match the quality assurance assessments made under this section becomes unavailable under federal law, the department shall terminate the imposition of the assessments beginning on the date the federal statutory, regulatory, or interpretive change takes effect.

2009 Acts, ch 160, §3, 5; 2018 Acts, ch 1165, §93; 2023 Acts, ch 158, §10; 2024 Acts, ch 1157, §58

249L.4 Quality assurance trust fund — limitations of use — reimbursement adjustments to nursing facilities.

1. A quality assurance trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the nursing facility quality assurance assessment imposed under this chapter and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department only for reimbursement of nursing facility services for which federal financial participation under the medical assistance program is available to match state funds. Moneys appropriated from the trust fund for reimbursement of nursing facilities, in addition to the quality assurance assessment pass-through and the quality assurance assessment rate add-on which shall be used as specified in subsection 5, paragraph *"b"*, shall be used in a manner such that no less than thirty-five percent of the amount received by a nursing facility is used for increases in compensation and costs of employment for direct care workers, and no less than sixty percent of the total is used to increase compensation and costs of employment for all nursing facility staff. For the purposes of use of such funds, *"direct care worker"*, *"nursing facility staff"*, *"increases in compensation"*, and *"costs of employment"* mean as defined or specified in this chapter.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the quality assurance assessment program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and reimbursements made from the trust fund.

5. *a.* The determination of medical assistance reimbursements to nursing facilities shall continue to be calculated in accordance with the modified price-based case-mix reimbursement system as specified in 2001 Iowa Acts, ch. 192, §4, subsection 2, paragraph "*c*". In addition, moneys that are appropriated from the trust fund for reimbursements to nursing facilities that serve the medically indigent shall be used to provide the following nursing facility reimbursement rate adjustment increases within the parameters specified:

(1) A quality assurance assessment pass-through. This rate add-on shall account for the cost incurred by the nursing facility in paying the quality assurance assessment, but only with

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respect to the pro rata portion of the assessment that correlates with the patient days in the nursing facility that are attributable to medically indigent residents.

(2) A quality assurance assessment rate add-on. This rate add-on shall be calculated on a per-patient-day basis for medically indigent residents. The amount paid to a nursing facility as a quality assurance assessment rate add-on shall be ten dollars per patient day.

(3) Nursing facility payments for rebasing pursuant to 2001 Iowa Acts, ch. 192, §4, subsection 3, paragraph "*a*", subparagraph (2).

b. (1) It is the intent of the general assembly that priority in expenditure of rate adjustment increases provided to nursing facilities through the quality assurance assessment be related to the compensation and costs of employment for nursing facility staff.

(2) If the sum of the quality assurance assessment pass-through and the quality assurance assessment rate add-on is greater than the total cost incurred by a nursing facility in payment of the quality assurance assessment, no less than thirty-five percent of the difference shall be used to increase compensation and costs of employment for direct care workers and no less than sixty percent of the difference shall be used to increase compensation and costs of employment for all nursing facility staff.

(3) For the purposes of determining what constitutes increases in compensation and costs of employment the following shall apply:

(a) Increases in compensation shall include but are not limited to starting hourly wages, average hourly wages paid, and total wages including both productive and nonproductive wages, and as specified by rule of the department.

(b) Increases in total costs of employment shall include but are not limited to costs of benefit programs with specific reporting for group health plans, group retirement plans, leave benefit plans, employee assistance programs, payroll taxes, workers' compensation, training, education, career development programs, tuition reimbursement, transportation, and child care, and as specified by rule of the department.

(c) Direct care workers and nursing facility staff do not include nursing facility administrators, administrative staff, or home office staff.

(4) Each nursing facility shall submit to the department, information in a form as specified by the department and developed in cooperation with representatives of the Iowa caregivers association, the Iowa health care association, leading age Iowa, and the AARP Iowa chapter, that demonstrates compliance by the nursing facility with the requirements for use of the rate adjustment increases and other reimbursements provided to nursing facilities through the quality assurance assessment.

6. The department shall report annually to the general assembly regarding the use of moneys deposited in the trust fund and appropriated to the department.

2009 Acts, ch 160, §4, 5; 2013 Acts, ch 30, §53; 2014 Acts, ch 1026, §143; 2018 Acts, ch 1165, §94

Referred to in §249L.3

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CHAPTER 249M

HOSPITAL HEALTH CARE ACCESS ASSESSMENT PROGRAM

249M.1	Title.	249M.4	Hospital health care access trust fund.
249M.2	Definitions.	249M.5	Future repeal. Repealed by 2023 Acts, ch 112, §50, 51.
249M.3	Hospital health care access assessment program — termination of program.		

249M.1 Title.

This chapter shall be known as the "*Hospital Health Care Access Assessment Program*".

2010 Acts, ch 1135, §2, 9

249M.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Assessment"* means the hospital health care access assessment imposed pursuant to this chapter.

2. *"Department"* means the department of health and human services.

3. *"Net patient revenue"* means all revenue reported by a hospital on the hospital's 2008 Medicare cost report for acute patient care and services, but does not include contractual adjustments, charity care, bad debt, Medicare revenue, or other revenue derived from sources other than hospital operations including but not limited to nonoperating revenue, other operating revenue, skilled nursing facility revenue, physician revenue, and long-term care revenue.

4. *"Nonoperating revenue"* means income from activities not relating directly to the day-to-day operations of a hospital such as gains from disposal of a hospital's assets, dividends and interests from security investments, gifts, grants, and endowments.

5. *"Other operating revenue"* means income from nonpatient care services including but not limited to tax levy receipts, laundry services, gift shop operations, meal services to individuals other than patients, and vending machine commissions.

6. *"Participating hospital"* means a nonstate-owned hospital licensed under chapter 135B that is paid on a prospective payment system basis by Medicare and the medical assistance program for inpatient and outpatient services.

7. *"Program"* means the hospital health care access assessment program created in this chapter.

8. *"Trust fund"* means the hospital health care access trust fund created in section 249M.4.

9. *"Upper payment limit"* means the maximum ceiling imposed by federal regulation on a participating hospital's medical assistance program reimbursement for inpatient services under 42 C.F.R. §447.272 and outpatient services under 42 C.F.R. §447.321, calculated separately for hospital inpatient and outpatient services, and excluding from the calculation medical assistance program disproportionate share hospital payments.

2010 Acts, ch 1135, §3, 9; 2023 Acts, ch 19, §824

249M.3 Hospital health care access assessment program — termination of program.

1. A hospital health care access assessment is imposed on each participating hospital in this state to be used to promote access to health care services for Iowans, including those served by the medical assistance program.

2. The assessment rate for a participating hospital shall be calculated as one and twenty-six one hundredths percent of net patient revenue as specified in the hospital's fiscal year 2008 Medicare cost report.

3. If a participating hospital's fiscal year 2008 Medicare cost report is not contained in the file of the centers for Medicare and Medicaid services health care cost report information system dated June 30, 2009, the hospital shall submit a copy of the hospital's 2008 Medicare cost report to the department to allow the department to determine the hospital's net patient revenue for fiscal year 2008.

4. A participating hospital paid under the prospective payment system by Medicare and the medical assistance program that was not in existence prior to fiscal year 2008, shall submit a prospective Medicare cost report to the department to determine anticipated net patient revenue.

5. Net patient revenue as reported on each participating hospital's fiscal year 2008 Medicare cost report, or as reported under subsection 4 if applicable, shall be the sole basis for the health care access assessment for the duration of the program.

6. A participating hospital shall pay the assessment to the department in equal amounts on a quarterly basis. A participating hospital shall submit the assessment amount no later than thirty days following the end of each calendar quarter.

7. A participating hospital shall retain and preserve the Medicare cost report and financial statements used to prepare the cost report for a period of three years. All information obtained by the department under this subsection is confidential and does not constitute a public record.

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8. The department shall collect the assessment imposed and shall deposit all revenues collected in the hospital health care access trust fund created in section 249M.4.

9. If the department determines that a participating hospital has underpaid or overpaid the assessment, the department shall notify the participating hospital of the amount of the unpaid assessment or refund due. Such payment or refund shall be due or refunded within thirty days of the issuance of the notice.

10. *a.* A participating hospital that fails to pay the assessment within the time frame specified in this section shall pay, in addition to the outstanding assessment, a penalty of one and five-tenths percent of the assessment amount owed for each month or portion of each month that the payment is overdue. However, if the department determines that good cause is shown for failure to comply with payment of the assessment, the department shall waive the penalty or a portion of the penalty.

b. If an assessment is not received by the department by the last day of the month in which the payment is due, the department shall withhold an amount equal to the assessment and penalty owed from any payment due such participating hospital under the medical assistance program.

c. The assessment imposed under this chapter constitutes a debt due the state and may be collected by civil action under any method provided for by law.

d. Any penalty collected pursuant to this subsection shall be credited to the hospital health care access trust fund created in section 249M.4.

11. If the federal government fully funds Iowa's medical assistance program, if federal law changes to negatively impact the assessment program as determined by the department, or if a federal audit determines the assessment program is invalid, the department shall terminate the imposition of the assessment and the program beginning on the date the federal statutory, regulatory, or interpretive change takes effect.

2010 Acts, ch 1135, §4, 9; 2011 Acts, ch 34, §63

249M.4 Hospital health care access trust fund.

1. A hospital health care access trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the hospital health care access assessment imposed under this chapter and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department to reimburse participating hospitals the medical assistance program upper payment limit for inpatient and outpatient hospital services as calculated in this section. Following payment of such upper payment limit to participating hospitals, any remaining funds in the trust fund on an annual basis may be used for any of the following purposes:

a. To support medical assistance program utilization shortfalls.

b. To maintain the state's capacity to provide access to and delivery of services for vulnerable Iowans.

c. To support access to health care services for uninsured Iowans.

d. To support Iowa hospital programs and services which expand access to health care services for Iowans.

3. The trust fund shall be separate from the general fund of the state and shall not be considered part of the general fund. The moneys in the trust fund shall not be considered revenue of the state, but rather shall be funds of the hospital health care access assessment program. The moneys deposited in the trust fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the trust fund shall be credited to the trust fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the trust fund and reimbursements and expenditures as specified in this chapter made from the trust fund.

5. *a.* Beginning July 1, 2010, or the implementation date of the hospital health care access assessment program as determined by receipt of approval from the centers for Medicare and Medicaid services of the United States department of health and human services, whichever

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is later, the department shall increase the diagnostic related groups and ambulatory patient classifications base rates to provide payments to participating hospitals at the Medicare upper payment limit for the fiscal year beginning July 1, 2010, calculated as of July 31, 2010. Each participating hospital shall receive the same percentage increase, but the percentage may differ depending on whether the basis for the base rate increase is the diagnostic related groups or ambulatory patient classifications.

b. The percentage increase shall be calculated by dividing the amount calculated under subparagraph (1) by the amount calculated under subparagraph (2) as follows:

(1) The amount under the Medicare upper payment limit for the fiscal year beginning July 1, 2010, for participating hospitals.

(2) The projected expenditures for participating hospitals for the fiscal year beginning July 1, 2010, as determined by the department, plus the amount calculated under subparagraph (1).

6. For the fiscal year beginning July 1, 2011, and for each fiscal year beginning July 1, thereafter, the payments to participating hospitals shall continue to be calculated based on the upper payment limit as calculated for the fiscal year beginning July 1, 2010.

7. Reimbursement of participating hospitals shall incorporate the rebasing process for inpatient and outpatient services for state fiscal year 2012. However, the total amount of increased funding available for reimbursement attributable to rebasing shall not exceed four million five hundred thousand dollars for state fiscal year 2012 and six million dollars for state fiscal year 2013.

8. Any payments to participating hospitals under this section shall result in budget neutrality to the general fund of the state.

2010 Acts, ch 1135, §5, 9; 2013 Acts, ch 138, §124, 127; 2019 Acts, ch 85, §69; 2023 Acts, ch 19, §825; 2025 Acts, ch 120, §16, 21

Referred to in §249M.2, 249M.3
2025 amendment to subsection 2 effective July 1, 2026; 2025 Acts, ch 120, §21
Subsection 2 amended

249M.5 Future repeal. Repealed by 2023 Acts, ch 112, §50, 51.

CHAPTER 249N

IOWA HEALTH AND WELLNESS PLAN

Referred to in §135G.3A

249N.1 Title.
249N.2 Definitions.
249N.3 Purpose — establishment of Iowa health and wellness plan — limitation.
249N.4 Iowa health and wellness plan — eligibility.
249N.4A Work requirements.
249N.5 Iowa health and wellness plan — covered benefits — administration.
249N.6 Iowa health and wellness plan provider network.
249N.7 Member financial participation.
249N.8 Behavioral health services reports.

249N.1 Title.

This chapter shall be known and may be cited as the "*Iowa Health and Wellness Plan*".

2013 Acts, ch 138, §166, 187

249N.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Accountable care organization"* means a risk-bearing, integrated health care organization characterized by a payment and care delivery model that ties provider reimbursement to quality metrics and reductions in the total cost of care for an attributed population of patients.

2. *"Affordable Care Act"* means the federal Patient Protection and Affordable Care Act,

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Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.

3. *"Covered benefits"* means covered benefits as specified in section 249N.5.

4. *"Department"* means the department of health and human services.

5. *"Director"* means the director of health and human services.

6. *"Eligible individual"* means an individual eligible for medical assistance pursuant to section 249A.3, subsection 1, paragraph *"v"*.

7. *"Essential health benefits"* means essential health benefits as defined in section 1302 of the Affordable Care Act, that include at least the general categories and the items and services covered within the categories of ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care.

8. *"Federal approval"* means approval by the centers for Medicare and Medicaid services of the United States department of health and human services.

9. *"Federal poverty level"* means the most recently revised poverty income guidelines published by the United States department of health and human services.

10. *"Household income"* means household income as determined using the modified adjusted gross income methodology pursuant to section 2002 of the Affordable Care Act.

11. *"Iowa health and wellness plan"* or *"plan"* means the Iowa health and wellness plan established under this chapter.

12. *"Iowa health and wellness plan provider"* means any provider enrolled in the medical assistance program or any participating accountable care organization.

13. *"Iowa health and wellness plan provider network"* means the health care delivery network approved by the department for Iowa health and wellness plan members.

14. *"Medical assistance program"*, *"Medicaid program"*, or *"Medicaid"* means the program paying all or part of the costs of care and services provided to an individual pursuant to chapter 249A and Tit. XIX of the federal Social Security Act.

15. *"Medical home"* means a team approach to providing health care that originates in a primary care setting; fosters a partnership among the patient, the personal provider, and other health care professionals, and where appropriate, the patient's family; utilizes the partnership to access and integrate all medical and nonmedical health-related services across all elements of the health care system and the patient's community as needed by the patient and the patient's family to achieve maximum health potential; maintains a centralized, comprehensive record of all health-related services to promote continuity of care; and has all of the following characteristics:

a. A personal provider.

b. A provider-directed team-based medical practice.

c. Whole-person orientation.

d. Coordination and integration of care.

e. Quality and safety.

f. Enhanced access to health care.

g. A payment system that appropriately recognizes the added value provided to patients who have a patient-centered medical home.

16. *"Member"* means an eligible individual who is enrolled in the Iowa health and wellness plan.

17. *"Participating accountable care organization"* means an accountable care organization approved by the department to participate in the Iowa health and wellness plan provider network.

18. *"Personal provider"* means the patient's first point of contact in the health care system with a primary care provider who identifies the patient's health-related needs and, working with a team of health care professionals and providers of medical and nonmedical health-related services, provides for and coordinates appropriate care to address the health-related needs identified.

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19. *"Preventive care services"* means care that is provided to an individual to promote health, prevent disease, or diagnose disease.

20. *"Primary care provider"* includes but is not limited to any of the following licensed or certified health care professionals who provide primary care:

a. A physician who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist.

b. An advanced registered nurse practitioner.

c. A physician associate.

d. A chiropractor.

21. *"Primary medical provider"* means the personal provider trained to provide first contact and continuous and comprehensive care to a member, chosen by a member or to whom a member is assigned under the Iowa health and wellness plan.

22. *"Value-based reimbursement"* means a payment methodology that links provider reimbursement to improved performance by health care providers by holding health care providers accountable for both the cost and quality of care provided.

2013 Acts, ch 138, §167, 187; 2017 Acts, ch 148, §6, 7; 2023 Acts, ch 19, §826; 2026 Acts, ch 1008, §3

Referred to in §249A.3
Code editor directive applied

249N.3 Purpose — establishment of Iowa health and wellness plan — limitation.

1. The purpose of this chapter is to establish and provide for the administration of an Iowa health and wellness plan to promote all of the following:

a. Increased access to health care through a patient-centered, integrated health care system.

b. Improved quality health care outcomes.

c. Incentives to encourage personal responsibility, cost-conscious utilization of health care, and adoption of preventive practices and healthy behaviors.

d. Health care cost containment and minimization of administrative costs.

2. The Iowa health and wellness plan is established within the medical assistance program and shall be administered by the department. Except as otherwise specified in this chapter, provisions applicable to the medical assistance program pursuant to chapter 249A shall be applicable to the Iowa health and wellness plan.

3. The department may contract with a third-party administrator to provide eligibility determination support, and to administer enrollment, member outreach, and other components of the Iowa health and wellness plan.

4. The provisions of this chapter shall not be construed and are not intended to affect the provision of services to medical assistance program recipients existing on January 1, 2014.

5. *a.* If the methodology for calculating the federal medical assistance percentage for eligible individuals, as provided in 42 U.S.C. §1396d(y), is modified through federal law or regulation, in a manner that reduces the percentage of federal assistance to the state in a manner inconsistent with 42 U.S.C. §1396d(y), or if federal law or regulation affecting eligibility or benefits for the Iowa health and wellness plan is modified, the department may implement an alternative plan as specified in the medical assistance state plan or waiver for coverage of the affected population, subject to prior, statutory approval of implementation of the alternative plan.

b. If the methodology for calculating the federal medical assistance percentage for eligible individuals, as provided in 42 U.S.C. §1396d(y), is modified through federal law or regulation resulting in a reduction of the percentage of federal assistance to the state below ninety percent but not below eighty-five percent, the medical assistance program reimbursement rates for inpatient and outpatient hospital services shall be reduced by a like percentage in the succeeding fiscal year, subject to prior, statutory approval of implementation of the reduction.

2013 Acts, ch 138, §168, 187

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249N.4 Iowa health and wellness plan — eligibility.

1. Except as otherwise provided in this chapter, an individual may participate in the Iowa health and wellness plan if the individual meets all of the following criteria:

a. Is an eligible individual.

b. Meets the citizenship or alienage requirements of the medical assistance program, is a resident of Iowa, and provides a social security number upon application for the plan.

c. Fulfills all other conditions of participation in the Iowa health and wellness plan, including member financial participation pursuant to section 249N.7.

2. An individual who has access to affordable employer-sponsored health care coverage, as defined by rule of the department to align with regulations adopted by the federal internal revenue service under the Affordable Care Act, shall not be eligible for participation in the Iowa health and wellness plan.

3. Each applicant for the Iowa health and wellness plan shall provide to the department all insurance information required by the health insurance premium payment program in accordance with rules adopted by the department.

a. The department may elect to pay the cost of premiums for applicants with access to employer-sponsored health care coverage if the department determines such payment to be cost-effective.

b. Eligibility for the Iowa health and wellness plan is a qualifying event under the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

c. If premium payment is provided under this subsection for employer-sponsored health care coverage, the Iowa health and wellness plan shall supplement such coverage as necessary to provide the covered benefits specified under section 249N.5.

4. The department shall implement the Iowa health and wellness plan in a manner that ensures that the Iowa health and wellness plan is the payor of last resort.

5. A member is eligible for coverage effective the first day of the month of application for enrollment. The department shall not adopt rules or submit a request for a waiver or state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services to permit the department to provide program eligibility prior to the month in which the individual submits a completed application for enrollment.

6. Following initial enrollment, a member is eligible for covered benefits for twelve months, subject to program termination and other limitations otherwise specified in this chapter. The department shall review the member's eligibility on at least an annual basis.

2013 Acts, ch 138, §169, 187; 2026 Acts, ch 1160, §9, 18
Subsection 5 amended

249N.4A Work requirements.

1. The department shall request any federal approval necessary to include work requirements as a condition of a member maintaining eligibility for the Iowa health and wellness plan.

2. The goal of including work requirements is to reduce the dependence of low-income Iowans on public assistance programs through efforts that advance economic stability and mobility.

3. The department shall require as a condition of maintaining eligibility for the Iowa health and wellness plan that a member work at least eighty hours each month, as determined by the department.

4. The department shall exempt an individual from the work requirements for the Iowa health and wellness plan if the individual meets any of the following criteria:

a. The individual is under nineteen years of age.

b. The individual is sixty-five years of age or older.

c. The individual is determined to be disabled by the United States social security administration.

d. The individual is identified as medically frail or medically exempt under the Medicaid program.

e. The individual is a caretaker of a dependent child under six years of age.

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f. The individual is pregnant and the pregnancy is high risk.

g. The individual is receiving unemployment compensation as determined by the department of workforce development.

h. The individual is participating in substance use disorder treatment, not to exceed a consecutive six-month period.

i. The individual is otherwise exempt for good cause as determined by the director.

5. To maximize fiscal stability and administrative efficiency, any exemption applied under the Iowa health and wellness plan shall be substantially similar to the exemptions applied under other public assistance programs.

6. Upon the department's receipt of federal approval, and the department's operationalizing of a real-time system to facilitate recipient reporting and department evaluation efforts, the department shall implement work requirements as a condition of maintaining eligibility for the Iowa health and wellness plan. The department shall adopt rules pursuant to chapter 17A as necessary to administer the work requirements for the Iowa health and wellness plan.

7. The department may resubmit a request for federal approval submitted under subsection 1 if the initial request is denied or withdrawn for any reason.

8. If the department receives federal approval to include work requirements as a condition of a member maintaining eligibility for the Iowa health and wellness plan, and if federal law or regulations affecting work requirements for the Iowa health and wellness plan are modified to exclude work requirements as a condition of a member maintaining eligibility as provided in this section, the department shall discontinue the Iowa health and wellness plan, subject to federal approval. If, under federal law, the department is not allowed to discontinue the Iowa health and wellness plan, the department may implement an alternative plan as specified in the medical assistance state plan or waiver for coverage of the affected population, subject to prior statutory approval of implementation of the alternative plan.

2025 Acts, ch 133, §1, 2

249N.5 Iowa health and wellness plan — covered benefits — administration.

1. Iowa health and wellness plan members shall receive coverage for benefits as specified in section 249A.3, subsection 1, paragraph "*v*".

2. *a.* For members whose household income is at or below one hundred percent of the federal poverty level, the plan shall be administered by the Medicaid program consistent with program administration applicable to individuals under section 249A.3, subsection 1.

b. For members whose household income is above one hundred percent but not in excess of one hundred thirty-three percent of the federal poverty level, the plan shall be administered through provision of premium assistance for the purchase of the covered benefits through the American health benefits exchange created pursuant to the Affordable Care Act. The department may pay premiums and supplemental cost-sharing subsidies directly to qualified health plans participating in the American health benefits exchange created pursuant to the Affordable Care Act on behalf of the member.

2013 Acts, ch 138, §170, 187; 2023 Acts, ch 19, §827

Referred to in §249N.2, 249N.4

249N.6 Iowa health and wellness plan provider network.

1. The Iowa health and wellness plan provider network shall include all providers enrolled in the medical assistance program and all participating accountable care organizations. Reimbursement under this chapter shall only be made to such Iowa health and wellness plan providers for covered benefits.

2. *a.* Upon enrollment, a member shall choose a primary medical provider and, to the extent feasible, shall also choose a medical home within the Iowa health and wellness plan provider network.

b. If the member does not choose a primary medical provider or a medical home, the department shall assign the member to a primary medical provider or a medical home in accordance with the Medicaid managed health care, mandatory enrollment provisions

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specified in rules adopted by the department pursuant to chapter 249A and in accordance with quality data available to the department.

c. The department shall develop a mechanism for primary medical providers, medical homes, and participating accountable care organizations to jointly facilitate member care coordination. The Iowa health and wellness plan shall provide for reimbursement of care coordination services provided under the plan.

3. *a.* The department shall provide procedures for accountable care organizations that emerge through local markets to participate in the Iowa health and wellness plan provider network. Such accountable care organizations shall incorporate the medical home as a foundation and shall emphasize whole-person orientation and coordination and integration of both clinical services and nonclinical community and social supports that address social determinants of health. A participating accountable care organization shall enter into a contract with the department to ensure the coordination and management of the health of attributed members, to produce quality health care outcomes, and to control overall cost.

b. The department shall establish by rule in accordance with chapter 17A the qualifications, contracting processes, and contract terms for a participating accountable care organization. The rules shall also establish a methodology for attribution of a member to a participating accountable care organization.

c. A participating accountable care organization contract shall establish accountability based on quality performance and total cost-of-care metrics for the attributed population. In developing quality performance standards, the department shall consider those utilized by state accountable care organization models including but not limited to the quality index score and the Medicare shared savings program quality reporting metrics. The payment models shall include but are not limited to risk sharing, including both shared savings and shared costs, between the state and the participating accountable care organization, and bonus payments for improved quality. The contract terms shall require that a participating accountable care organization is subject to shared savings beginning with the initial year of the contract, must have quality metrics in place within three years of the initial year of the contract, and must participate in risk sharing within five years of the initial year of the contract.

4. To the greatest extent possible, members shall have a choice of providers within the Iowa health and wellness plan provider network to facilitate access to locally-based health care providers and services. However, member choice may be limited by the results of attribution under this section and by the participating accountable care organization, with prior approval of the department, if the member's health condition would benefit from limiting the member's choice of an Iowa health and wellness plan provider to ensure coordination of services, or due to overutilization of covered benefits. The participating accountable care organization shall provide thirty days' notice to the member prior to limitation of such choice.

5. *a.* An Iowa health and wellness plan provider shall be reimbursed for covered benefits under the Iowa health and wellness plan utilizing the same reimbursement methodology as that applicable to individuals eligible for medical assistance under section 249A.3, subsection 1.

b. Notwithstanding paragraph "*a*", a participating accountable care organization under contract with the department shall be reimbursed utilizing a value-based reimbursement methodology.

6. *a.* Iowa health and wellness plan providers shall exchange member health information as provided by rule to facilitate coordination and management of members' health, quality health care outcomes, and containment of and reduction in costs.

b. The department shall provide the health care claims data of attributed members to a member's participating accountable care organization on a timeframe established by rule of the department.

2013 Acts, ch 138, §171, 187; 2017 Acts, ch 148, §8, 9

249N.7 Member financial participation.

1. Membership in the Iowa health and wellness plan shall require payment of monthly

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contributions for members whose household income is at or above fifty percent of the federal poverty level. Members shall be subject to copayment amounts applicable only to nonemergency use of a hospital emergency department. Total member cost-sharing, annually, shall align with the cost-sharing limitations requirements for the American health benefits exchanges under the Affordable Care Act. Contributions and copayment amounts shall be established by rule of the department.

2. Contributions shall be waived for a member during the initial year of membership. If a member completes all required preventive care services and wellness activities as specified by rule of the department during the initial year of membership, contributions shall be waived during the subsequent year of membership and each year thereafter until such time as the member fails to complete required preventive care services and wellness activities specified during the prior annual membership period.

2013 Acts, ch 138, §172, 187
Referred to in §249N.4

249N.8 Behavioral health services reports.

The department shall annually submit a report to the governor and the general assembly with details related to the department's review of the funds administered by, and the outcomes and effectiveness of, the behavioral health services provided by, the behavioral health service system established in section 225A.3.

2013 Acts, ch 138, §173, 187; 2021 Acts, ch 177, §84, 108; 2024 Acts, ch 1161, §104, 137

CHAPTER 249O

HOSPITAL DIRECTED PAYMENT PROGRAM

249O.1 Definitions.
249O.2 Hospital directed payment program.

249O.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Centers for Medicare and Medicaid services"* means the centers for Medicare and Medicaid services of the United States department of health and human services.
2. *"Department"* means the department of health and human services.
3. *"Hospital"* means a nonstate-owned hospital licensed by the state.
4. *"Hospital directed payment program"* means a program that provides a state directed payment to a hospital for inpatient and outpatient hospital services.
5. *"State directed payment"* means the same as defined in 42 C.F.R. §438.2.

2025 Acts, ch 169, §40

249O.2 Hospital directed payment program.

1. Unless otherwise authorized by the general assembly through legislation, the department shall continue to implement a hospital directed payment program under this chapter utilizing rates up to the maximum amount as permitted under 42 C.F.R. §438.6.

2. Prior to the department administering a hospital directed payment program under this chapter for any specific fiscal year, the department shall submit any authorizing documentation necessary to the centers for Medicare and Medicaid services for approval. Upon receipt of approval from the centers for Medicare and Medicaid services, the department shall administer the hospital directed payment program during the specified fiscal year.

3. *a.* For the sole purpose of the hospital directed payment program, the department may impose an assessment on a hospital. The total amount of assessments collected by the department shall not exceed the amount necessary to fully fund the nonfederal share of the maximum state directed payment allowed under federal regulations.

b. The department shall establish requirements for timely payment of an assessment, and

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any penalties for late payment or nonpayment of an assessment. Any assessment imposed under this section shall constitute a debt due the state and may be collected by civil action under any method provided by law.

c. The department and a third-party administrator contracted with the department may collectively assess and collect an administrative fee of no more than four percent of the amount of each assessment imposed.

4. Any assessments and penalties collected under this section shall be used for the purposes of the hospital directed payment program.

5. *a.* The hospital directed payment program shall not be administered, an assessment shall not be imposed, and a hospital shall not be required to pay an assessment if federal financial participation is not available, or if the hospital directed payment program and imposition of an assessment are not approved by the centers for Medicare and Medicaid services.

b. If federal law or policy significantly impacts the hospital directed payment program as determined by the department, the department, in collaboration with stakeholders, may terminate the hospital directed payment program.

6. The department shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

2025 Acts, ch 169, §41; 2026 Acts, ch 1160, §16, 18
NEW subsection 1 and former subsections 1 – 5 renumbered as 2 – 6

CHAPTER 250
RESERVED

CHAPTER 251
EMERGENCY RELIEF ADMINISTRATION

Referred to in §235.7

Child and family services, see chapter 234

251.1	Definitions.	251.5	Duties of the advisory board.
251.2	Administration of emergency relief.	251.6	County supervisors to determine emergency relief and work projects.
251.3	Powers and duties.		
251.4	Grants from state funds to counties.	251.7	County appointees to act as executive officers.

251.1 Definitions.

As used in this chapter:

1. *"Department"* means the department of health and human services.
2. *"Director"* means the director of health and human services.

[C71, 73, 75, 77, 79, 81, §251.1]
83 Acts, ch 96, §157, 159; 2018 Acts, ch 1041, §65; 2023 Acts, ch 19, §828

251.2 Administration of emergency relief.

The department, in addition to all other powers and duties given the department by law, is charged with the supervision and administration of all funds received by the state for emergency relief.

[C39, §**3828.067;** C46, 50, 54, 58, 62, 66, §251.1; C71, 73, 75, 77, 79, 81, §251.2]
2023 Acts, ch 19, §829

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251.3 Powers and duties.

The director shall have the power to do all of the following:

1. Appoint personnel as necessary for the efficient discharge of the duties imposed on the director and make rules and regulations necessary or advisable relating to the director's activities and those of the advisory boards created under section 217.43, concerning emergency relief.

2. Join and cooperate with the government of the United States, or any of its appropriate agencies or instrumentalities, in any emergency relief activity.

3. Make reports of budget estimates to the governor and the general assembly as required by law or as necessary to obtain appropriations of funds for emergency relief and for all the purposes of this chapter.

4. Determine the need for funds in the various counties of the state basing such determination upon the amount of money needed in the various counties to provide adequate emergency relief, and upon the counties' financial inability to provide such relief from county funds. The director may administer state funds within the various counties of the state to supplement local funds as needed.

5. Make reports, obtain and furnish information as required by the governor, the general assembly, or any other appropriate state or federal office or agency, and make an annual report of the department's emergency relief activities.

[C39, §**3828.068;** C46, 50, 54, 58, 62, 66, §251.2; C71, 73, 75, 77, 79, 81, §251.3]

93 Acts, ch 54, §6; 2001 Acts, 2nd Ex, ch 4, §4, 9; 2023 Acts, ch 19, §830

251.4 Grants from state funds to counties.

The department may require as a condition of making state assistance available to counties for emergency relief purposes, that the county boards of supervisors establish budgets in respect to the relief situation in the counties.

[C39, §**3828.069;** C46, 50, 54, 58, 62, 66, §251.3; C71, 73, 75, 77, 79, 81, S81, §251.4; 81 Acts, ch 117, §1035]

83 Acts, ch 123, §101, 209; 2023 Acts, ch 19, §831

251.5 Duties of the advisory board.

The advisory board created in section 217.43 shall perform the following activities in the counties represented on the board concerning emergency relief:

1. Cooperate with a county's board of supervisors in all matters pertaining to administration of relief.

2. At the request of a county's board of supervisors, prepare requests for grants of state funds.

3. At the request of a county's board of supervisors, administer county relief funds.

4. In a county receiving grants of state funds upon approval of the director of the department of administrative services and the county's board of supervisors, administer both state and county relief funds.

5. Perform other duties as may be prescribed by the department and a county's board of supervisors.

[C39, §**3828.070;** C46, 50, 54, 58, 62, 66, §251.4; C71, 73, 75, 77, 79, 81, S81, §251.5; 81 Acts, ch 117, §1036]

93 Acts, ch 54, §7; 2001 Acts, 2nd Ex, ch 4, §5, 9; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §832

Referred to in §331.381

251.6 County supervisors to determine emergency relief and work projects.

The county board of supervisors shall supervise administration of emergency relief, and shall determine the minimum amount of relief required for each person or family,

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which persons are employable, and whether and under what conditions persons receiving emergency relief may be employed by the county.

[C39, §**3828.071;** C46, 50, 54, 58, 62, 66, §251.5; C71, 73, 75, 77, 79, 81, S81, §251.6; 81 Acts, ch 117, §1037]

2023 Acts, ch 19, §833

Referred to in §331.381

251.7 County appointees to act as executive officers.

The county board of supervisors may appoint a person to serve as the executive officer of the advisory board in all matters pertaining to relief for that county.

[C39, §**3828.072;** C46, 50, 54, 58, 62, 66, §251.6; C71, 73, 75, 77, 79, 81, S81, §251.7; 81 Acts, ch 117, §1038]

93 Acts, ch 54, §8; 2001 Acts, 2nd Ex, ch 4, §6, 9; 2023 Acts, ch 19, §834

CHAPTER 252

SUPPORT OF THE POOR

Referred to in §217.30, 232.159, 235.7, 331.381, 331.427

252.1 "Poor person" defined.
252.2 through 252.9 Repealed by 2015 Acts, ch 14, §3.
252.10 through 252.12 Reserved.
252.13 Recovery by county.
252.14 Homestead — when liable.
252.15 Recovery by relative. Repealed by 2015 Acts, ch 14, §3.
252.16 Settlement — how acquired. Repealed by 2018 Acts, ch 1137, §30.
252.17 Settlement continues. Repealed by 2018 Acts, ch 1137, §30.
252.18 Foreign paupers. Repealed by 2018 Acts, ch 1137, §30.
252.19 through 252.21 Reserved.
252.22 Contest between counties — chapter applicable to county public hospitals. Repealed by 2018 Acts, ch 1137, §30.
252.23 Legal settlement disputes. Repealed by 2018 Acts, ch 1137, §30.
252.24 County of residence liable — exception.
252.25 County general assistance.
252.26 General assistance director.
252.27 Form of assistance — condition.
252.28 through 252.32 Reserved.
252.33 Application for assistance.
252.34 Reserved.
252.35 Payment of claims.
252.36 Reserved.
252.37 Appeal to supervisors.
252.38 through 252.41 Reserved.
252.42 Cooperation on work-assistance projects.

252.1 "Poor person" defined.

The words "*poor*" and "*poor person*" as used in this chapter shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor; but this section shall not be construed to forbid aid to needy persons who have some means, when the board shall be of opinion that the same will be conducive to their welfare and the best interests of the public.

[C97, §2252; C24, 27, 31, 35, §5297; C39, §**3828.073;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.1]

252.2 through 252.9 Repealed by 2015 Acts, ch 14, §3.

252.10 through 252.12 Reserved.

252.13 Recovery by county.

Any county having expended money for the assistance or support of a poor person under this chapter, may recover the money as follows:

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1. If the poor person is living, from the person if the person becomes able, by action brought within two years after the person becomes able.

2. *a.* If the poor person is deceased, from the person's estate, by filing the claim as provided by law.

b. There shall be allowed against the person's estate a claim of the sixth class for that portion of the liability to the county which exceeds the total amount of all claims of the first through the fifth classes, inclusive, as defined in section 633.425, which are allowed against that estate.

[C51, §806; R60, §1374; C73, §1350; C97, §2222; C24, 27, 31, 35, §5309; C39, §**3828.085;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.13]

92 Acts, ch 1212, §11; 2014 Acts, ch 1026, §54; 2015 Acts, ch 14, §1

Referred to in §252.14

Claims against estate, §633.410 et seq.

252.14 Homestead — when liable.

When expenditures have been made for and on behalf of a poor person and the person's family, as contemplated by section 252.13, the homestead of such poor person is liable for such expenditures when such poor person dies without leaving a surviving spouse, or child, as defined in section 234.1.

[C31, 35, §5309-c1; C39, §**3828.086;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.14]

Debts for which homestead liable, see §561.21

252.15 Recovery by relative. Repealed by 2015 Acts, ch 14, §3.

252.16 Settlement — how acquired. Repealed by 2018 Acts, ch 1137, §30.

252.17 Settlement continues. Repealed by 2018 Acts, ch 1137, §30.

252.18 Foreign paupers. Repealed by 2018 Acts, ch 1137, §30.

252.19 through 252.21 Reserved.

252.22 Contest between counties — chapter applicable to county public hospitals. Repealed by 2018 Acts, ch 1137, §30.

252.23 Legal settlement disputes. Repealed by 2018 Acts, ch 1137, §30.

252.24 County of residence liable — exception.

1. The county of residence, as defined in section 331.190, shall be liable to the county granting assistance for all reasonable charges and expenses incurred in the assistance and care of a poor person.

2. When assistance is furnished by any governmental agency of the county, township, or city, the assistance shall be deemed to have been furnished by the county in which the agency is located and the agency furnishing the assistance shall certify the correctness of the costs of the assistance to the board of supervisors of that county and that county shall collect from the person's county of residence. The amounts collected by the county where the agency is located shall be paid to the agency furnishing the assistance. This statute applies to services and supplies furnished as provided in section 139A.18.

3. This section shall apply to assistance or maintenance provided through the behavioral health service system established in section 225A.3.

[C51, §815; R60, §1383; C73, §1358; C97, §2229; C24, 27, 31, 35, §5319; C39, §**3828.096;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.24]

92 Acts, ch 1212, §14; 2000 Acts, ch 1066, §44; 2012 Acts, ch 1120, §125, 130; 2018 Acts, ch 1137, §26; 2024 Acts, ch 1161, §105, 137

252.25 County general assistance.

1. The board of supervisors of each county shall provide for the assistance of poor

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persons lawfully in the county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs. The county board of supervisors shall establish general rules as the board's members deem necessary to properly discharge their responsibility under this section.

2. All applications, investigation reports, and case records of persons applying for county general assistance under this chapter are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and administration of this chapter or as authorized by order of a district court. Examination of an individual's applications, reports, and records may also be authorized by a signed release from the individual.

[C73, §1361; C97, §2230; S13, §2230; C24, 27, 31, 35, §5320; C39, §**3828.097;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.25]

90 Acts, ch 1017, §2; 92 Acts, ch 1212, §15; 96 Acts, ch 1140, §1

Referred to in §22.7(26)

252.26 General assistance director.

The board of supervisors in each county shall appoint or designate a general assistance director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general assistance director an employee of the department of health and human services who is assigned to work in that county and directed by the director of health and human services, pursuant to an agreement with the county board, to exercise the functions and duties of general assistance director in that county. The general assistance director shall receive as compensation an amount to be determined by the county board.

[C51, §819; R60, §1387; C73, §1361, 1364; C97, S13, §2230, 2233; C24, 27, 31, 35, §5321, 5327; C39, §**3828.098, 3828.104;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §252.26, 252.32; C81, §252.26]

83 Acts, ch 96, §157, 159; 83 Acts, ch 123, §102, 209; 92 Acts, ch 1212, §16; 2023 Acts, ch 19, §835

Referred to in §217.30, 331.321

252.27 Form of assistance — condition.

1. The board of supervisors shall determine the form of the assistance. However, legal aid shall be only in civil matters and provided only through a legal aid program approved by the board of supervisors. The amount of assistance issued shall be determined by standards of assistance established by the board of supervisors. They may require any able-bodied person to work on public programs or projects at the prevailing local rate per hour in payment for and as a condition of granting assistance. The labor shall be performed under the direction of the officers having charge of the public programs or projects. Subject to section 142.1, assistance may consist of the burial of nonresident indigent transients and the payment of the reasonable cost of burial, not to exceed two hundred fifty dollars.

2. The board shall record its proceedings relating to the provision of assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 through 12, except section 17A.19, subsection 10, paragraphs *"b"* and *"g"*, and section 17A.20.

[C73, §1361; C97, §2230; S13, §2230; C24, 27, 31, 35, §5322; C39, §**3828.099;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §252.27; 81 Acts, ch 117, §1039]

92 Acts, ch 1212, §17; 98 Acts, ch 1202, §38, 46; 2013 Acts, ch 30, §54; 2014 Acts, ch 1092, §54

252.28 through 252.32 Reserved.

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252.33 Application for assistance.

A person may make application for assistance to a member of the board of supervisors, or to the general assistance director of the county where the person is. If application is made to the general assistance director and that officer is satisfied that the applicant is in a state of want which requires assistance at the public expense, the general assistance director may afford temporary assistance, subject to the approval of the board of supervisors, as the necessities of the person require and shall immediately report the case to the board of supervisors, who may continue or deny assistance, as they find cause.

[C51, §820; R60, §1388; C73, §1365; C97, §2234; S13, §2234; C24, 27, 31, 35, §5328; C39, §**3828.105;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.33]

92 Acts, ch 1212, §18; 2023 Acts, ch 19, §836

252.34 Reserved.

252.35 Payment of claims.

All claims and bills for the care and support of the poor shall be certified to be correct by the general assistance director and presented to the board of supervisors, and, if the board is satisfied that the claims and bills are reasonable and proper, they shall be paid.

[C51, §821; R60, §1389; C73, §1366; C97, §2235; C24, 27, 31, 35, §5330; C39, §**3828.107;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.35]

83 Acts, ch 123, §103, 209; 92 Acts, ch 1212, §19

252.36 Reserved.

252.37 Appeal to supervisors.

If a poor person, on application to the general assistance director, is refused the required assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the general assistance director to provide assistance, or who may direct specific assistance.

[C51, §823; R60, §1391; C73, §1368; C97, §2237; C24, 27, 31, 35, §5333; C39, §**3828.109;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.37]

92 Acts, ch 1212, §20; 2014 Acts, ch 1092, §55; 2023 Acts, ch 19, §837

252.38 through 252.41 Reserved.

252.42 Cooperation on work-assistance projects.

The county board of supervisors may join and cooperate with the United States government, or a city within the city's boundaries, or both the United States government and a city within the city's boundaries, in sponsoring work projects, provided that the money used does not exceed the cost per month of supplying assistance to the certified persons working on projects who would be receiving direct assistance if they were not employed on the projects.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.42]

83 Acts, ch 123, §104, 209; 92 Acts, ch 1212, §21

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CHAPTER 252A

SUPPORT OF DEPENDENTS

Referred to in §232.159, 252B.3, 252B.4, 252B.5, 252B.7, 252B.9, 252B.14, 252B.20, 252B.20A, 252B.26, 252C.1, 252D.1, 252D.16, 252D.16A, 252E.1, 252E.1A, 252E.16, 252H.2, 252H.4, 252H.21, 252I.2, 252J.1, 598.21C, 598.21G, 598.21H, 598.22, 598.22B, 598.23A, 600.11, 602.6111, 602.8102(47)

See also chapter 252K, the Uniform Interstate Family Support Act

252A.1 Title and purpose.
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252A.3 Liability for support.
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252A.5 When proceeding may be maintained.
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252A.10 Costs advanced.
252A.11 and 252A.12 Repealed by 97 Acts, ch 175, §21, 22.
252A.13 Recipients of public assistance — assignment of support payments.
252A.14 and 252A.15 Reserved.
252A.16 Additional remedies for foreign support orders. Repealed by 97 Acts, ch 175, §21, 22.
252A.17 Registry of foreign support orders. Repealed by 2015 Acts, ch 110, §118.
252A.18 Registration of support order — notice.
252A.19 Enforcement procedure for registered foreign support orders. Repealed by 97 Acts, ch 175, §21, 22.
252A.20 Limitation on actions.
252A.21 through 252A.23 Reserved.
252A.24 and 252A.25 Repealed by 97 Acts, ch 175, §21, 22.

252A.1 Title and purpose.

1. This chapter may be cited and referred to as the *"Support of Dependents Law"*.

2. The purpose of this chapter is to secure support in civil proceedings for dependent spouses, children, and poor relatives from persons legally responsible for their support.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.1]
97 Acts, ch 175, §8

252A.2 Definitions.

As used in this chapter, unless the context shall require otherwise, the following terms shall have the meanings ascribed to them by this section:

1. *"Birthing hospital"* means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services, or a licensed birthing center associated with a hospital.

2. *"Child"* includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge.

3. *"Court"* shall mean and include any court upon which jurisdiction has been conferred to determine the liability of persons for the support of dependents.

4. *"Dependent"* shall mean and include a spouse, child, mother, father, grandparent, or grandchild who is in need of and entitled to support from a person who is declared to be legally liable for such support.

5. *"Institution"* means a birthing hospital.

6. *"Party"* means a petitioner, a respondent, or a person who intervenes in a proceeding instituted under this chapter.

7. *"Petitioner"* includes each dependent person for whom support is sought in a proceeding instituted pursuant to this chapter or a mother or putative father of a dependent. However, in an action brought by child support services, the state is the petitioner.

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8. *"Petitioner's representative"* includes counsel of a dependent person for whom support is sought and counsel for a mother or putative father of a dependent. In an action brought by child support services, *"petitioner's representative"* includes a county attorney, state's attorney, and any other public officer, by whatever title the officer's public office may be known, charged by law with the duty of instituting, maintaining, or prosecuting a proceeding under this chapter or under the laws of the state.

9. *"Putative father"* means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

10. *"Respondent"* includes each person against whom a proceeding is instituted pursuant to this chapter. *"Respondent"* may include the mother or the putative father of a dependent.

11. *"State registrar"* means state registrar as defined in section 144.1.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.2; 82 Acts, ch 1004, §6, 7]

93 Acts, ch 79, §11; 94 Acts, ch 1171, §10, 11; 97 Acts, ch 175, §9; 2002 Acts, ch 1162, §78; 2015 Acts, ch 110, §77; 2023 Acts, ch 19, §838

252A.3 Liability for support.

For the purpose of this chapter:

1. A spouse is liable for the support of the other spouse and any child or children under eighteen years of age and any other dependent. The court shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21A or 598.21B, as applicable.

2. A parent is liable for the support of the parent's child or children under eighteen years of age, whenever the other parent of such child or children is dead, or cannot be found, or is incapable of supporting the child or children, and, if the liable parent is possessed of sufficient means or able to earn the means. The court having jurisdiction of the respondent in a proceeding instituted under this chapter shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B. The support obligation shall include support of a parent's child between the ages of eighteen and nineteen years if the child is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching nineteen years of age.

3. The parents are severally liable for the support of a dependent child eighteen years of age or older, whenever such child is unable to maintain the child's self and is likely to become a public charge.

4. A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.

5. *a.* A child born of parents who at any time prior to the birth of the child entered into a civil or religious marriage ceremony is deemed the legitimate child of both parents, regardless of the validity of such marriage, if all of the following conditions are met:

(1) The marriage was not thereafter dissolved prior to the death of either parent.

(2) The child was conceived and born after the death of a parent or was born as the result of the implantation of an embryo after the death of a parent.

(3) A genetic parent-child relationship between the child and the deceased parent is established.

(4) The deceased parent, in a signed writing, authorized the other parent to use the deceased parent's genetic material to initiate the posthumous procedure that resulted in the child's birth, or the deceased parent, by a specific reference to the genetic material, bequeathed the genetic material to the other parent in a valid will.

(5) The child is born within two years of the death of the deceased parent.

b. For the purposes of this subsection, *"genetic material"* means sperm, eggs, or embryos.

6. A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage are deemed the legitimate child or children of both parents.

7. *a.* A child born of parents who at any time prior to the birth of the child held themselves

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out as spouses by virtue of a common law marriage is deemed the legitimate child of both parents, if all of the following conditions are met:

(1) The marriage was not thereafter dissolved prior to the death of either parent.

(2) The child was conceived and born after the death of a parent or was born as the result of the implantation of an embryo after the death of a parent.

(3) A genetic parent-child relationship between the child and the deceased parent is established.

(4) The deceased parent, in a signed writing, authorized the other parent to use the deceased parent's genetic material to initiate the posthumous procedure that resulted in the child's birth, or the deceased parent, by a specific reference to the genetic material, bequeathed the genetic material to the other parent in a valid will.

(5) The child is born within two years of the death of the deceased parent.

b. For purposes of this subsection, *"genetic material"* means sperm, eggs, or embryos.

8. A man or woman who was or is held out as the person's spouse by a person by virtue of a common law marriage is deemed the legitimate spouse of such person.

9. Notwithstanding the fact that the respondent has obtained in any state or foreign country a final decree of divorce or separation from the respondent's spouse or a decree dissolving the marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

10. The parents of a child born out of wedlock shall be severally liable for the support of the child, but the liability of the father shall not be enforceable unless paternity has been legally established. Paternity may be established as follows:

a. By order of a court of competent jurisdiction or by administrative order when authorized by state law.

b. By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of conception, birth, or at any time during the period between conception and birth of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of conception, birth, or at any time during the period between conception and birth must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.

c. Subject to the right of any signatory to rescind as provided in section 252A.3A, subsection 12, by the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child or if the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

d. By establishment of paternity in another state or foreign country in any manner provided for by the laws of that jurisdiction.

11. If paternity of a child born out of wedlock is established as provided in subsection 10, the court shall establish the respondent's monthly support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B. The support obligation shall include support of the child between the ages of eighteen and nineteen years if the child is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching nineteen years of age.

12. The court may order a party to pay sums sufficient to provide necessary food, shelter, clothing, care, medical or hospital expenses, including medical support as defined in chapter 252E, expenses of confinement, expenses of education of a child, funeral expenses, and such

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other reasonable and proper expenses of the dependent as justice requires, giving due regard to the circumstances of the respective parties.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.3]

89 Acts, ch 166, §2; 93 Acts, ch 79, §12; 94 Acts, ch 1171, §12; 96 Acts, ch 1141, §16; 97 Acts, ch 175, §1, 10, 11; 2005 Acts, ch 69, §2, 3; 2011 Acts, ch 18, §1; 2015 Acts, ch 110, §78, 79

Referred to in §144.12A, 144.13, 232.2, 232.3A, 232.103A, 252A.3A, 252A.6A, 252C.4, 598.21E, 600B.41A, 714I.4
Spousal support debt for medical assistance to institutionalized spouse; chapter 249B

252A.3A Establishing paternity by affidavit.

1. The paternity of a child born out of wedlock may be legally established by the completion, filing, and registration by the state registrar of an affidavit of paternity only as provided by this section.

2. When paternity has not been legally established, paternity may be established by affidavit under this section for the following children:

a. The child of a woman who was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child.

b. The child of a woman who is married at the time of conception, birth, or at any time during the period between conception and birth of the child if a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

3. *a.* Prior to or at the time of completion of an affidavit of paternity, written and oral information about paternity establishment, developed by child support services created in section 252B.2, shall be provided to the mother and putative father. Video or audio equipment may be used to provide oral information.

b. The information provided shall include a description of parental rights and responsibilities, including the duty to provide financial support for the child, the benefits of establishing paternity, and the alternatives to and legal consequences of signing an affidavit of paternity, including the rights available if a parent is a minor.

c. Copies of the written information shall be made available by child support services or the department of health and human services to those entities where an affidavit of paternity may be obtained as provided under subsection 4.

4. *a.* The affidavit of paternity form developed and used by the department of health and human services is the only affidavit of paternity form recognized for the purpose of establishing paternity under this section. It shall include the minimum requirements specified by the secretary of the United States department of health and human services pursuant to 42 U.S.C. §652(a)(7). A properly completed affidavit of paternity form developed by the department of health and human services and existing on or after July 1, 1993, but which is superseded by a later affidavit of paternity form developed by the department of health and human services, shall have the same legal effect as a paternity affidavit form used by the department of health and human services on or after July 1, 1997, regardless of the date of the filing and registration of the affidavit of paternity, unless otherwise required under federal law.

b. The form shall be available from the state registrar, each county registrar, child support services, and any institution in the state.

c. The department of health and human services shall make copies of the form available to the entities identified in paragraph *"b"* for distribution.

5. A completed affidavit of paternity shall contain or have attached all of the following:

a. A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging either of the following:

(1) That the mother was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child.

(2) That the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, and that a court order has been entered ruling that the individual to whom the mother was married at that time is not the father of the child.

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b. If paragraph "*a*", subparagraph (2), is applicable, a certified copy of the filed order ruling that the husband is not the father of the child.

c. A statement from the putative father that the putative father is the father of the child.

d. The name of the child at birth and the child's birth date.

e. The signatures of the mother and putative father.

f. The social security numbers of the mother and putative father.

g. The addresses of the mother and putative father, as available.

h. The signature of a notary public under chapter 9B attesting to the identities of the parties signing the affidavit of paternity.

i. Instructions for filing the affidavit.

6. A completed affidavit of paternity shall be filed with the state registrar. However, if the affidavit of paternity is obtained directly from the county registrar, the completed affidavit may be filed with the county registrar who shall forward the original affidavit to the state registrar. For the purposes of legal establishment of paternity under this section, paternity is legally established only upon filing of the affidavit with and registration of the affidavit by the state registrar subject to the right of any signatory to rescission pursuant to subsection 12.

7. The state registrar shall make copies of affidavits of paternity and identifying information from the affidavits filed and registered pursuant to this section available to child support services created under section 252B.2 in accordance with section 144.13, subsection 4, and any subsequent rescission form which rescinds the affidavit.

8. An affidavit of paternity completed and filed with and registered by the state registrar pursuant to this section has all of the following effects:

a. Is admissible as evidence of paternity.

b. Has the same legal force and effect as a judicial determination of paternity subject to the right of any signatory to rescission pursuant to subsection 12.

c. Serves as a basis for seeking child or medical support without further determination of paternity subject to the right of any signatory to rescission pursuant to subsection 12.

9. All institutions in the state shall provide the following services with respect to any newborn child born out of wedlock:

a. Prior to discharge of the newborn from the institution, the institution where the birth occurs shall provide the mother and, if present, the putative father, with all of the following:

(1) Written and oral information about establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

(2) An affidavit of paternity form.

(3) An opportunity for consultation with the staff of the institution regarding the written information provided under subparagraph (1).

(4) An opportunity to complete an affidavit of paternity at the institution, as provided in this section.

b. The institution shall file any affidavit of paternity completed at the institution with the state registrar, pursuant to subsection 6, accompanied by a copy of the child's birth certificate, within ten days of the birth of the child.

10. *a.* An institution may be reimbursed by child support services created in section 252B.2 for providing the services described under subsection 9, or may provide the services at no cost.

b. An institution electing reimbursement shall enter into a written agreement with child support services for this purpose.

c. An institution entering into an agreement for reimbursement shall assist the parents of a child born out of wedlock in completing and filing an affidavit of paternity.

d. Reimbursement shall be based only on the number of affidavits completed in compliance with this section and submitted to the state registrar during the duration of the written agreement with child support services.

e. The reimbursement rate is twenty dollars for each completed affidavit filed with the state registrar.

11. The state registrar, upon request of the mother or the putative father, shall provide the following services with respect to a child born out of wedlock:

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a. Written and oral information about the establishment of paternity pursuant to subsection 3. Video or audio equipment may be used to provide oral information.

b. An affidavit of paternity form.

c. An opportunity for consultation with staff regarding the information provided under paragraph *"a"*.

12. *a.* A completed affidavit of paternity may be rescinded by registration by the state registrar of a completed and notarized rescission form signed by either the mother or putative father who signed the affidavit of paternity that the putative father is not the father of the child. The completed and notarized rescission form shall be filed with the state registrar for the purpose of registration prior to the earlier of the following:

(1) Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity.

(2) Entry of a court order pursuant to a proceeding in this state to which the signatory is a party relating to the child, including a proceeding to establish a support order under this chapter, chapter 252C, 252F, 598, or 600B or other law of this state.

b. Unless the state registrar has received and registered an order as provided in section 252A.3, subsection 10, paragraph *"a"*, which legally establishes paternity, upon registration of a timely rescission form the state registrar shall remove the father's information from the certificate of birth, and shall send a written notice of the rescission to the last known address of the signatory of the affidavit of paternity who did not sign the rescission form.

c. The department of health and human services shall develop a rescission form and an administrative process for rescission. The form shall be the only rescission form recognized for the purpose of rescinding a completed affidavit of paternity. A completed rescission form shall include the signature of a notary public attesting to the identity of the party signing the rescission form. The department of health and human services shall adopt rules which establish a fee, based upon the average administrative cost, to be collected for the registration of a rescission.

d. If an affidavit of paternity has been rescinded under this subsection, the state registrar shall not register any subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

13. Child support services may enter into a written agreement with an entity designated by the secretary of the United States department of health and human services to offer voluntary paternity establishment services.

a. The agreement shall comply with federal requirements pursuant to 42 U.S.C. §666(a)(5)(C) including those regarding notice, materials, training, and evaluations.

b. The agreement may provide for reimbursement of the entity by the state if reimbursement is permitted by federal law.

93 Acts, ch 79, §13; 94 Acts, ch 1171, §13; 95 Acts, ch 52, §2; 97 Acts, ch 175, §2; 98 Acts, ch 1170, §28 – 31; 2012 Acts, ch 1050, §40, 60; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §839

Referred to in §144.13, 144.40, 252A.3, 252K.201, 252K.401, 600B.41A

252A.4 and 252A.4A Repealed by 97 Acts, ch 175, §21, 22.

252A.5 When proceeding may be maintained.

Unless prohibited pursuant to 28 U.S.C. §1738B, a proceeding to compel support of a dependent may be maintained under this chapter in any of the following cases:

1. Where the petitioner and the respondent are residents of or domiciled or found in this state or where this state may exercise personal jurisdiction over a nonresident respondent under section 252K.201.

2. Whenever the state or a political subdivision of the state furnishes support to a dependent, the political subdivision of the state has the same right through proceedings instituted by the petitioner's representative to invoke the provisions of this section as the dependent to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support; the petition in such case may be verified by any official having knowledge of such expenditures without further verification of any person and consent of the dependent shall not be required in order to

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institute proceedings under this chapter. Child support services may bring the action based upon a statement of a witness, regardless of age, with knowledge of the circumstances, including but not limited to statements by the mother of the dependent or a relative of the mother or the putative father.

3. If child support services is providing services, child support services has the same right to invoke the provisions of this section as the dependent for which support is owed for the purpose of securing support. The petition in such case may be verified by any official having knowledge of the request for services by child support services, without further verification by any other person, and consent of the dependent shall not be required in order to institute proceedings under this chapter. Child support services may bring the action based upon the statement of a witness, regardless of age, with knowledge of the circumstances, including but not limited to statements by the mother of the dependent or a relative of the mother or the putative father.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.5]

96 Acts, ch 1141, §18; 97 Acts, ch 175, §12; 2003 Acts, ch 62, §6; 2023 Acts, ch 19, §840

252A.5A Limitations of actions.

1. An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

2. Notwithstanding subsection 1, an action to establish paternity and support under this chapter may be brought concerning a person who was under age eighteen on August 16, 1984, regardless of whether any prior action was dismissed because a statute of limitations of less than eighteen years was then in effect. Such an action may be brought within the time limitations set forth in section 614.8, or until July 2, 1992, whichever is later.

90 Acts, ch 1224, §3

252A.6 How commenced — trial.

1. A proceeding under this chapter shall be commenced by filing a verified petition in the court in equity in the county where the dependent resides or is domiciled, or if the dependent does not reside in or is not domiciled in this state, where the petitioner or respondent resides, or where public assistance has been provided for the dependent. The petition shall show the name, age, residence, and circumstances of the dependent, alleging that the dependent is in need of and is entitled to support from the respondent, giving the respondent's name, age, residence, and circumstances, and praying that the respondent be compelled to furnish such support. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of the respondent's person, other names and aliases by which the respondent has been or is known, the name of the respondent's employer, the respondent's fingerprints, or social security number.

2. It shall not be necessary for the dependent or the dependent's witnesses to appear personally at a hearing on the petition, but it shall be the duty of the petitioner's representative to appear on behalf of and represent the petitioner at all stages of the proceeding.

3. If at a hearing on the petition the respondent controverts the petition and enters a verified denial of any of the material allegations, the judge presiding at the hearing shall stay the proceedings. The petitioner shall be given the opportunity to present further evidence to address issues which the respondent has controverted.

4. If the respondent appears at the hearing and fails to answer the petition or admits the allegations of the petition, or if, after a hearing, the court has found and determined that the prayer of the petitioner, or any part of the prayer, is supported by the evidence adduced in the proceeding, and that the dependent is in need of and entitled to support from a party, the court shall make and enter an order directing a party to furnish support for the dependent and to pay a sum as the court determines pursuant to section 598.21A or 598.21B, as applicable. Upon entry of an order for support or upon failure of a person to make payments pursuant to an order for support, the court may require a party to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support.

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Upon the party's failure to pay the support under the order, the court may declare the security, bond, or other guarantee forfeited.

5. The court making such order may require the party to make payment at specified intervals to the clerk of the district court or to the collection services center, and to report personally to the sheriff or any other official, at such times as may be deemed necessary.

6. A party who willfully fails to comply with or who violates the terms or conditions of the support order or of the party's probation shall be punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court or a violation of probation ordered by such court in any other suit or proceeding cognizable by such court.

7. Except as provided in 28 U.S.C. §1738B, any order of support issued by a court shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. This subsection also applies to orders entered following an administrative process including, but not limited to, the administrative processes provided pursuant to chapters 252C and 252F.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.6]

85 Acts, ch 100, §1; 89 Acts, ch 166, §3; 93 Acts, ch 79, §35; 96 Acts, ch 1141, §19, 20; 97 Acts, ch 175, §13; 2003 Acts, ch 62, §7; 2005 Acts, ch 69, §4

Referred to in §252A.6A, 252A.13, 602.8102(47)

252A.6A Additional provisions regarding paternity establishment.

1. When an action is initiated under this chapter to establish paternity, all of the following shall apply:

a. Except with the consent of all parties, the trial shall not be held until after the birth of the child and shall be held no earlier than twenty days from the date the respondent is served with notice of the action or, if blood or genetic tests are conducted, no earlier than thirty days from the date the test results are filed with the clerk of the district court as provided under section 600B.41.

b. If the respondent, after being served with notice as required under section 252A.6, fails to timely respond to the notice, or to appear for blood or genetic tests pursuant to a court or administrative order, or to appear at a scheduled hearing after being provided notice of the hearing, the court shall find the respondent in default, and shall enter an order establishing paternity and establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

c. Appropriate genetic testing procedures shall be used which include any genetic test generally acknowledged as reliable by accreditation bodies designated by the secretary of the United States department of health and human services and which are performed by a laboratory approved by such an accreditation body.

d. A copy of a bill for blood or genetic testing, or for the cost of prenatal care or the birth of the child, shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for testing.

2. When an action is initiated to establish child or medical support based on a prior determination of paternity and the respondent files an answer to the notice denying paternity, all of the following shall apply:

a. (1) If paternity has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, the provisions of section 600B.41A are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome, pursuant to section 600B.41A, and that the party has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

b. Notwithstanding paragraph "*a*", subparagraph (1), if the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to

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the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the party requests and is granted a stay of an action to establish child or medical support, the action shall proceed as otherwise provided.

3. If the expert analyzing the blood or genetic test concludes that the test results demonstrate that the putative father is not excluded and that the probability of the putative father's paternity is ninety-nine percent or higher and if the test results have not been challenged, the court, upon motion by a party, shall enter a temporary order for child support to be paid pursuant to section 598.21B. The court shall require temporary support to be paid to the clerk of court or to the collection services center. If the court subsequently determines the putative father is not the father, the court shall terminate the temporary support order. All support obligations which came due prior to the order terminating temporary support are unaffected by this action and remain a judgment subject to enforcement.

94 Acts, ch 1171, §14; 95 Acts, ch 67, §18; 97 Acts, ch 175, §3 – 5, 14 – 17; 2005 Acts, ch 69, §5 – 7; 2015 Acts, ch 110, §80; 2023 Acts, ch 123, §4, 5

252A.7 Petitioner's representatives to appear. Repealed by 97 Acts, ch 175, §21, 22.

252A.8 Additional remedies.

Unless otherwise provided pursuant to 28 U.S.C. §1738B, this chapter shall be construed to furnish an additional or alternative civil remedy and shall in no way affect or impair any other remedy, civil or criminal, provided in any other statute and available to the petitioner in relation to the same subject matter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.8]

96 Acts, ch 1141, §21

252A.9 Construction. Repealed by 97 Acts, ch 175, §21, 22.

252A.10 Costs advanced.

Actual costs incurred in this state incidental to any action brought under the provisions of this chapter shall be advanced by the initiating party or agency, as appropriate, unless otherwise ordered by the court. Where the action is brought by an agency of the state or county there shall be no filing fee or court costs of any type either advanced by or charged to the state or county.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §252A.10]

97 Acts, ch 175, §6

252A.11 and 252A.12 Repealed by 97 Acts, ch 175, §21, 22.

252A.13 Recipients of public assistance — assignment of support payments.

1. If public assistance is provided by the department of health and human services to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all rights in, title to, and interest in any support obligation, payment, and arrearages owed to or on behalf of the child or caretaker not to exceed the amount of public assistance paid for or on behalf of the child or caretaker as follows:

a. For family investment program assistance, section 239B.6 shall apply.

b. For foster care services, section 234.39 shall apply.

c. For medical assistance, section 252E.11 shall apply.

2. The department shall immediately notify the clerk of court by mail when such child or caretaker has been determined to be eligible for public assistance. Upon notification by the department, the clerk of court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of the assignment. If the applicant for public assistance, for whom public assistance is approved and provided on or after July 1, 1997, is a person other than a parent of the child, the department shall send notice of the assignment by regular mail to the last known addresses

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of the obligee and obligor. The clerk of court shall forward support payments received pursuant to section 252A.6, to which the department is entitled, to the department, unless the court has ordered the payments made directly to the department under that section. The department may secure support payments in default through other proceedings.

3. The clerk shall furnish the department with copies of all orders or decrees awarding and temporary domestic abuse orders addressing support when the parties are receiving public assistance or services are otherwise provided by child support services. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child, subject to the order or judgment, for purposes of an assignment under this section.

[C77, 79, 81, §252A.13; 82 Acts, ch 1237, §2]

83 Acts, ch 96, §157, 159; 97 Acts, ch 175, §7; 2008 Acts, ch 1019, §3, 7; 2023 Acts, ch 19, §841

Referred to in §602.8102(47)

252A.14 and 252A.15 Reserved.

252A.16 Additional remedies for foreign support orders. Repealed by 97 Acts, ch 175, §21, 22.

252A.17 Registry of foreign support orders. Repealed by 2015 Acts, ch 110, §118.

252A.18 Registration of support order — notice.

Registration of a support order of another state or foreign country shall be in accordance with chapter 252K except that, with regard to service, promptly upon registration, the clerk of the court shall, by restricted certified mail, or child support services shall, as provided in section 252B.26, send to the respondent notice of the registration with a copy of the registered support order or the respondent may be personally served with the notice and the copy of the order in the same manner as original notices are personally served. The clerk shall also docket the case and notify the prosecuting attorney of the action. The clerk shall maintain a registry of all support orders registered pursuant to this section. The filing is in equity.

[82 Acts, ch 1004, §4]

93 Acts, ch 78, §2; 97 Acts, ch 175, §19; 2015 Acts, ch 110, §81; 2023 Acts, ch 19, §842

Referred to in §600B.41A

252A.19 Enforcement procedure for registered foreign support orders. Repealed by 97 Acts, ch 175, §21, 22.

252A.20 Limitation on actions.

Issues related to visitation, custody, or other provisions not related to the support provisions of a support order shall not be grounds for a hearing, modification, adjustment, or other action under this chapter.

93 Acts, ch 78, §5; 96 Acts, ch 1141, §23; 97 Acts, ch 175, §20

252A.21 through 252A.23 Reserved.

252A.24 and 252A.25 Repealed by 97 Acts, ch 175, §21, 22.

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CHAPTER 252B

CHILD SUPPORT SERVICES

Referred to in §252C.2, 252D.8, 252D.18, 252E.2A, 252E.3, 252E.6, 252E.9, 252E.10, 252E.12, 252E.15, 252F.2, 252F.3, 252G.5, 252H.4, 252H.5, 252H.12, 252H.13, 252H.18, 252H.21, 252H.22, 252I.5, 252J.2, 421.17, 505.25, 598.21B, 598.21C, 598.21G, 598.23A, 598.34, 598A.3, 600B.41A, 642.2

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252B.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Absent parent"* means the parent who either cannot be located or who is located and is not residing with the child at the time the support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

2. *"Child"* includes but shall not be limited to a stepchild, foster child, or legally adopted child and means a child actually or apparently under eighteen years of age or a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. *"Child"* includes *"child"* as defined in section 239B.1.

3. *"Child support agency"* means child support agency as defined in section 252H.2.

4. *"Child support services"* means child support services created in section 252B.2.

5. *"Department"* means the department of health and human services.

6. *"Director"* means the director of health and human services.

7. *"Obligor"* means the person legally responsible for the support of a child as defined in section 252D.16 or 598.1 under a support order issued in this state or pursuant to the laws of another state or foreign country.

8. *"Resident parent"* means the parent with whom the child is residing at the time the

support collection or paternity determination services provided in sections 252B.5 and 252B.6 are requested or commenced.

[C77, 79, 81, §252B.1]

83 Acts, ch 96, §157, 159; 91 Acts, ch 97, §33; 92 Acts, ch 1195, §502; 93 Acts, ch 79, §25; 97 Acts, ch 41, §32; 97 Acts, ch 175, §23, 24; 98 Acts, ch 1100, §31; 2015 Acts, ch 110, §82; 2021 Acts, ch 80, §133; 2023 Acts, ch 19, §843

Referred to in §252H.2

252B.2 Child support services established — intervention.

There is created within the department child support services for the purpose of providing the services required in sections 252B.3 through 252B.6. Child support services is not required to intervene in actions to provide such services.

[C77, 79, 81, §252B.2]

83 Acts, ch 96, §157, 159; 97 Acts, ch 175, §25; 2020 Acts, ch 1063, §97; 2023 Acts, ch 19, §844

Referred to in §96.3, 252A.3A, 252B.1, 252C.1, 252D.16, 252E.1, 252F.1, 252G.1, 252H.2, 252I.1, 252J.1, 252K.103, 598.23A, 600B.41A, 633.356

252B.3 Duty of department to enforce child support — cooperation — rules.

1. Upon receipt by the department of an application for public assistance on behalf of a child and determination by the department that the child is eligible for public assistance and that provision of child support services is appropriate, the department shall take appropriate action under the provisions of this chapter or under other appropriate statutes of this state including but not limited to chapters 239B, 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 598, and 600B, to ensure that the parent or other person responsible for the support of the child fulfills the support obligation. The department shall also take appropriate action as required by federal law upon receiving a request from a child support agency for a child receiving public assistance in another state.

2. The department may negotiate a partial payment of a support obligation with a parent or other person responsible for the support of the child, provided that the negotiation and partial payment are consistent with applicable federal law and regulation.

3. The department shall adopt rules pursuant to chapter 17A regarding cases in which, under federal law, it is a condition of eligibility for an individual who is an applicant for or recipient of public assistance to cooperate in good faith with the department in establishing the paternity of, or in establishing, modifying, or enforcing a support order by identifying and locating the parent of the child or enforcing rights to support payments. The rules shall include all of the following provisions:

a. As required by child support services, the individual shall provide the name of the noncustodial parent and additional necessary information, and shall appear at interviews, hearings, and legal proceedings.

b. If paternity is an issue, the individual and child shall submit to blood or genetic tests pursuant to a judicial or administrative order.

c. The individual may be requested to sign a voluntary affidavit of paternity, after notice of the rights and consequences of such an acknowledgment, but shall not be required to sign an affidavit or otherwise relinquish the right to blood or genetic tests.

d. Child support services shall promptly notify the individual and the department's public assistance programs of each determination by child support services of noncooperation of the individual and the reason for such determination.

e. A procedure under which the individual may claim that, and the department shall determine whether, the individual has sufficient good cause or other exception for not cooperating, taking into consideration the best interest of the child.

4. Without need for a court order and notwithstanding the requirements of section 598.22A, the support payment ordered pursuant to any chapter shall be satisfied as to the department, the child, and either parent for the period during which the parents are reconciled and are cohabiting, the child for whom support is ordered is living in the same residence as the parents, and the obligor receives public assistance on the obligor's own

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behalf for the benefit of the child. The department shall implement this subsection as follows:

a. Child support services shall file a notice of satisfaction with the clerk of court.

b. This subsection shall not apply unless all the children for whom support is ordered reside with both parents, except that a child may be absent from the home due to a foster care placement pursuant to chapter 234 or a comparable law of another state or foreign country.

c. Child support services shall send notice by regular mail to the obligor when the provisions of this subsection no longer apply. A copy of the notice shall be filed with the clerk of court.

d. This section shall not limit the rights of the parents or the department to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

5. On or after July 1, 1999, the department shall implement a program for the satisfaction of accrued support debts, based upon timely payment by the obligor of both current support due and any payments due for accrued support debt under a periodic payment plan. Child support services shall adopt rules pursuant to chapter 17A to establish the criteria and procedures for obtaining satisfaction under the program. The rules adopted under this subsection shall specify the cases and amounts to which the program is applicable, and may provide for the establishment of the program as a pilot program.

[C77, 79, 81, §252B.3; 82 Acts, ch 1237, §3]

83 Acts, ch 96, §157, 159; 93 Acts, ch 79, §36; 97 Acts, ch 41, §32; 97 Acts, ch 175, §26; 98 Acts, ch 1170, §41; 2015 Acts, ch 110, §83; 2023 Acts, ch 19, §845

Referred to in §252B.2, 252B.6A, 252B.9, 598.22A

252B.4 Nonassistance cases.

1. The child support and paternity determination services established by the department pursuant to this chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239B, 252A, 252C, 252D, 252E, 252F, 598, and 600B shall be made available by child support services to an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services or upon referral as described in subsection 4. The application shall be filed with the department.

2. The director may collect a fee to cover the costs incurred by the department for service of process, genetic testing, and court costs if the entity providing the service charges a fee for the services.

3. Fees collected pursuant to this section shall be considered appropriated receipts, as defined in section 8.2, and shall be used for the purposes of child support services. The director or a designee shall keep an accurate record of the fees collected and expended.

4. Child support services shall also provide child support and paternity determination services and shall respond as provided in federal law for an individual not otherwise eligible as a public assistance recipient if child support services receives a request from any of the following:

a. A child support agency.

b. A foreign country as defined in chapter 252K.

[C77, 79, 81, §252B.4]

83 Acts, ch 153, §16; 92 Acts, ch 1195, §101, 102; 93 Acts, ch 78, §6, 7; 93 Acts, ch 79, §37; 96 Acts, ch 1213, §39; 97 Acts, ch 41, §32; 97 Acts, ch 175, §27 – 29; 2002 Acts, 2nd Ex, ch 1003, §143, 151; 2005 Acts, ch 175, §118; 2014 Acts, ch 1026, §55; 2015 Acts, ch 110, §84; 2019 Acts, ch 112, §1; 2023 Acts, ch 19, §846; 2024 Acts, ch 1185, §159

Referred to in §252B.2, 252H.5

252B.5 Child support services.

Child support services shall provide the following services:

1. Assistance in the location of an absent parent or any other person who has an obligation to support the child of the resident parent.

2. Aid in establishing paternity and securing a court or administrative order for support pursuant to chapter 252A, 252C, 252F, or 600B, or any other chapter providing for the establishment of paternity or support. In an action to establish support, the resident parent

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may be a proper party defendant for purposes of determining medical support as provided in section 252E.1A upon service of notice as provided in this chapter and without a court order as provided in the rules of civil procedure. Child support services' independent cause of action shall not bar a party from seeking support in a subsequent proceeding.

3. Aid in enforcing through court or administrative proceedings an existing court order for support issued pursuant to chapter 252A, 252C, 252F, 598, or 600B, or any other chapter under which child or medical support is granted. The director may enter into a contract with a private collection agency to collect support payments for cases which have been identified by the department as difficult collection cases if the department determines that this form of collection is more cost-effective than departmental collection methods. The department shall utilize, to the maximum extent possible, every available automated process to collect support payments prior to referral of a case to a private collection agency. A private collection agency with whom the department enters a contract under this subsection shall comply with state and federal confidentiality requirements and debt collection laws. The director may use a portion of the state share of funds collected through this means to pay the costs of any contract authorized under this subsection.

4. Assistance to set off against a debtor's income tax refund or rebate any support debt, which is assigned to the department or which child support services is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor's federal income tax refund or other federal nontax payment. The department shall adopt rules pursuant to chapter 17A necessary to assist the department of revenue in the implementation of the child support setoff as established under section 421.65.

5. *a.* In order to maximize the amount of any tax refund to which an obligor may be entitled and which may be applied to child support and medical support obligations, cooperate with any volunteer or free income tax assistance programs in the state in informing obligors of the availability of the programs.

b. Child support services shall publicize the services of the volunteer or free income tax assistance programs by distributing printed materials regarding the programs.

6. Determine periodically whether an individual receiving unemployment compensation benefits under chapter 96 owes a support obligation which is being enforced by child support services, and enforce the support obligation through court or administrative proceedings to have specified amounts withheld from the individual's unemployment compensation benefits.

7. Assistance in obtaining medical support as defined in chapter 252E.

8. *a.* At the request of either parent who is subject to the order of support or upon its own initiation, review the amount of the support award in accordance with the guidelines established pursuant to section 598.21B, and Tit. IV-D of the federal Social Security Act, as amended, and take action to initiate modification proceedings if the criteria established pursuant to this section are met. However, a review of a support award is not required if child support services determines that such a review would not be in the best interest of the child and neither parent has requested such review.

b. The department shall adopt rules setting forth the process for review of requests for modification of support obligations and the criteria and process for taking action to initiate modification proceedings.

9. *a.* Assistance, in consultation with the department of administrative services, in identifying and taking action against self-employed individuals as identified by the following conditions:

(1) The individual owes support pursuant to a court or administrative order being enforced by child support services and is delinquent in an amount equal to or greater than the support obligation amount assessed for one month.

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(2) The individual has filed a state income tax return in the preceding twelve months.

(3) The individual has no reported tax withholding amount on the most recent state income tax return.

(4) The individual has failed to enter into or comply with a formalized repayment plan with child support services.

(5) The individual has failed to make either all current support payments in accordance with the court or administrative order or to make payments against any delinquency in each of the preceding twelve months.

b. Child support services may forward information to the department of administrative services as necessary to implement this subsection, including but not limited to both of the following:

(1) The name and social security number of the individual.

(2) Support obligation information in the specific case, including the amount of the delinquency.

10. The review and adjustment, modification, or alteration of a support order pursuant to chapter 252H upon adoption of rules pursuant to chapter 17A and periodic notification, at a minimum of once every three years, to parents subject to a support order of their rights to these services.

11. Child support services shall not establish orders for spousal support. Child support services shall enforce orders for spousal support only if the spouse is the custodial parent of a child for whom child support services is also enforcing a child support or medical support order.

12. *a.* In compliance with federal procedures, periodically certify to the secretary of the United States department of health and human services, a list of the names of obligors determined by child support services to owe delinquent support, under a support order as defined in section 252J.1, in excess of two thousand five hundred dollars. The certification of the delinquent amount owed may be based upon one or more support orders being enforced by child support services if the delinquent support owed exceeds two thousand five hundred dollars. The certification shall include any amounts which are delinquent pursuant to the periodic payment plan when a modified order has been retroactively applied. The certification shall be in a format and shall include any supporting documentation required by the secretary.

b. All of the following shall apply to an action initiated by child support services under this subsection:

(1) The obligor shall be sent a notice by regular mail in accordance with federal law and regulations and the notice shall remain in effect until support delinquencies have been paid in full.

(2) The notice shall include all of the following:

(a) A statement regarding the amount of delinquent support owed by the obligor.

(b) A statement providing information that if the delinquency is in excess of two thousand five hundred dollars, the United States secretary of state may apply a passport sanction by revoking, restricting, limiting, or refusing to issue a passport as provided in 42 U.S.C. §652(k).

(c) Information regarding the procedures for challenging the certification by child support services.

(3) (a) If the obligor chooses to challenge the certification, the obligor shall notify child support services within the time period specified in the notice to the obligor. The obligor shall include any relevant information with the challenge.

(b) A challenge shall be based upon mistake of fact. For the purposes of this subsection, "*mistake of fact*" means a mistake in the identity of the obligor or a mistake in the amount of the delinquent child support owed if the amount did not exceed two thousand five hundred dollars on the date of child support services' decision on the challenge.

(4) Upon timely receipt of the challenge, child support services shall review the certification for a mistake of fact, or refer the challenge for review to the child support agency in the state chosen by the obligor as provided by federal law.

(5) Following child support services' review of the certification, child support services shall send a written decision to the obligor within ten days of timely receipt of the challenge.

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(a) If child support services determines that a mistake of fact exists, child support services shall send notification in accordance with federal procedures withdrawing the certification for passport sanction.

(b) If child support services determines that a mistake of fact does not exist, the obligor may contest the determination within ten days following the issuance of the decision by submitting a written request for a contested case proceeding pursuant to chapter 17A.

(6) Following issuance of a final decision under chapter 17A that no mistake of fact exists, the obligor may request a hearing before the district court pursuant to chapter 17A. The department shall transmit a copy of its record to the district court pursuant to chapter 17A. The scope of the review by the district court shall be limited to demonstration of a mistake of fact. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this subsection.

c. Following certification to the secretary, if child support services determines that an obligor no longer owes delinquent support in excess of two thousand five hundred dollars, child support services shall provide information and notice as the secretary requires to withdraw the certification for passport sanction.

13. *a.* Impose an annual fee, which shall be retained from support collected on behalf of the obligee, in accordance with 42 U.S.C. §654(6)(B)(ii). Child support services shall send information regarding the requirements of this subsection by regular mail to the last known address of an affected obligee, or may include the information for an obligee in an application for services signed by the obligee. In addition, child support services shall take steps necessary regarding the fee to qualify for federal funds in conformity with the provisions of Tit. IV-D of the federal Social Security Act, including receiving and accounting for fee payments, as appropriate, through the collection services center created in section 252B.13A.

b. Fees collected pursuant to this subsection shall be considered appropriated receipts as defined in section 8.2, and shall be used for the purposes of child support services. The director shall maintain an accurate record of the fees collected and expended under this subsection.

c. Until such time as a methodology to secure payment of the collections fee from the obligor is provided by law, an obligee may act pursuant to this paragraph to recover the collections fee from the obligor. If child support services retains all or a portion of the collections fee imposed pursuant to paragraph "*a*" in a federal fiscal year, there is an automatic nonsupport judgment, in an amount equal to the amount retained, against the obligor payable to the obligee. This paragraph shall serve as constructive notice that the fee amount, once retained, is an automatic nonsupport judgment against the obligor. The obligee may use any legal means, including the lien created by the nonsupport judgment, to collect the nonsupport judgment.

[C77, 79, 81, §252B.5; 82 Acts, ch 1260, §123]

83 Acts, ch 96, §157, 159; 90 Acts, ch 1224, §4, 5; 92 Acts, ch 1195, §503; 93 Acts, ch 78, §8; 93 Acts, ch 79, §33, 38; 94 Acts, ch 1171, §15; 97 Acts, ch 41, §32; 97 Acts, ch 175, §30 – 33; 98 Acts, ch 1170, §34; 2001 Acts, ch 79, §2, 4; 2003 Acts, ch 145, §219, 220; 2005 Acts, ch 69, §8, 9; 2007 Acts, ch 218, §45, 137 – 141, 157, 187; 2008 Acts, ch 1157, §2; 2009 Acts, ch 15, §16, 17; 2009 Acts, ch 133, §97, 223; 2010 Acts, ch 1142, §1; 2012 Acts, ch 1033, §1; 2019 Acts, ch 112, §2; 2020 Acts, ch 1064, §11, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §847; 2024 Acts, ch 1185, §160

Referred to in §252B.1, 252B.2, 252B.6, 252B.9, 252B.23, 421.17

252B.6 Additional services in assistance cases.

In addition to the services enumerated in section 252B.5, child support services may provide the following services in the case of a dependent child for whom public assistance is being provided:

1. Represent the state in obtaining a support order necessary to meet the child's needs or in enforcing a similar order previously entered.

2. Represent the state's interest in obtaining support for a child in dissolution of marriage and separate maintenance proceedings, or proceedings supplemental to these proceedings

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or any other support proceedings, when either or both of the parties to the proceedings are receiving public assistance, for the purpose of advising the court of the financial interest of the state in the proceeding.

3. Appear on behalf of the state for the purpose of facilitating the modification of support awards consistent with guidelines established pursuant to section 598.21B, and Tit. IV-D of the federal Social Security Act. Child support services shall not otherwise participate in the proceeding.

4. Apply to the district court or initiate an administrative action, as necessary, to obtain, enforce, or modify support.

5. Initiate necessary civil proceedings to recover from the parent of a child, money expended by the state in providing public assistance or services to the child, including support collection services.

[C77, 79, 81, §252B.6]

83 Acts, ch 153, §17; 90 Acts, ch 1224, §6, 7; 97 Acts, ch 175, §34, 46; 2005 Acts, ch 69, §10; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §848, 849

Referred to in §252B.1, 252B.2

252B.6A External services.

1. Provided that the action is consistent with applicable federal law and regulation, an attorney licensed in this state shall receive compensation as provided in this section for support collected as the direct result of a judicial proceeding maintained by the attorney, if all of the following apply to the case:

a. Child support services is providing services under this chapter.

b. The current support obligation is terminated and only arrearages are due under an administrative or court order and there has been no payment under the order for at least the twelve-month period prior to the provision of notice to child support services by the attorney under this section.

c. Support is assigned to the state based upon cash assistance paid under chapter 239B, or its successor.

d. The attorney has provided written notice to child support services and to the obligee at the last known address of the obligee of the intent to initiate a specified judicial proceeding, at least thirty days prior to initiating the proceeding.

e. The attorney has provided documentation to child support services that the attorney is insured against loss caused by the attorney's legal malpractice or acts or omissions of the attorney which result in loss to the state or other person.

f. The collection is received by the collection services center within ninety days of provision of the notice to child support services. An attorney may provide subsequent notices to child support services to extend the time for receipt of the collection by subsequent ninety-day periods.

2. *a.* If, prior to February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall not apply to the proceeding unless child support services consents to the proceeding.

b. (1) If, on or after February 15, 1998, notice is provided pursuant to subsection 1 to initiate a specific judicial proceeding, this section shall apply to the proceeding only if the case is exempt from application of rules adopted by the department pursuant to subparagraph (2) which limit application of this section.

(2) The department shall adopt rules which include but are not limited to exemption from application of this section to proceedings based upon but not limited to any of the following:

(a) A finding of good cause pursuant to section 252B.3.

(b) The existence of a support obligation due another state based upon public assistance provided by that state.

(c) The maintaining of another proceeding by an attorney under this section for which child support services has not received notice that the proceeding has concluded or the ninety-day period during which a collection may be received pertaining to the same case has not yet expired.

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(d) The initiation of a seek employment action under section 252B.21, and the notice from the attorney indicates that the attorney intends to pursue a contempt action.

(e) Any other basis for exemption of a specified proceeding designated by rule which relates to collection and enforcement actions provided by child support services.

3. Child support services shall issue a response to the attorney providing notice within ten days of receipt of the notice. The response shall advise the attorney whether the case to which the specified judicial proceeding applies meets the requirements of this section.

4. For the purposes of this section, a *"judicial proceeding"* means an action to enforce support filed with a court of competent jurisdiction in which the court issues an order which identifies the amount of the support collection which is a direct result of the court proceeding. *"Judicial proceedings"* include but are not limited to those pursuant to chapter 598, 626, 633, 642, 654, or 684 and also include contempt proceedings if the collection payment is identified in the court order as the result of such a proceeding. *"Judicial proceedings"* do not include enforcement actions which child support services is required to implement under federal law including but not limited to income withholding.

5. All of the following are applicable to a collection which is the result of a judicial proceeding which meets the requirements of this section:

a. All payments made as the result of a judicial proceeding under this section shall be made to the clerk of the district court or to the collection services center and shall not be made to the attorney. Payments received by the clerk of the district court shall be forwarded to the collection services center as provided in section 252B.15.

b. The attorney shall be entitled to receive an amount which is equal to twenty-five percent of the support collected as the result of the specified judicial proceeding not to exceed the amount of the nonfederal share of assigned support collected as the result of that proceeding. The amount paid under this paragraph is the full amount of compensation due the attorney for a proceeding under this section and is in lieu of any attorney fees. The court shall not order the obligor to pay additional attorney fees. The amount of compensation calculated by child support services is subject, upon application of the attorney, to judicial review.

c. Any support collected shall be disbursed in accordance with federal requirements and any support due the obligee shall be disbursed to the obligee prior to disbursement to the attorney as compensation.

d. The collection services center shall disburse compensation due the attorney only from the nonfederal share of assigned collections. The collection services center shall not disburse any compensation for court costs.

e. Child support services may delay disbursement to the attorney pending the resolution of any timely appeal by the obligor or obligee.

f. Negotiation of a partial payment or settlement for support shall not be made without the approval of child support services and the obligee, as applicable.

6. The attorney initiating a judicial proceeding under this section shall notify child support services when the judicial proceeding is completed.

7. *a.* An attorney who initiates a judicial proceeding under this section represents the state for the sole and limited purpose of collecting support to the extent provided in this section.

b. The attorney is not an employee of the state and has no right to any benefit or compensation other than as specified in this section.

c. The state is not liable or subject to suit for any acts or omissions resulting in any damages as a consequence of the attorney's acts or omissions under this section.

d. The attorney shall hold the state harmless from any act or omissions of the attorney which may result in any penalties or sanctions, including those imposed under federal bankruptcy laws, and the state may recover any penalty or sanction imposed by offsetting any compensation due the attorney under this section for collections received as a result of any judicial proceeding initiated under this section.

e. The attorney initiating a proceeding under this section does not represent the obligor.

8. Child support services shall comply with all state and federal laws regarding confidentiality. Child support services may release to an attorney who has provided notice under this section, information regarding child support balances due, to the extent provided under such laws.

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9. This section shall not be interpreted to prohibit child support services from providing services or taking other actions to enforce support as provided under this chapter.

97 Acts, ch 41, §32; 97 Acts, ch 175, §35; 2023 Acts, ch 19, §850; 2023 Acts, ch 64, §34, 35

252B.7 Legal services.

1. The attorney general may perform the legal services for child support services and may enforce all laws for the recovery of child support from responsible relatives. The attorney general may file and prosecute:

a. Contempt of court proceedings to enforce any order of court pertaining to child support.

b. Cases under chapter 252A, the support of dependents law.

c. An information charging a violation of section 726.3, 726.5 or 726.6.

d. Any other lawful action which will secure collection of support for minor children.

2. For the purposes of subsection 1, the attorney general has the same power to commence, file, and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This section does not relieve a county attorney from the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. Child support services may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support services required pursuant to this chapter. Notwithstanding section 13.7, child support services may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

4. An attorney employed by or under contract with child support services represents and acts exclusively on behalf of the state when providing child support enforcement services. An attorney-client relationship does not exist between the attorney and an individual party, witness, or person other than the state, regardless of the name in which the action is brought.

[C77, 79, 81, §252B.7]

83 Acts, ch 153, §18; 90 Acts, ch 1224, §8; 97 Acts, ch 175, §36, 47; 2023 Acts, ch 19, §851

Referred to in §252B.20A, 252H.4, 600B.41A

252B.7A Determining parent's income.

1. Child support services shall use any of the following in determining the amount of the net monthly income of a parent for purposes of establishing or modifying a support obligation:

a. Income as identified in a signed statement of the parent pursuant to section 252B.9, subsection 1, paragraph *"b"*. If evidence suggests that the statement is incomplete or inaccurate, child support services may present the evidence to the court in a judicial proceeding or to the director in a proceeding under chapter 252C or a comparable chapter, and the court or director shall weigh the evidence in setting the support obligation. Evidence includes but is not limited to income as established under paragraph *"c"*.

b. If a sworn statement is not provided by the parent, child support services may determine income as established under paragraph *"c"* or *"d"*.

c. Income established by any of the following:

(1) Income verified by an employer or payor of income.

(2) Income reported to the department of workforce development.

(3) For a public assistance recipient, income as reported to the department case worker assigned to the public assistance case.

(4) Other written documentation which identifies income.

d. By July 1, 1999, the department shall adopt rules for imputing income, whenever possible, based on the earning capacity of a parent who does not provide income information or for whom income information is not available. Until such time as the department adopts rules establishing a different standard for determining the income of a parent who does not provide income information or for whom income information is not available, the estimated state median income for a one-person family as published annually in the federal register for use by the federal office of community services, office of energy assistance, for the subsequent federal fiscal year.

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(1) This provision is effective beginning July 1, 1992, based upon the information published in the federal register dated March 8, 1991.

(2) Child support services may revise the estimated income each October 1. If the estimate is not available or has not been published, child support services may revise the estimate when it becomes available.

e. When the income information obtained pursuant to this subsection does not include the information necessary to determine the net monthly income of the parent, child support services may deduct twenty percent from the parent's gross monthly income to arrive at the net monthly income figure.

2. The amount of the income determined may be challenged any time prior to the entry of a new or modified order for support.

3. If child support services is providing services pursuant to this chapter, the court shall use the income figure determined pursuant to this section when applying the guidelines to determine the amount of support.

4. The department may develop rules as necessary to further implement disclosure of financial information of the parties.

92 Acts, ch 1195, §201; 96 Acts, ch 1186, §23; 97 Acts, ch 175, §37; 98 Acts, ch 1170, §43; 2023 Acts, ch 19, §852

Referred to in §252C.3, 252F.3, 252F.4, 252H.6, 252H.9, 252H.14A

252B.7B Informational materials provided by child support services.

1. Child support services shall prepare and make available to the public informational materials which explain child support services' procedures including but not limited to procedures with regard to all of the following:

a. Accepting applications for services.
b. Locating individuals.
c. Establishing paternity.
d. Establishing support.
e. Enforcing support.
f. Modifying, suspending, or reinstating support.
g. Terminating services.

2. The informational materials shall include general information about and descriptions of the processes involved relating to the services provided by child support services including application for services, fees for services, the responsibilities of the recipient of services, resolution of disagreements with child support services, rights to challenge the actions of child support services, and obtaining additional information.

97 Acts, ch 175, §38; 2023 Acts, ch 19, §853

252B.8 Central information center.

The department shall establish within child support services an information and administration coordinating center which shall serve as a registry for the receipt of information and for answering interstate inquiries concerning absent parents and shall coordinate and supervise child support services' activities. The information and administration coordinating center shall promote cooperation between child support services and law enforcement agencies to facilitate the effective operation of child support services.

[C77, 79, 81, §252B.8]
2023 Acts, ch 19, §854

252B.9 Information and assistance from others — availability of records.

1. *a.* The director may request from state, county, and local agencies information and assistance deemed necessary to carry out the provisions of this chapter. State, county, and local agencies, officers, and employees shall cooperate with child support services and shall on request supply the department with available information relative to the absent parent, the custodial parent, and any other necessary party, notwithstanding any provisions of law making this information confidential. The cooperation and information required by this subsection shall also be provided when it is requested by a child support agency. Information

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required by this subsection includes but is not limited to information relative to location, income, property holdings, records of licenses as defined in section 252J.1, and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, child support services shall be provided automated access.

b. Parents of a child on whose behalf support enforcement services are provided shall provide information regarding income, resources, financial circumstances, and property holdings to the department for the purpose of establishment, modification, or enforcement of a support obligation. The department may provide the information to parents of a child as needed to implement the requirements of section 598.21B, notwithstanding any provisions of law making this information confidential.

c. Notwithstanding any provisions of law making this information confidential, all persons, including for-profit, nonprofit, and governmental employers, shall, on request, promptly supply child support services or a child support agency information on the employment, compensation, and benefits of any individual employed by such person as an employee or contractor with relation to whom child support services or a child support agency is providing services.

d. Notwithstanding any provisions of law making this information confidential, child support services may subpoena or a child support agency may use the administrative subpoena form promulgated by the secretary of the United States department of health and human services under 42 U.S.C. §652(a)(11)(C), to obtain any of the following:

(1) Books, papers, records, or information regarding any financial or other information relating to a paternity or support proceeding.

(2) Certain records held by public utilities, cable or other television companies, cellular telephone companies, and internet service providers with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records, and including the cellular telephone numbers of such individuals appearing in the customer records of cellular telephone companies. If the records are maintained in automated databases, child support services shall be provided with automated access.

e. Child support services or a child support agency may subpoena information for one or more individuals.

f. If child support services or a child support agency issues a request under paragraph *"c"*, or a subpoena under paragraph *"d"*, all of the following shall apply:

(1) Child support services or a child support agency may issue a request or subpoena to a person by sending it by regular mail. Proof of service may be completed according to rule of civil procedure 1.442.

(2) A person who is not a parent or putative father in a paternity or support proceeding, who is issued a request or subpoena, shall be provided an opportunity to refuse to comply for good cause by filing a request for a conference with child support services or a child support agency in the manner and within the time specified in rules adopted pursuant to subparagraph (7).

(3) Good cause shall be limited to mistake in the identity of the person, or prohibition under federal law to release such information.

(4) After the conference, child support services shall issue a notice finding that the person has good cause for refusing to comply, or a notice finding that the person does not have good cause for failing to comply. If the person refuses to comply after issuance of notice finding lack of good cause, or refuses to comply and does not request a conference, the person is subject to a penalty of one hundred dollars per refusal.

(5) If the person fails to comply with the request or subpoena, fails to request a conference, and fails to pay a penalty imposed under subparagraph (4), child support services may petition the district court to compel the person to comply with this paragraph. If the person objects to imposition of the penalty, the person may seek judicial review by the district court.

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(6) If a parent or putative father fails to comply with a subpoena or request for information, the provisions of chapter 252J shall apply.

(7) Child support services may adopt rules pursuant to chapter 17A to implement this section.

g. Notwithstanding any provisions of law making this information confidential, child support services or a child support agency shall have access to records and information held by financial institutions with respect to individuals who owe or are owed support, or with respect to whom a support obligation is sought including information on assets and liabilities. If the records are maintained in automated databases, child support services shall be provided with automated access. For the purposes of this section, "*financial institution*" means financial institution as defined in section 252I.1.

h. Notwithstanding any law to the contrary, child support services and a child support agency shall have access to any data maintained by the state of Iowa which contains information that would aid the agency in locating individuals. Such information shall include, but is not limited to, driver's license, motor vehicle, and criminal justice information. However, the information does not include criminal investigative reports or intelligence files maintained by law enforcement. Child support services and a child support agency shall use or disclose the information obtained pursuant to this paragraph only in accordance with subsection 3. Criminal history records maintained by the department of public safety shall be disclosed in accordance with chapter 692. Child support services shall also have access to the protective order file maintained by the department of public safety.

i. Liability shall not arise under this subsection with respect to any disclosure by a person as required by this subsection, and no advance notice from child support services or a child support agency is required prior to requesting information or assistance or issuing a subpoena under this subsection.

j. Notwithstanding any provision of law making this information confidential, data provided to the department by an insurance carrier under section 505.25 shall also be provided to child support services. Provision of data to child support services under this paragraph shall not require an agreement or modification of an agreement between the department and an insurance carrier, but the provisions of this section applicable to information received by child support services shall apply to the data received pursuant to section 505.25 in lieu of any confidentiality, privacy, disclosure, use, or other provisions of an agreement between the department and an insurance carrier.

2. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to confidentiality of records maintained by the department, the payment records of the collection services center maintained under section 252B.13A may be released, except when prohibited by federal law or regulation, only as follows:

a. Payment records of the collection services center may be released upon request for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, and as otherwise permitted under Tit. IV-D of the federal Social Security Act, as amended. A payment record shall not include address or location information.

b. The department may release details related to payment records or provide alternative formats for release of the information for the administration of a plan or program under Tit. IV-D of the federal Social Security Act, as amended, including as follows:

(1) Child support services or the collection services center may provide detail or present the information in an alternative format to an individual or to the individual's legal representative if the individual owes or is owed a support obligation, to an agency assigned the obligation as the result of receipt by a party of public assistance, to an agency charged with enforcing child support pursuant to Tit. IV-D of the federal Social Security Act, as amended, or to the court.

(2) For support orders entered in Iowa which are being enforced by child support services, child support services may compile and make available for publication a listing of cases in which no payment has been credited to an accrued or accruing support obligation during a previous three-month period. Each case on the list shall be identified only by

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the name of the support obligor, the address, if known, of the support obligor, unless the information pertaining to the address of the support obligor is protected through confidentiality requirements established by law and has not otherwise been verified with child support services, the support obligor's court order docket or case number, the county in which the obligor's support order is filed, the collection services center case numbers, and the range within which the balance of the support obligor's delinquency is established. The department shall determine dates for the release of information, the specific format of the information released, and the three-month period used as a basis for identifying cases. The department may not release the information more than twice annually. In compiling the listing of cases, no prior public notice to the obligor is required, but child support services may send notice annually by mail to the current known address of any individual owing a support obligation which is being enforced by child support services. The notice shall inform the individual of the provisions of this subparagraph. Actions taken pursuant to this subparagraph are not subject to review under chapter 17A, and the lack of receipt of a notice does not prevent child support services from proceeding in implementing this subparagraph.

(3) The provisions of subparagraph (2) may be applied to support obligations entered in another state, at the request of a child support agency if the child support agency has demonstrated that the provisions of subparagraph (2) are not in conflict with the laws of the state where the support obligation is entered and child support services is enforcing the support obligation.

(4) Records relating to the administration, collection, and enforcement of surcharges pursuant to section 252B.23 which are recorded by child support services or a collection entity shall be confidential records except that information, as necessary for support collection and enforcement, may be provided to other governmental agencies, the obligor or the resident parent, or a collection entity under contract with child support services unless otherwise prohibited by the federal law. A collection entity under contract with child support services shall use information obtained for the sole purpose of fulfilling the duties required under the contract, and shall disclose any records obtained by the collection entity to child support services for use in support establishment and enforcement.

3. Notwithstanding other statutory provisions to the contrary, including but not limited to chapters 22 and 217, as the chapters relate to the confidentiality of records maintained by the department, information recorded by the department pursuant to this section or obtained by child support services is confidential and, except when prohibited by federal law or regulation, may be used or disclosed as provided in subsection 1, paragraphs "*b*" and "*h*", and subsection 2, and as follows:

a. The attorney general may utilize the information to secure, modify, or enforce a support obligation of an individual.

b. This subsection shall not permit or require the release of information, except to the extent provided in this section.

c. Child support services may release or disclose information as necessary to provide services under section 252B.5, as provided by chapter 252G, as provided by Tit. IV-D of the federal Social Security Act, as amended, or as required by federal law.

d. Child support services may release information under section 252B.9A to meet the requirements of Tit. IV-D of the federal Social Security Act for parent locator services.

e. Information may be released if directly connected with any of the following:

(1) The administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended.

(2) Any investigations, prosecutions, or criminal or civil proceeding conducted in connection with the administration of any such plan or program.

(3) Reporting to an appropriate agency or official of any such plan or program, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement action under circumstances which indicate that the child's health or welfare is threatened.

f. Information may be released to courts having jurisdiction in support proceedings. If

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a court issues an order, which is not entered under section 252B.9A, directing child support services to disclose confidential information, child support services may file a motion to quash pursuant to this chapter, Tit. IV-D of the federal Social Security Act, or other applicable law.

g. Child support services may release information for the administration of a plan or program approved for the supplemental nutrition assistance program or under Tit. IV, XIX, or XXI of the federal Social Security Act, as amended, specified under subsection 2 or this subsection, to the extent the release of information does not interfere with child support services meeting its own obligations under Tit. IV-D of the federal Social Security Act, as amended, and subject to requirements prescribed by the federal office of child support enforcement of the United States department of health and human services.

h. For purposes of this subsection, *"party"* means an absent parent, obligor, resident parent, or other necessary party.

i. If child support services receives notification under this paragraph, child support services shall notify the federal parent locator service as required by federal law that there is reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of information could be harmful to the party or the child. The notification to the federal parent locator service shall be known as notification of a disclosure risk indicator. For purposes of this paragraph, child support services shall notify the federal parent locator service of a disclosure risk indicator only if at least one of the following applies:

(1) Child support services receives notification that the department, or comparable agency of another state, has made a finding of good cause or other exception as provided in section 252B.3, or comparable law of another state.

(2) Child support services receives and, through automation, matches notification from the department of public safety or child support services receives notification from a court of this or another state, that a court has issued a protective order or no-contact order against a party with respect to another party or child.

(3) Child support services receives notification that a court has dismissed a petition for specified confidential information pursuant to section 252B.9A.

(4) Child support services receives a copy, regular on its face, of a notarized affidavit or a pleading, which was signed by and made under oath by a party, under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, alleging the health, safety, or liberty of the party or child would be jeopardized by the disclosure of specific identifying information unless a tribunal under chapter 252K, the uniform interstate family support Act, or the comparable law of another state, ordered the identifying information of a party or child be disclosed.

(5) Child support services receives and, through automation, matches notification from the department, or child support services receives notification from a comparable agency of another state, of a founded allegation of child abuse, or a comparable finding under the law of the other state.

(6) Child support services receives notification that an individual has an exemption from cooperation with child support enforcement under a family investment program safety plan which addresses family or domestic violence.

(7) Child support services receives notification that an individual is a certified program participant as provided in chapter 9E.

(8) Child support services receives notification, as the result of a request under section 252B.9A, of the existence of any finding, order, affidavit, pleading, safety plan, certification, or founded allegation referred to in subparagraphs (1) through (7) of this paragraph.

j. Child support services may provide information regarding delinquent obligors as provided in 42 U.S.C. §666(a)(7) to a consumer reporting agency if all the following apply:

(1) The agency provides child support services with satisfactory evidence that it is a consumer reporting agency as defined in 15 U.S.C. §1681a(f) and meets all the following requirements:

(a) Compiles and maintains files on consumers on a nationwide basis as provided in 15 U.S.C. §1681a(p).

(b) Participates jointly with other nationwide consumer reporting agencies in providing

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annual free credit reports to consumers upon request through a centralized source as required by the federal trade commission in 16 C.F.R. §610.2.

(2) The agency has entered into an agreement with child support services regarding receipt and use of the information.

4. Nothing in this chapter, chapter 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other comparable chapter or law shall preclude child support services from exchanging any information, notice, document, or certification with any government or private entity, if the exchange is not otherwise prohibited by law, through mutually agreed upon electronic data transfer rather than through other means.

[C77, 79, 81, §252B.9]

89 Acts, ch 283, §31; 90 Acts, ch 1034, §1; 91 Acts, ch 177, §1; 93 Acts, ch 79, §31, 32, 57; 94 Acts, ch 1171, §16; 97 Acts, ch 175, §39, 242; 98 Acts, ch 1170, §2, 20, 23 – 26; 2004 Acts, ch 1116, §20; 2005 Acts, ch 69, §11; 2005 Acts, ch 112, §1; 2006 Acts, ch 1119, §1; 2008 Acts, ch 1019, §8, 9; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1021, §54; 2012 Acts, ch 1033, §2 – 7; 2015 Acts, ch 96, §11, 12, 17; 2015 Acts, ch 110, §85; 2023 Acts, ch 19, §855

Referred to in §252B.7A, 252B.9A, 252B.10, 252B.24, 252G.5, 252H.6, 422.20, 422.72, 598.22B, 598.26

252B.9A Disclosure of confidential information — authorized person — court.

1. A person, except a court or government agency, who is an authorized person to receive specified confidential information under 42 U.S.C. §653, may submit a written request to child support services for disclosure of specified confidential information regarding a nonrequesting party. The written request shall comply with federal law and regulations, including any attestation and any payment to the federal office of child support enforcement of the United States department of health and human services required by federal law or regulation, and shall include a sworn statement attesting to the reason why the requester is an authorized person under 42 U.S.C. §653, including that the requester would use the confidential information only for purposes permitted in that section.

2. Upon receipt of a request from an authorized person which meets all of the requirements under subsection 1, child support services shall search available records as permitted by law or shall request the information from the federal parent locator service as provided in 42 U.S.C. §653.

a. If child support services locates the specified confidential information, child support services shall disclose the information to the extent permitted under federal law, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph "*i*", and has not removed that notification.

(3) Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph "*i*", within twenty days of sending a notice of the request to the subject of the request by regular mail.

b. If child support services locates the specified confidential information, but child support services is prohibited from disclosing confidential information under paragraph "*a*", child support services shall deny the request and notify the requester of the denial in writing. Upon receipt of a written notice from child support services denying the request, the requester may file a petition in district court for an order directing child support services to release the requested information to the court as provided in subsection 3.

3. A person may file a petition in district court for disclosure of specified confidential information. The petition shall request that the court direct child support services to release specified confidential information to the court, that the court make a determination of harm if appropriate, and that the court release specified confidential information to the petitioner.

a. The petition shall include a sworn statement attesting to the intended use of the information by the petitioner as allowed by federal law. Such statement may specify any of the following intended uses:

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(1) To establish parentage, or to establish, set the amount of, modify, or enforce a child support obligation.

(2) To make or enforce a child custody or visitation determination or order.

(3) To carry out the duty or authority of the petitioner to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

b. Upon the filing of a petition, the court shall enter an order directing child support services to release to the court within thirty days specified confidential information which child support services would be permitted to release under 42 U.S.C. §653 and 42 U.S.C. §663, unless one of the following applies:

(1) There is a notice from the federal parent locator service that there is reasonable evidence of domestic violence or child abuse pursuant to 42 U.S.C. §653(b)(2).

(2) Child support services has notified the federal parent locator service of a disclosure risk indicator as provided in section 252B.9, subsection 3, paragraph *"i"*, and has not removed that notification.

(3) Child support services receives notice of a basis for a disclosure risk indicator listed in section 252B.9, subsection 3, paragraph *"i"*, within twenty days of sending notice of the order to the subject of the request by regular mail. Child support services shall include in the notice to the subject of the request a copy of the court order issued under this paragraph.

c. Upon receipt of the order, child support services shall comply as follows:

(1) If child support services has the specified confidential information, and none of the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph *"b"* applies, child support services shall file the confidential information with the court along with a statement that child support services has not received any notice that the domestic violence, child abuse, or disclosure risk indicator provisions of paragraph *"b"* apply. Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for child support services to comply. Upon receipt by the court of the confidential information under this subparagraph, the court may order the release of the information to the petitioner.

(2) If child support services has the specified confidential information, and the domestic violence, child abuse, or disclosure risk indicator provision of paragraph *"b"* applies, child support services shall file with the court a statement that the domestic violence, child abuse, or disclosure risk indicator provision of paragraph *"b"* applies, along with any information child support services has received related to the domestic violence, child abuse, or disclosure risk indicator. Child support services shall be granted at least thirty days to respond to the order. The court may extend the time for child support services to comply. Upon receipt by the court of information from child support services under this subparagraph, the court shall make a finding whether disclosure of confidential information to any other person could be harmful to the nonrequesting party or child. In making the finding, the court shall consider any relevant information provided by the parent or child, any information provided by child support services or by a child support agency, any information provided by the petitioner, and any other relevant evidence. Child support services or a child support services' attorney does not represent any individual person in this proceeding.

(a) If the court finds that disclosure of confidential information to any other person could be harmful to the nonrequesting party or child, the court shall dismiss the petition for disclosure and notify child support services to notify the federal parent locator service of a disclosure risk indicator.

(b) If the court does not find that disclosure of specified confidential information to any other person could be harmful to the nonrequesting party or child, the court shall notify child support services to file the specified confidential information with the court. Upon receipt by the court of the specified confidential information, the court may release the information to the petitioner and inform child support services to remove the disclosure risk indicator.

(3) If child support services does not have the specified confidential information and cannot obtain the information from the federal parent locator service, child support services shall comply with the order by notifying the court of the lack of information.

4. The confidential information which may be released by child support services to a party under subsection 2, or by child support services to the court under subsection 3, shall be

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limited by the federal Social Security Act and other applicable federal law, and child support services may use the sworn statement filed pursuant to subsection 1 or 3 in applying federal law. Any information filed with the court by child support services, when certified over the signature of a designated employee, shall be considered to be satisfactorily identified and shall be admitted as evidence, without requiring third-party foundation testimony. Additional proof of the official character of the person certifying the document or the authenticity of the person's signature shall not be required.

5. When making a request for confidential information under this section, a party or petitioner shall indicate the specific information requested.

6. For purposes of this section, "*party*" means party as defined in section 252B.9, subsection 3.

7. Child support services may adopt rules pursuant to chapter 17A to prescribe provisions in addition to or in lieu of the provisions of this section to comply with federal requirements for parent locator services or the safeguarding of information.

98 Acts, ch 1170, §27; 2012 Acts, ch 1033, §8; 2023 Acts, ch 19, §856
Referred to in §252B.9

252B.10 Criminal penalties.

1. Any person who willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under section 252B.9 under false pretenses, or who willfully communicates or seeks to communicate such data to any agency or person except in accordance with this chapter, shall be guilty of an aggravated misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate paternity determination and support collection data except in accordance with this chapter shall be guilty of a simple misdemeanor.

2. Any reasonable grounds for belief that a public employee has violated any provision of this chapter shall be grounds for immediate removal from all access to paternity determination and support collection data available through or recorded under section 252B.9.

[C77, 79, 81, §252B.10]
97 Acts, ch 175, §40

252B.11 Recovery of costs of collection services.

Child support services may initiate necessary civil proceedings to recover child support services' costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. Child support services may seek a lump sum recovery of child support services' costs or may seek to recover child support services' costs through periodic payments which are in addition to periodic support payments. If child support services' costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. The costs collected pursuant to this section shall be retained by the department for use by child support services. The director or a designee shall keep an accurate record of funds so retained.

83 Acts, ch 153, §19; 92 Acts, ch 1195, §103; 2023 Acts, ch 19, §857

252B.12 Jurisdiction over nonresidents.

In an action to establish paternity or to establish or enforce a child support obligation, or to modify a support order, a nonresident person is subject to the jurisdiction of the courts of this state as specified in section 252K.201.

84 Acts, ch 1242, §1; 97 Acts, ch 175, §48

252B.13 Reserved.

252B.13A Collection services center.

1. The department shall establish within child support services a collection services center

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for the receipt and disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.23.

2. *a.* The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. §654b, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial branch shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following:

(1) Coordination with the state case registry created in section 252B.24.

(2) The receipt and disbursement of income withholding payments for orders not receiving services from child support services pursuant to section 252B.14, subsection 4.

(3) The transmission of information, orders, and documents, and access to information.

(4) Furnishing, upon request, timely information on the current status of support payments as provided in 42 U.S.C. §654b(b)(4), in a manner consistent with state law.

(5) The notification of payors of income to direct income withholding payments to the collection services center as provided in section 252B.14, subsection 4.

3. Support payments received by the collection services center shall be deposited in the collection services center refund account. The account shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys deposited in the account are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided for the purposes of this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the account shall be credited to the account.

90 Acts, ch 1224, §9; 91 Acts, ch 177, §2; 93 Acts, ch 79, §39, 40; 97 Acts, ch 175, §41, 243; 98 Acts, ch 1047, §68; 98 Acts, ch 1170, §3; 2014 Acts, ch 1026, §56, 57; 2023 Acts, ch 19, §858; 2024 Acts, ch 1157, §57

Referred to in §252B.5, 252B.9, 252B.15, 252D.17, 252D.20, 602.8102(47C), 633.356

252B.14 Support payments — collection services center or comparable government entity in another state — clerk of the district court.

1. For the purposes of this section, *"support order"* includes any order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support chapter or proceeding which establishes support payments as defined in section 252D.16 or 598.1.

2. For support orders being enforced by child support services, support payments made pursuant to the order shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K.

3. With the exception of support payments to which subsection 2 or 4 applies, support payments made pursuant to an order shall be directed to and disbursed by the clerk of the district court in the county in which the order for support is filed. The clerk of the district court may require the obligor to submit payments by bank draft or money order if the obligor submits an insufficient funds support payment to the clerk of the district court.

4. For a support order to which subsection 2 does not apply, regardless of the terms of the support order directing or redirecting the place of payment, support payments made through income withholding by a payor of income as provided in chapter 252D shall be directed to and disbursed by the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. The judicial branch and the department shall develop and implement a plan to notify payors of income of this requirement and the effective date of the requirement applicable to the respective payor of income.

5. If the collection services center is receiving and disbursing payments pursuant to a support order, but child support services is not providing other services under Tit. IV-D of the federal Social Security Act, or if the order is not being enforced by child support services, the parties to that order are not considered to be receiving services under this chapter.

6. Payments to persons other than the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in

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chapter 252K, do not satisfy the support obligations created by a support order or judgment, except as provided for in sections 598.22 and 598.22A.

86 Acts, ch 1246, §316; 87 Acts, ch 228, §31; 88 Acts, ch 1218, §2; 90 Acts, ch 1224, §10; 91 Acts, ch 177, §3; 93 Acts, ch 79, §41; 97 Acts, ch 175, §42, 43; 98 Acts, ch 1047, §68; 98 Acts, ch 1170, §4; 2010 Acts, ch 1061, §180; 2015 Acts, ch 110, §86; 2023 Acts, ch 19, §859

Referred to in §8.89, 252B.13A, 252D.17, 421.17, 598.22, 598.22A, 598.22B, 642.23

Crediting of support payments ordered on or after July 1, 1985; §598.22A

252B.15 Processing and disbursement of support payments.

1. The collection services center shall notify the clerk of the district court of any order for which child support services is providing enforcement services. The clerk of the district court shall forward any support payment made pursuant to the order, along with any support payment information, to the collection services center. Unless the agreement developed pursuant to section 252B.13A otherwise provides, the clerk of the district court shall forward any support payment made and any support payment information provided through income withholding pursuant to chapter 252D, to the collection services center. The collection services center shall process and disburse the payment in accordance with federal requirements.

2. Unless otherwise provided under federal law, if it is possible to identify the support order to which a payment is to be applied and if sufficient information is provided to identify the obligee, a payment received by the collection services center or the clerk of the district court shall be disbursed to the appropriate individual or office within two working days in accordance with section 598.22.

3. If the collection services center receives an incorrectly submitted payment, the collection services center shall promptly return the payment to the sender and, if known, provide information about where to send the payment.

4. Chapter 556 shall not apply to payments received by the collection services center.

90 Acts, ch 1224, §11; 91 Acts, ch 177, §4; 93 Acts, ch 79, §42; 98 Acts, ch 1170, §5; 2006 Acts, ch 1119, §2; 2015 Acts, ch 110, §87; 2023 Acts, ch 19, §860

Referred to in §252B.6A

252B.16 Transfer of support order processing responsibilities — ongoing procedures.

1. For a support order being processed by the clerk of the district court, upon notification that child support services is providing enforcement services related to the order, the clerk of the district court shall immediately transfer the responsibility for the disbursement of support payments received pursuant to the order to the collection services center.

2. The department shall adopt rules pursuant to chapter 17A to ensure that the affected parties are notified that the support payment disbursement responsibilities have been transferred to the collection services center from the clerk of the district court. The rules shall include a provision requiring that a notice shall be sent by regular mail to the last known addresses of the obligee and the obligor. The issuance of notice to the obligor is the equivalent of a court order requiring the obligor to direct payment to the collection services center for disbursement.

3. Once the responsibility for receiving and disbursing support payments has been transferred from a clerk of the district court to the collection services center, the responsibility shall remain with the collection services center even if child support services is no longer providing enforcement services, unless redirected by court order. However, the responsibility for receiving and disbursing income withholding payments shall not be redirected to a clerk of the district court.

4. As provided in sections 252K.307 and 252K.319, child support services may issue and file with the clerk of the district court, a notice redirecting support payments to a comparable government entity responsible for the processing and disbursement of support payments in another state. Child support services shall send a copy of the notice by regular mail to the last known addresses of the obligor and obligee and, where applicable, shall notify the payor

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of income to make payments as specified in the notice. The issuance and filing of the notice is the equivalent of a court order redirecting support.

86 Acts, ch 1246, §316; 88 Acts, ch 1218, §3; 90 Acts, ch 1224, §12; 91 Acts, ch 177, §5; 93 Acts, ch 79, §43; 98 Acts, ch 1170, §6; 2015 Acts, ch 110, §88; 2023 Acts, ch 19, §861

Referred to in §598.22B

252B.17 Admissibility and identification of support payment records.

Copies of support payment records maintained by the collection services center, when certified over the signature of a designated employee of the center, shall be considered to be satisfactorily identified and shall be admitted in any proceeding as prima facie evidence of the transactions. Additional proof of the official character of the person certifying the record or the authenticity of the person's signature shall not be required. Whenever an employee of the collection services center is served with a summons, subpoena, subpoena duces tecum, or order directing that person to produce such records, the employee may comply by transmitting a copy of the payment records certified as described above to the clerk of the district court.

86 Acts, ch 1246, §316

252B.17A Imaging or photographic copies — originals destroyed.

1. If child support services, in the regular course of business or activity, has recorded or received any memorandum, writing, entry, print, document, representation, or combination thereof, of any act, transaction, occurrence, event, or communication from any source, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original, the original may be destroyed. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original recording, copy, or reproduction is in existence and available for inspection. The introduction of a reproduced record, enlargement, or facsimile, does not preclude admission of the original.

2. The electronically imaged, copied, or otherwise reproduced record or document maintained or received by child support services, when certified over the signature of a designated employee of child support services, shall be considered to be satisfactorily identified. Certified documents are deemed to have been imaged or copied or otherwise reproduced accurately and unaltered in the regular course of business, and such documents are admissible in any judicial or administrative proceeding as evidence. Additional proof of the official character of the person certifying the record or authenticity of the person's signature shall not be required. Whenever child support services or an employee of child support services is served with a summons, subpoena, subpoena duces tecum, or order directing production of such records, child support services or the employee may comply by transmitting a copy of the record certified as described above to the district court.

97 Acts, ch 175, §44; 2023 Acts, ch 19, §862

252B.18 Child support advisory committee — established — duties. Repealed by 2010 Acts, ch 1031, §393.

252B.19 Reserved.

252B.20 Suspension of support — request by mutual consent.

1. If child support services is providing child support enforcement services pursuant to this chapter, the parents of a dependent child for whom support has been ordered pursuant to chapter 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly request the assistance of child support services in suspending the obligation for support if all of the following conditions exist:

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a. The parents have reconciled and are cohabiting, and the child for whom support is ordered is living in the same residence as the parents, or the child is currently residing with the parent who is ordered to pay support. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the person against whom support is ordered is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

c. The parents have signed a notarized affidavit attesting to the conditions under paragraphs *"a"* and *"b"*, have consented to suspension of the support order or obligation, and have submitted the affidavit to child support services.

d. No prior request for suspension has been filed with child support services under this section and no prior request for suspension has been served by child support services under section 252B.20A during the two-year period preceding the request.

e. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, child support services shall review the application and affidavit to determine that the necessary criteria have been met. Child support services shall then do one of the following:

a. Deny the request and notify the parents in writing that the application is being denied, providing reasons for the denial and notifying the parents of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. Approve the request and prepare an order which shall be submitted, along with the affidavit, to a judge of a district court for approval, suspending the accruing support obligation and, if requested by the obligee, and if not prohibited by chapter 252K, satisfying the obligation of support due the obligee. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

3. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order. The satisfaction of an obligation of support due the obligee shall be final upon the filing of the suspension order. A support obligation which is satisfied is not subject to the reinstatement provisions of this section.

4. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

5. During the six-month period child support services may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to child support services by either parent or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits, pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

6. If a condition under subsection 5 exists, child support services may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, child support services shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, child support services shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

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7. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon both parents. Within ten days following the date of service, the parents may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to both parents and child support services.

8. The reinstatement is effective as follows:

a. For reinstatements initiated under subsection 5, paragraph *"a"*, the date the notices were served on both parents pursuant to subsection 7.

b. For reinstatements initiated under subsection 5, paragraph *"b"*, the date the child began receiving public assistance benefits during the suspension of the obligation.

c. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the parties requested and agreed to the suspension under false pretenses.

9. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 4, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to establish a support obligation against either party shall bring a new action for support as provided by law.

10. This section shall not limit the rights of the parents or child support services to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

11. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section. However, if in the application for suspension, an obligee elects to satisfy an obligation of accrued support due the obligee, the suspension order may satisfy the obligation of accrued support due the obligee.

12. Nothing in this section shall prohibit or limit child support services or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

13. For the purposes of chapter 252H, subchapter II, regarding the criteria for a review or for a cost-of-living alteration under chapter 252H, subchapter IV, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

14. As used in this section, unless the context otherwise requires, *"step change"* means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

15. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon agreement of the parents, child support services may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested child support services to provide services under this chapter. The parents and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to child support services. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to child support services by either parent or the caretaker, child support services may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

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16. The department may adopt all necessary and proper rules to administer and interpret this section.

93 Acts, ch 79, §24; 94 Acts, ch 1171, §18; 96 Acts, ch 1141, §4; 97 Acts, ch 41, §32; 98 Acts, ch 1170, §46, 47; 2005 Acts, ch 112, §2 – 5; 2011 Acts, ch 25, §20; 2015 Acts, ch 110, §119, 123; 2023 Acts, ch 19, §863

Referred to in §252B.20A

252B.20A Suspension of support — request by one party.

1. If child support services is providing child support enforcement services pursuant to this chapter, the obligor who is ordered to pay support for the dependent child pursuant to chapter 252A, 252C, or 252F, may request the assistance of child support services in suspending the obligation for support if all of the following conditions exist:

a. The child is currently residing with the obligor and has been for more than sixty consecutive days. If the basis for suspension under this paragraph applies to at least one but not all of the children for whom support is ordered, the condition of this paragraph is met only if the support order includes a step change.

b. There is no order in effect regarding legal custody, physical care, visitation, or other parenting time for the child.

c. It is reasonably expected that the basis for suspension under this section will continue for not less than six months.

d. The child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, unless the obligor is considered to be a member of the same household as the child for the purposes of public assistance eligibility.

e. The obligor has signed a notarized affidavit, provided by child support services, attesting to the existence of the conditions under paragraphs *"a"* through *"d"*, has requested suspension of the support order or obligation, and has submitted the affidavit to child support services.

f. No prior request for suspension has been served under this section, and no prior request for suspension has been filed with child support services pursuant to section 252B.20, during the two-year period preceding the request.

g. Any other criteria established by rule of the department.

2. Upon receipt of the application for suspension and properly executed and notarized affidavit, child support services shall review the application and affidavit to determine that the criteria have been met. Child support services shall then do one of the following:

a. If child support services determines the criteria have not been met, deny the request and notify the obligor in writing that the application is being denied, providing reasons for the denial and notifying the obligor of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If child support services determines the criteria have been met, serve a copy of the notice and supporting documents on the obligee by any means provided in section 252B.26. The notice to the obligee shall include all of the following:

(1) Information sufficient to identify the parties and the support order affected.

(2) An explanation of the procedure for suspension and reinstatement of support under this section.

(3) An explanation of the rights and responsibilities of the obligee, including the applicable procedural time frames.

(4) A statement that within twenty days of service, the obligee must submit a signed and notarized response to child support services objecting to at least one of the assertions in subsection 1, paragraphs *"a"* through *"d"*. The statement shall inform the obligee that if, within twenty days of service, the obligee fails to submit a response as specified in this subparagraph, notwithstanding rules of civil procedure 1.972(2) and 1.972(3), child support services will prepare and submit an order as provided in subsection 3, paragraph *"b"*.

3. No sooner than thirty days after service on the obligee under subsection 2, paragraph *"b"*, child support services shall do one of the following:

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a. If the obligee submits a signed and notarized objection to any assertion in subsection 1, paragraphs *"a"* through *"d"*, deny the request and notify the parties in writing that the application is denied, providing reasons for the denial, and notifying the parties of the right to proceed through private counsel. Denial of the application is not subject to contested case proceedings or further review pursuant to chapter 17A.

b. If the obligee does not timely submit a signed and notarized objection to child support services, prepare an order which shall be submitted, along with supporting documents, to a judge of a district court for approval, suspending the accruing support obligation. If the basis for suspension applies to at least one but not all of the children for whom support is ordered and the support order includes a step change, child support services shall prepare an order suspending the accruing support obligation for each child to whom the basis for suspension applies.

4. An order approved by the court for suspension of an accruing support obligation is effective upon the date of filing of the suspension order.

5. An order suspending an accruing support obligation entered by the court pursuant to this section shall be considered a temporary order for the period of six months from the date of filing of the suspension order. However, the six-month period shall not include any time during which an application for reinstatement is pending before the court.

6. During the six-month period, child support services may request that the court reinstate the accruing support order or obligation if any of the following conditions exist:

a. Upon application to child support services by either party or other person who has physical custody of the child.

b. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the person entitled to receive support and the child on whose behalf support is paid, provided that the person owing the support is not considered to be a member of the same household as the child for the purposes of public assistance eligibility.

7. If a condition under subsection 6 exists, child support services may request that the court reinstate an accruing support obligation as follows:

a. If the basis for the suspension no longer applies to any of the children for whom an accruing support obligation was suspended, child support services shall request that the court reinstate the accruing support obligations for all of the children.

b. If the basis for the suspension continues to apply to at least one but not all of the children for whom an accruing support obligation was suspended and if the support order includes a step change, child support services shall request that the court reinstate the accruing support obligation for each child for whom the basis for the suspension no longer applies.

8. Upon filing of an application for reinstatement, service of the application shall be made either in person or by first class mail upon the parties. Within ten days following the date of service, a party may file a written objection with the clerk of the district court to the entry of an order for reinstatement.

a. If no objection is filed, the court may enter an order reinstating the accruing support obligation without additional notice.

b. If an objection is filed, the clerk of court shall set the matter for hearing and send notice of the hearing to the parties and child support services.

9. *a.* The reinstatement is effective as follows:

(1) For reinstatements initiated under subsection 6, paragraph *"a"*, the date the notices were served on the parties pursuant to subsection 8.

(2) For reinstatements initiated under subsection 6, paragraph *"b"*, the date the child began receiving public assistance benefits during the suspension of the obligation.

b. Support which became due during the period of suspension but prior to the reinstatement is waived and not due and owing unless the suspension was made under false pretenses.

10. If the order suspending a support obligation has been on file with the court for a period exceeding six months as computed pursuant to subsection 5, the order becomes final by operation of law and terminates the support obligation, and thereafter, a party seeking to

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establish a support obligation against either party shall bring a new action for support as provided by law.

11. Legal representation of child support services shall be provided pursuant to section 252B.7, subsection 4.

12. This section shall not limit the rights of a party or child support services to proceed by other means to suspend, terminate, modify, reinstate, or establish support.

13. This section does not provide for the suspension or retroactive modification of support obligations which accrued prior to the entry of an order suspending enforcement and collection of support pursuant to this section.

14. Nothing in this section shall prohibit or limit child support services or a party entitled to receive support from enforcing and collecting any unpaid or unsatisfied support that accrued prior to the suspension of the accruing obligation.

15. For the purposes of chapter 252H regarding the criteria for a review under subchapter II of that chapter or for a cost-of-living alteration under subchapter IV of that chapter, if a support obligation is terminated or reinstated under this section, such termination or reinstatement shall not be considered a modification of the support order.

16. As used in this section, unless the context otherwise requires, *"step change"* means a change designated in a support order specifying the amount of the child support obligation as the number of children entitled to support under the order changes.

17. As specified in this section, if the child for whom support is ordered is not receiving public assistance pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, upon request by the obligor, child support services may facilitate the suspension of the child support order or obligation if the child is residing with a caretaker, who is a natural person, and who has not requested child support services to provide services under this chapter. The obligor and the caretaker shall sign a notarized affidavit attesting to the conditions under this section, consent to the suspension of the support order or obligation, and submit the affidavit to child support services. Upon the receipt of public assistance benefits pursuant to chapter 239B, 249A, or a comparable law of another state or foreign country, by the child on whose behalf support is ordered, or upon application to child support services by either party or the caretaker, child support services may, within the time periods specified in this section, request the reinstatement of the accruing support order or obligation pursuant to this section.

18. The department may adopt all necessary and proper rules to administer and interpret this section.

2015 Acts, ch 110, §120, 123; 2023 Acts, ch 19, §864
Referred to in §252B.20

252B.21 Administrative seek employment orders.

1. For any support order being enforced by child support services, child support services may enter an ex parte order requiring the obligor to seek employment if employment of the obligor cannot be verified and if the obligor has failed to make support payments. Advance notice is not required prior to entering the ex parte order. The order shall be served upon the obligor by regular mail, with proof of service completed as provided in rule of civil procedure 1.442. Child support services shall file a copy of the order with the clerk of the district court.

2. The order to seek employment shall contain directives, including all of the following:

a. That the obligor seek employment within a determinate amount of time.

b. That the obligor file with child support services on a weekly basis a report of at least five new attempts to find employment or of having found employment. The report shall include the names, addresses, and the telephone numbers of any employers or businesses with whom the obligor attempted to seek employment and the name of the individual contact to whom the obligor made application for employment or to whom an inquiry was directed.

c. That failure to comply with the notice is evidence of a willful failure to pay support under section 598.23A.

d. That the obligor shall provide child support services with verification of any reason for noncompliance with the order.

e. The duration of the order, not to exceed three months.

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3. The department may establish additional criteria or requirements relating to seek employment orders by rule as necessary to implement this section.

93 Acts, ch 79, §26; 94 Acts, ch 1171, §19; 2023 Acts, ch 19, §865
Referred to in §252B.6A, 598.23A

252B.22 Liens — motor vehicle registration — task force. Repealed by 2024 Acts, ch 1170, §368.

252B.23 Surcharge.

1. A surcharge shall be due and payable by the obligor on a support arrearage identified as difficult to collect and referred by child support services on or after January 1, 1998, to a collection entity under contract with child support services or other state entity. The amount of the surcharge shall be a percent of the amount of the support arrearage referred to the collection entity and shall be specified in the contract with the collection entity. For the purpose of this chapter, a "*collection entity*" includes but is not limited to a state agency, including the central collection unit of the department of revenue, or a private collection agency. Use of a collection entity is in addition to any other legal means by which support payments may be collected. Child support services shall continue to use other enforcement actions, as appropriate.

2. *a.* Notice that a surcharge may be assessed on a support arrearage referred to a collection entity pursuant to this section shall be provided to an obligor in accordance with one of the following as applicable:

(1) In the order establishing or modifying the support obligation. Child support services or the district court shall include notice in any new or modified support order issued on or after July 1, 1997.

(2) Through notice sent by child support services by regular mail to the last known address of the support obligor.

b. The notice shall also advise that any appropriate information may be provided to a collection entity for purposes of administering and enforcing the surcharge.

3. Arrearages submitted for referral and surcharge pursuant to this section shall meet all of the following criteria:

a. The arrearages owed shall be based on a court or administrative order which establishes the support obligation.

b. The arrearage is due for a case in which child support services is providing services pursuant to this chapter and one for which the arrearage has been identified as difficult to collect by child support services.

c. The obligor was provided notice pursuant to subsection 2 at least fifteen days prior to sending the notice of referral pursuant to subsection 4.

4. Child support services shall send notice of referral to the obligor by regular mail to the obligor's last known address, with proof of service completed according to rule of civil procedure 1.442, at least thirty days prior to the date the arrearage is referred to the collection entity. The notice shall inform the obligor of all of the following:

a. The arrearage will be referred to a collection entity.

b. Upon referral, a surcharge is due and payable by the obligor.

c. The amount of the surcharge.

d. That the obligor may avoid referral by paying the amount of the arrearage to the collection services center within twenty days of the date of notice of referral.

e. That the obligor may contest the referral by submitting a written request for review of child support services. The request shall be received by child support services within twenty days of the date of the notice of referral.

f. The right to contest the referral is limited to a mistake of fact, which includes a mistake in the identity of the obligor, a mistake as to fulfillment of the requirements for referral under this subsection, or a mistake in the amount of the arrearages.

g. Child support services shall issue a written decision following a requested review.

h. Following the issuance of a written decision by child support services denying that a mistake of fact exists, the obligor may request a hearing to challenge the surcharge by sending

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a written request for a hearing to child support services. The request shall be received by child support services within ten days of child support services' written decision. The only grounds for a hearing shall be mistake of fact. Following receipt of the written request, child support services shall certify the matter for hearing in the district court in the county in which the underlying support order is filed.

i. The address of the collection services center for payment of the arrearages.

5. If the obligor pays the amount of arrearage within twenty days of the date of the notice of referral, referral of the arrearage to a collection entity shall not be made.

6. If the obligor requests a review or court hearing pursuant to this section, referral of the arrearages shall be stayed pending the decision of child support services or the court.

7. Actions of child support services under this section shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court. However, the department shall establish, by rule pursuant to chapter 17A, an internal process to provide an additional review by the director or the director's designee.

8. If an obligor does not pay the amount of the arrearage, does not contest the referral, or if following child support services' review and any court hearing child support services or the court does not find a mistake of fact, the arrearages shall be referred to a collection entity. Following the review or hearing, if child support services or the court finds a mistake in the amount of the arrearage, the arrearages shall be referred to the collection entity in the appropriate arrearage amount. For arrearages referred to a collection entity, the obligor shall pay a surcharge equal to a percent of the amount of the support arrearage due as of the date of the referral. The surcharge is in addition to the arrearages and any other fees or charges owed, and shall be enforced by the collection entity as provided under section 252B.5. Upon referral to the collection entity, the surcharge is an automatic judgment against the obligor.

9. The director or the director's designee may file a notice of the surcharge with the clerk of the district court in the county in which the underlying support order is filed. Upon filing, the clerk shall enter the amount of the surcharge on the lien index and judgment docket.

10. Following referral of a support arrearage to a collection entity, the surcharge shall be due and owing and enforceable by a collection entity or child support services notwithstanding satisfaction of the support obligation or whether the collection entity is enforcing a support arrearage. However, child support services may waive payment of all or a portion of the surcharge if waiver will facilitate the collection of the support arrearage.

11. All surcharge payments shall be received and disbursed by the collection services center. The surcharge payments received by the collection services center shall be considered appropriated receipts as defined in section 8.2 and shall be used to pay the costs of any contracts with a collection entity.

12. *a.* A payment received by the collection services center which meets all the following conditions shall be allocated as specified in paragraph *"b"*:

(1) The payment is for a case in which arrearages have been referred to a collection entity.

(2) A surcharge is assessed on the arrearages.

(3) The payment is collected under the provisions of the contract with the collection entity.

b. A payment meeting all of the conditions in paragraph *"a"* shall be allocated between support and costs and fees, and the surcharge according to the following formula:

(1) The payment shall be divided by the sum of one hundred percent plus the percent specified in the contract.

(2) The quotient shall be the amount allocated to the support arrearage and other fees and costs.

(3) The difference between the dividend and the quotient shall be the amount allocated to the surcharge.

13. Any computer or software programs developed and any records used in relation to a contract with a collection entity remain the property of the department.

97 Acts, ch 175, §244; 2003 Acts, ch 145, §286; 2005 Acts, ch 175, §119; 2023 Acts, ch 19, §867; 2024 Acts, ch 1185, §161

Referred to in §252B.9, 252B.13A

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252B.24 State case registry.

1. Child support services shall operate a state case registry to the extent determined by applicable time frames and other provisions of 42 U.S.C. §654a(e) and this section. Child support services and the judicial branch shall enter into a cooperative agreement for the establishment and operation of the registry by child support services. The state case registry shall include records with respect to all of the following:

a. Unless prohibited by federal law, each case for which services are provided under this chapter.

b. Each order for support, as defined in section 252D.16 or 598.1, which meets at least one of the following criteria:

(1) The support order is established or modified in this state on or after October 1, 1998.

(2) The income of the obligor is subject to income withholding under chapter 252D, including any support order for which the district court enters an ex parte order under chapter 252D on or after October 1, 1998.

2. The clerk of the district court shall provide child support services with any information, orders, or documents requested by child support services to establish or operate the state case registry, which are specified in the agreement described in subsection 1, within the time frames specified in that agreement. The agreement shall include but is not limited to provisions to provide for all of the following:

a. Provision to child support services of information, orders, and documents necessary for child support services to meet requirements described in 42 U.S.C. §654a(e) and this section.

b. Provision to child support services of information filed with the clerk of the district court by a party under section 598.22B, and the social security number of a child filed with the clerk of the district court under section 602.6111.

c. Use of automation, as appropriate, to meet the requirements described in 42 U.S.C. §654a(e) and this section.

3. The records of the state case registry are confidential records pursuant to chapter 22 and may only be disclosed or used as provided in section 252B.9.

98 Acts, ch 1047, §68; 98 Acts, ch 1170, §15; 2014 Acts, ch 1026, §58, 59; 2023 Acts, ch 19, §868

Referred to in §252B.13A, 598.22B, 602.8102(47B)

252B.25 Contempt — combining actions.

Notwithstanding any provision of law to the contrary, if an obligor has been ordered to provide support in more than one order, child support services may bring a single action for contempt to enforce the multiple orders. However, if the obligor objects to the consolidation of the actions regarding multiple orders into a single action for contempt, and the court determines that severance of the single action into multiple actions is in the interest of justice, child support services shall bring multiple actions for contempt to enforce the multiple orders. If the single action is brought and the obligor does not object, child support services shall file the action in the district court of a county where the obligor resides, or if the obligor does not reside in the state, in the district court of the county where at least one of the support orders was entered or registered. For the purposes of this section, the district court where child support services files the action shall have jurisdiction and authority over all other support orders for the obligor entered or registered by a court of this state and affected under this section. In such case, child support services shall also file a document with the clerk of court in each county affected specifying the county where the action under this section was filed and the disposition of the action.

2005 Acts, ch 112, §6; 2023 Acts, ch 19, §869

252B.26 Service of process.

Notwithstanding any provision of law to the contrary, child support services may serve a petition, notice, or rule to show cause under this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified in each chapter, or as follows:

1. Child support services may serve a petition, notice, or rule to show cause by certified mail. Return acknowledgment is required to prove service by certified mail, rules of civil

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procedure 1.303(5) and 1.308(5) shall not apply, and the return acknowledgment shall be filed with the clerk of court.

2. Child support services may serve a notice of intent under chapter 252H, or a notice of decision under section 252H.14A, upon any party or parent who is receiving family investment program assistance for the parent or child by sending the notice by regular mail to the address maintained by the department. Rules of civil procedure 1.303(5) and 1.308(5) shall not apply and child support services shall file proof of service as provided in chapter 252H. If the notice is determined to be undeliverable, child support services shall serve the notice as otherwise provided in this section or by personal service.

2005 Acts, ch 112, §7; 2007 Acts, ch 218, §142, 156; 2015 Acts, ch 110, §121, 123; 2023 Acts, ch 19, §870

Referred to in §252A.18, 252B.20A, 252H.14A

252B.27 Use of funding for additional positions.

1. The director, within the limitations of the amount appropriated for child support services, or moneys transferred for this purpose from the appropriation to the department for community access and eligibility, may establish new positions and add employees to child support services if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level for the fiscal year.

2. *a.* The director may establish new positions and add state employees to child support services or contract for delivery of services if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support services incentives exceeds the cost of the positions or contract, the positions or contract are necessary to ensure continued federal funding of child support services, or the new positions or contract can reasonably be expected to recover at least twice the amount of money necessary to pay the salaries and support for the new positions or the contract will generate at least two hundred percent of the cost of the contract.

b. Employees in full-time positions that transition from county government to state government employment under this subsection are exempt from testing, selection, and appointment provisions of chapter 8A, subchapter IV, and from the provisions of collective bargaining agreements relating to the filling of vacant positions.

2005 Acts, ch 175, §120; 2023 Acts, ch 19, §871; 2024 Acts, ch 1157, §55

Collective bargaining, see chapter 20

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CHAPTER 252C

CHILD SUPPORT DEBTS — ADMINISTRATIVE PROCEDURES

Referred to in §234.39, 252A.3A, 252A.6, 252B.3, 252B.4, 252B.5, 252B.7A, 252B.9, 252B.14, 252B.20, 252B.20A, 252B.26, 252D.1, 252D.16, 252D.16A, 252E.1, 252E.1A, 252E.16, 252H.2, 252H.4, 252H.21, 252I.2, 252J.1, 598.21C, 598.21G, 598.21H, 598.22, 598.22B, 598.23A, 600.11

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252C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Caretaker"* means a parent, relative, guardian, or another person who is responsible for paying foster care costs pursuant to chapter 234 or whose needs are included in an assistance payment made pursuant to chapter 239B.

2. *"Child support services"* means child support services created in section 252B.2.

3. *"Court order"* means a judgment or order requiring the payment of a set or determinable amount of monetary support. For orders entered on or after July 1, 1990, unless the court specifically orders otherwise, medical support, as defined in section 252E.1, is not included in the amount of monetary support.

4. *"Department"* means the department of health and human services.

5. *"Dependent child"* means a person who meets the eligibility criteria established in chapter 234 or 239B and whose support is required by chapter 234, 239B, 252A, 252F, 598, or 600B.

6. *"Director"* means the director of health and human services.

7. *"Medical support"* means medical support as defined in section 252E.1.

8. *"Public assistance"* means foster care costs paid by the department pursuant to chapter 234 or assistance provided pursuant to chapter 239B.

9. *"Responsible person"* means a parent, relative, guardian, or another person legally liable for the support of a child or a child's caretaker.

84 Acts, ch 1278, §1; 90 Acts, ch 1224, §14, 15; 93 Acts, ch 79, §44; 97 Acts, ch 41, §32; 2007 Acts, ch 218, §158, 187; 2008 Acts, ch 1019, §18, 20; 2015 Acts, ch 110, §89; 2018 Acts, ch 1111, §1, 10; 2023 Acts, ch 19, §872

Referred to in §252H.2

252C.2 Assignment — creation of support debt — subrogation.

1. If public assistance is provided by the department to or on behalf of a dependent child or a dependent child's caretaker, there is an assignment by operation of law to the department of any and all right in, title to, and interest in any support obligation, payment, and arrearages owed to or for the child or caretaker up to the amount of public assistance paid for or on behalf of the child or caretaker. Unless otherwise specified in the order, an equal and proportionate share of any child support awarded is presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under this section. For family investment program assistance, section 239B.6 shall apply.

2. The payment of public assistance to or for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department by the responsible person in an amount equal to the public assistance payment, except that the support debt is limited to the amount of a support obligation established by court order or by the department. The department may establish a support debt as to amounts accrued and accruing pursuant to section 598.21B. However, when establishing a support obligation

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against a responsible person, no debt shall be created for the period during which the responsible person is a recipient on the person's own behalf of public assistance for the benefit of the dependent child or the dependent child's caretaker, if any of the following conditions exist:

a. The parents have reconciled and are cohabiting, and the child for whom support would otherwise be sought is living in the same residence as the parents.

b. The child is living with the parent from whom support would otherwise be sought.

3. The provision of child support collection or paternity determination services under chapter 252B to an individual, even though the individual is ineligible for public assistance, creates a support debt due and owing to the individual or the individual's child or protected person by the responsible person in the amount of a support obligation established by court order or by the department. The department may establish a support debt in favor of the individual or the individual's child or protected person and against the responsible person, both as to amounts accrued and accruing, pursuant to section 598.21B.

4. The payment of medical assistance pursuant to chapter 249A for the benefit of a dependent child or a dependent child's caretaker creates a support debt due and owing to the department. The department may establish an order for medical support.

5. The department is subrogated to the rights of a dependent child or a dependent child's caretaker to bring a court action or to execute an administrative remedy for the collection of support. The department may petition an appropriate court for modification of a court order on the same grounds as a party to the court order can petition the court for modification.

84 Acts, ch 1278, §2; 89 Acts, ch 166, §4; 92 Acts, ch 1195, §401, 402; 94 Acts, ch 1171, §20; 97 Acts, ch 175, §50; 2005 Acts, ch 69, §12, 13; 2008 Acts, ch 1019, §4, 7; 2023 Acts, ch 19, §873; 2024 Acts, ch 1009, §46

Referred to in §252C.3, 598.21B

252C.3 Notice of support debt — failure to respond — hearing — order.

1. The department may issue a notice stating the intent to secure an order for either medical support as provided in chapter 252E or payment of an accrued or accruing support debt due and owed to the department or an individual under section 252C.2, or both. The notice shall be served upon the responsible person in accordance with the rules of civil procedure. The notice shall include all of the following:

a. A statement that the support obligation will be set pursuant to the child support guidelines established pursuant to section 598.21B, and the criteria established pursuant to section 252B.7A, and that the responsible person is required to provide medical support in accordance with chapter 252E.

b. The name of a public assistance recipient and the name of the dependent child or caretaker for whom the public assistance is paid.

c. (1) A statement that if the responsible person desires to discuss the amount of support that a responsible person should be required to pay, the responsible person may, within ten days after being served, contact child support services and request a negotiation conference.

(2) A statement that if a negotiation conference is requested, then the responsible person shall have ten days from the date set for the negotiation conference or thirty days from the date of service of the original notice, whichever is later, to send a request for a hearing to child support services.

(3) A statement that after the holding of the negotiation conference, the department may issue a new notice and finding of financial responsibility for child support or medical support, or both, to be sent to the responsible person by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney.

(4) A statement that if the department issues a new notice and finding of financial responsibility for child support or medical support, or both, then the responsible person shall have thirty days from the date of issuance of the new notice to send a request for a hearing to child support services. If the department does not issue a new notice and finding of financial responsibility for child support or medical support, or both, the responsible party

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shall have ten days from the date of issuance of the conference report to send a request for a hearing to child support services.

d. A statement that if the responsible person objects to all or any part of the notice or finding of financial responsibility for child support or medical support, or both, and a negotiation conference is not requested, the responsible person shall, within thirty days of the date of service send to child support services a written response setting forth any objections and requesting a hearing.

e. A statement that if a timely written request for a hearing is received by child support services, the responsible person shall have the right to a hearing to be held in district court; and that if no timely written response is received, the department may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

f. A statement that, as soon as the order is entered, the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

g. A statement that the responsible person shall notify the department of any change of address, employment, or medical coverage as required by chapter 252E.

h. A statement that if the responsible person has any questions, the responsible person should telephone or visit child support services or consult an attorney.

i. Such other information as the department finds appropriate.

2. The time limitations for requesting a hearing in subsection 1 may be extended by the department.

3. If a timely written response setting forth objections and requesting a hearing is received by child support services, a hearing shall be held in district court.

4. If timely written response and request for hearing is not received by child support services, the department may enter an order in accordance with the notice, and shall specify all of the following:

a. The amount of monthly support to be paid, with directions as to the manner of payment.

b. The amount of the support debt accrued and accruing in favor of the department.

c. The name of the custodial parent or agency having custody of the dependent child and the name and birth date of the dependent child for whom support is to be paid.

d. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and execution.

e. The medical support required pursuant to chapter 598 and rules adopted pursuant to chapter 252E.

5. The responsible person shall be sent a copy of the order by regular mail addressed to the responsible person's last known address, or if applicable, to the last known address of the responsible person's attorney. The order is final, and action by the department to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of approval of the order by the court pursuant to section 252C.5.

84 Acts, ch 1278, §3; 90 Acts, ch 1224, §16 – 21; 92 Acts, ch 1195, §202, 203, 403; 95 Acts, ch 52, §3, 4; 97 Acts, ch 175, §51 – 53; 2005 Acts, ch 69, §14; 2007 Acts, ch 218, §159, 160, 187; 2008 Acts, ch 1019, §18, 20; 2023 Acts, ch 19, §874

Referred to in §234.39, 252C.12

252C.4 Certification to court — hearing — default.

1. A responsible person or child support services may request a hearing regarding a determination of support. If a timely written request for a hearing is received, the department shall certify the matter to the district court as follows:

a. If the child or children reside in Iowa, and child support services is seeking an accruing obligation, in the county in which the dependent child or children reside.

b. If the child or children received public assistance in Iowa, and child support services is seeking only an accrued obligation, in the county in which the dependent child or children last received public assistance.

c. If the action is the result of a request from another state or foreign country to establish

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support by a responsible person located in Iowa, in the county in which the responsible person resides.

2. The certification shall include true copies of the notice and finding of financial responsibility or notice of the support debt accrued and accruing, the return of service, the written objections and request for hearing, and true copies of any administrative orders previously entered.

3. The court shall set the matter for hearing and notify the parties of the time and place of hearing.

4. The court shall establish the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

5. If a party fails to appear at the hearing, upon a showing of proper notice to that party, the court shall find that party in default and enter an appropriate order.

6. Actions initiated by the department under this chapter are not subject to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

7. If a responsible person contests an action initiated under this chapter by denying paternity, the following shall apply, as necessary:

a. (1) If paternity has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, the provisions of section 600B.41A are applicable.

(2) If the court determines that the prior determination of paternity should not be overcome pursuant to section 600B.41A, and that the responsible person has a duty to provide support, the court shall enter an order establishing the monthly child support payment and the amount of the support debt accrued and accruing pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

b. Notwithstanding paragraph *"a"*, subparagraph (1), if the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under this chapter to establish child or medical support, the action shall proceed as otherwise provided by this chapter.

84 Acts, ch 1278, §4; 89 Acts, ch 166, §5; 89 Acts, ch 179, §1; 90 Acts, ch 1224, §22; 92 Acts, ch 1195, §204; 93 Acts, ch 78, §9; 94 Acts, ch 1171, §21, 22; 95 Acts, ch 67, §19; 2005 Acts, ch 69, §15, 16; 2015 Acts, ch 110, §90, 91; 2023 Acts, ch 19, §875; 2023 Acts, ch 123, §6, 7

Referred to in §252C.5, 598.21B

252C.5 Filing and docketing of financial responsibility order — order effective as district court decree.

1. A true copy of any order entered by the department pursuant to this chapter, along with a true copy of the return of service, if applicable, may be filed in the office of the clerk of the district court in the manner established pursuant to section 252C.4, subsection 1.

2. The department's order shall be presented, ex parte, to the district court for review and approval. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. The approved order shall have all the force, effect, and attributes of a docketed order or decree of the district court.

3. Upon filing, the clerk shall enter the order in the judgment docket.

4. If the responsible party appeals the order approved by the court under this section, and the court on appeal establishes an amount of support which is less than the amount of support established under the approved order, the court, in the order issued on appeal, shall reconcile the amounts due and shall provide that any amount which represents the unpaid difference

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between the amount under the approved order and the amount under the order of the court on appeal is satisfied.

84 Acts, ch 1278, §5; 89 Acts, ch 179, §2; 92 Acts, ch 1195, §504; 94 Acts, ch 1171, §23; 97 Acts, ch 175, §54; 2023 Acts, ch 19, §876

Referred to in §252C.3

252C.6 Interest on support debts.

Interest accrues on support debts at the rate provided in section 535.3 for court judgments. The department may collect the accrued interest but is not required to maintain interest balance accounts. Child support services may waive payment of the interest if the waiver will facilitate the collection of the support debt.

84 Acts, ch 1278, §6; 2023 Acts, ch 19, §877

252C.7 Employers — assignments of earnings. Repealed by 97 Acts, ch 175, §55.

252C.8 Temporary restraining order or bond.

If the department reasonably believes that the responsible person is not a resident of this state, is about to move from this state, or is concealing the responsible person's whereabouts, or that the responsible person has removed or is about to remove, secrete, waste, or otherwise dispose of property which could be made subject to collection procedures to satisfy the support debt, the department may petition the district court for a temporary restraining order barring the removal, secretion, waste, or disposal. However, if the responsible person furnishes a bond satisfactory to the court, the temporary restraining order shall be vacated.

84 Acts, ch 1278, §8; 2023 Acts, ch 19, §878

252C.9 and 252C.10 Reserved.

252C.11 Security for payment of support — forfeiture.

Upon entry of a court order or upon the failure of a person to make payments pursuant to a court order, the court may require the person to provide security, a bond, or other guarantee which the court determines is satisfactory to secure the payment of the support obligation. Upon the person's failure to pay the support obligation under the court order, the court may declare the security, bond, or other guarantee forfeited.

85 Acts, ch 100, §2

252C.12 Waiver of time limitations by responsible person.

1. A responsible person may waive the time limitations established in section 252C.3.

2. Upon receipt of a signed statement from each responsible person waiving the time limitations established in section 252C.3, the department may proceed to enter an order for support and the court may approve the order, whether or not the time limitations have expired.

3. If a responsible person waives the time limitations established in section 252C.3 and an order for support is entered under this chapter, the signed statement of the responsible person waiving the time limitations shall be filed with the order for support.

92 Acts, ch 1195, §205; 2007 Acts, ch 218, §161, 187; 2008 Acts, ch 1019, §18, 20; 2023 Acts, ch 19, §879

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CHAPTER 252D

SUPPORT PAYMENTS — INCOME WITHHOLDING

Referred to in §96.3, 249A.52, 252B.3, 252B.4, 252B.9, 252B.14, 252B.15, 252B.24, 252E.4, 252G.8, 252I.2, 252J.1, 535.3, 598.22, 598.23, 598.23A, 642.2, 642.21

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SUBCHAPTER I

DELINQUENT PAYMENTS

252D.1 Delinquent support payments.

If support payments ordered under this chapter or chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, as certified to child support services, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, and become delinquent in an amount equal to the payment for one month, child support services may enter an ex parte order or, upon application of a person entitled to receive the support payments, the district court may enter an ex parte order, notifying the person whose income is to be withheld, of the delinquent amount, of the amount of income to be withheld, and of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of specified sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and, except as provided in section 598.22, requiring the payment of such sums to the clerk of the district court or the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. All income withholding payments shall be paid to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. Notification of income withholding shall be provided to the obligor and to the payor of income pursuant to section 252D.17.

84 Acts, ch 1239, §1; 85 Acts, ch 100, §3; 85 Acts, ch 178, §2; 86 Acts, ch 1191, §1; 86 Acts, ch 1245, §1421; 86 Acts, ch 1246, §317, 323; 88 Acts, ch 1218, §4; 90 Acts, ch 1224, §24; 90

Acts, ch 1253, §120; 92 Acts, ch 1195, §104; 93 Acts, ch 78, §10; 93 Acts, ch 79, §45; 97 Acts, ch 175, §56; 98 Acts, ch 1170, §7; 2007 Acts, ch 22, §57; 2015 Acts, ch 110, §92; 2023 Acts, ch 19, §880
Referred to in §252D.3

252D.2 Repealed by 97 Acts, ch 175, §69. See §252D.31.

252D.3 Notice of income withholding.
All orders for support entered on or after July 1, 1984, shall notify the person ordered to pay support of the mandatory withholding of income required under section 252D.1. However, this subchapter is sufficient notice of implementation of mandatory withholding of income under section 252D.1 without any further notice.
84 Acts, ch 1239, §3; 85 Acts, ch 100, §4; 97 Acts, ch 175, §57; 2005 Acts, ch 112, §8

252D.4 through 252D.7 Reserved.

SUBCHAPTER II

IMMEDIATE INCOME WITHHOLDING

252D.8 Persons subject to immediate income withholding.
1. In a support order issued or modified on or after November 1, 1990, for which services are being provided by child support services, and in any support orders issued or modified after January 1, 1994, for which services are not provided by child support services, the income of a support obligor is subject to withholding, on the effective date of the order, regardless of whether support payments by the obligor are in arrears. If services are being provided pursuant to chapter 252B, child support services may enter an ex parte order for an immediate withholding of income. The district court may enter an ex parte order for immediate income withholding for cases in which child support services is not providing services. The income of the obligor is subject to immediate withholding unless one of the following occurs:
a. One of the parties demonstrates and the court or child support services finds there is good cause not to require immediate withholding. A finding of good cause shall be based on, at a minimum, written findings and conclusions by the court or administrative authority as to why implementing immediate withholding would not be in the best interests of the child. In cases involving modifications, the findings shall also include proof of timely payment of previously ordered support.
b. A written agreement is reached between both parties which provides for an alternative arrangement. If the support payments have been assigned to the department pursuant to chapter 234 or 239B, or a comparable statute of another jurisdiction, the department shall be considered a party to the support order, and a written agreement pursuant to this section to waive immediate withholding is void unless approved by child support services. Any agreement existing at the time an assignment of support is made pursuant to chapter 234 or 239B or pursuant to a comparable statute of another jurisdiction shall not prevent child support services from implementing immediate withholding.
2. For an order not requiring immediate withholding, income of an obligor is subject to immediate withholding, without regard to whether there is an arrearage, on the earliest of the following:
a. The date the obligor requests that the withholding begin.
b. The date the custodial parent or party to the proceeding requests that the withholding begin, if the request is approved by the district court or, in cases in which services are being provided pursuant to chapter 252B, if child support services approves the request.
90 Acts, ch 1123, §1; 93 Acts, ch 78, §11; 94 Acts, ch 1171, §24; 97 Acts, ch 41, §32; 2023 Acts, ch 19, §881
Referred to in §252D.31

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252D.9 Sums subject to immediate withholding.

Specified sums shall be deducted from the obligor's income sufficient to pay the support obligation and any judgment established or delinquency accrued under the support order. The amount withheld pursuant to an income withholding order or notice of order for income withholding shall not exceed the amount specified in 15 U.S.C. §1673(b).

90 Acts, ch 1123, §2; 92 Acts, ch 1195, §206; 97 Acts, ch 175, §58

252D.10 Notice of immediate income withholding.

An order for support entered after November 1, 1990, shall contain the notice of immediate income withholding. However, this subchapter is sufficient notice for implementation of immediate income withholding without any further notice.

90 Acts, ch 1123, §3; 97 Acts, ch 175, §59; 2005 Acts, ch 112, §9

252D.11 Repealed by 97 Acts, ch 175, §69. See §252D.31.

252D.12 through 252D.15 Reserved.

SUBCHAPTER III

GENERAL PROVISIONS

252D.16 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Child support services"* means the same as child support services created in section 252B.2.
2. *"Department"* means the department of health and human services.
3. *"Income"* means all of the following:

a. Any periodic form of payment due an individual, regardless of source, including but not limited to wages, salaries, commissions, bonuses, workers' compensation, disability payments, payments pursuant to a pension or retirement program, and interest.

b. A sole payment or lump sum as provided in section 252D.18C, including but not limited to payment from an estate including inheritance, or payment for personal injury or property damage.

c. Irregular income as defined in section 252D.18B.

4. *"Payor of income"* or *"payor"* means and includes but is not limited to an obligor's employer, trustee, the state of Iowa and all governmental subdivisions and agencies, and any other person from whom an obligor receives income.
5. *"Support"* or *"support payments"* means any amount which the court or administrative agency may require a person to pay for the benefit of a child under a temporary order or a final judgment or decree entered under chapter 232, 234, 252A, 252C, 252F, 252H, 598, 600B, or any other comparable chapter, and may include child support, maintenance, medical support as defined in chapter 252E, spousal support, and any other term used to describe these obligations. These obligations may include support for a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability. The obligations may include support for a child eighteen or more years of age with respect to whom a child support order has been issued pursuant to the laws of another state or foreign country. These obligations shall not include amounts for a postsecondary education subsidy as defined in section 598.1.

97 Acts, ch 175, §60; 2005 Acts, ch 112, §10; 2015 Acts, ch 110, §93; 2023 Acts, ch 19, §882; 2023 Acts, ch 64, §36; 2023 Acts, ch 119, §23; 2025 Acts, ch 30, §51

Referred to in §8.89, 84A.5, 252B.1, 252B.13A, 252B.14, 252B.24, 252D.1, 252D.16A, 252I.1, 252J.1, 627.11, 627.12

252D.16A Income withholding order — child support services.

If support payments are ordered under this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, and if income withholding relative to such support payments

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is allowed under this chapter, child support services may enter an ex parte order notifying the person whose income is to be withheld of the procedure to file a motion to quash the order for income withholding, and ordering the withholding of sums to be deducted from the delinquent person's income as defined in section 252D.16 sufficient to pay the support obligation and requiring the payment of such sums to the collection services center or, as appropriate, a comparable government entity in another state as provided in chapter 252K. Child support services shall include the amount of any delinquency and the amount to be withheld in the notice provided to the obligor pursuant to section 252D.17A. Notice of income withholding shall be provided to the obligor and to the payor of income pursuant to sections 252D.17 and 252D.17A.

2006 Acts, ch 1119, §3, 11; 2015 Acts, ch 110, §94; 2023 Acts, ch 19, §883

252D.17 Notice to payor of income — duties and liability — criminal penalty.

1. The district court shall provide notice by sending a copy of the order for income withholding or a notice of the order for income withholding to the obligor and the obligor's payor of income by regular mail, with proof of service completed according to rule of civil procedure 1.442. Child support services shall provide notice of the income withholding order by sending a notice of the order to the obligor's payor of income by regular mail or by electronic means. Proof of service may be completed according to rule of civil procedure 1.442. Child support services' notice of the order may be sent to the payor of income on the same date that the order is sent to the clerk of court for filing. In all other instances, the income withholding order shall be filed with the clerk of court prior to sending the notice of the order to the payor of income. In addition to the amount to be withheld for payment of support, the order or the notice of the order shall be in a standard format as prescribed by child support services and shall include all of the following information regarding the duties of the payor in implementing the withholding order:

a. The withholding order or notice of the order for income withholding for child support or child support and spousal support has priority over a garnishment or an assignment for any other purpose.

b. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment in addition to the amount withheld for support. The payor of income is not required to vary the payroll cycle to comply with the frequency of payment of a support order.

c. The amount withheld for support, including the processing fee, shall not exceed the amounts specified in 15 U.S.C. §1673(b).

d. The income withholding order is binding on an existing or future payor of income ten days after receipt of the copy of the order or the notice of the order, and is binding whether or not the copy of the order received is file-stamped.

e. The payor shall send the amounts withheld to the collection services center or the clerk of the district court pursuant to section 252B.14 or, as appropriate, a comparable government entity in another state as provided in chapter 252K, within seven business days of the date the obligor is paid. *"Business day"* means a day on which state offices are open for regular business.

f. The payor may combine amounts withheld from the obligors' income in a single payment to the clerk of the district court or to the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate. Whether combined or separate, payments shall be identified by the name of the obligor, account number, amount, and the date withheld. If payments for multiple obligors are combined, the portion of the payment attributable to each obligor shall be specifically identified.

g. The withholding is binding on the payor until further notice by the court or child support services.

h. If the payor, with actual knowledge and intent to avoid legal obligation, fails to withhold income or to pay the amounts withheld to the collection services center or the clerk of court or, as appropriate, a comparable government entity in another state as provided in chapter 252K in accordance with the provisions of the order, the notice of the order, or the notification of payors of income provisions established in section 252B.13A, the payor

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commits a simple misdemeanor for a first offense and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor. For each subsequent offense prescribed under this paragraph, the payor commits a serious misdemeanor and is liable for the accumulated amount which should have been withheld, together with costs, interest, and reasonable attorney fees related to the collection of the amounts due from the payor.

i. The payor shall promptly notify the court or child support services when the obligor's employment or other income terminates, and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

j. Any payor who discharges an obligor, refuses to employ an obligor, or takes disciplinary action against an obligor based upon income withholding is guilty of a simple misdemeanor. A withholding order or the notice of the order for income withholding has the same force and effect as any other district court order, including but not limited to contempt of court proceedings for noncompliance.

k. (1) Beginning July 1, 1997, if a payor of income does business in another state through a registered agent and receives a notice of income withholding issued by another state, the payor shall, and beginning January 1, 1998, any payor of income shall, withhold funds as directed in a notice issued by another state, except that a payor of income shall follow the laws of the obligor's principal place of employment when determining all of the following:

(a) The payor's fee for processing an income withholding payment.

(b) The maximum amount permitted to be withheld from the obligor's income.

(c) The time periods for implementing the income withholding order and forwarding the support payments.

(d) The priorities for withholding and allocating income withheld for multiple child support obligees.

(e) Any withholding terms or conditions not specified in the order.

(2) A payor of income who complies with an income withholding notice that is regular on its face shall not be subject to any civil liability to any individual or agency for conduct in compliance with the notice.

l. The payor of income shall comply with chapter 252K when receiving a notice of income withholding from another state.

2. The department shall establish criteria and a phased-in schedule to require, no later than June 30, 2015, payors of income to electronically transmit the amounts withheld under an income withholding order. The department shall assist payors of income in complying with the required electronic transmission, and shall adopt rules setting forth procedures for use in electronic transmission of funds, and exemption from use of electronic transmission taking into consideration any undue hardship electronic transmission creates for payors of income.

93 Acts, ch 78, §12; 95 Acts, ch 52, §5, 6; 96 Acts, ch 1141, §10, 11; 97 Acts, ch 175, §61, 70, 72; 98 Acts, ch 1170, §8; 2000 Acts, ch 1125, §2, 4; 2006 Acts, ch 1119, §4; 2010 Acts, ch 1031, §337; 2013 Acts, ch 30, §55; 2013 Acts, ch 140, §60; 2015 Acts, ch 110, §95; 2023 Acts, ch 19, §884, 885

Referred to in §252D.1, 252D.16A, 252D.18, 252D.18A

252D.17A Notice to obligor of implementation of income withholding order.

Child support services or the district court shall send a notice of the income withholding order to the obligor at the time the notice is sent to the payor of income.

97 Acts, ch 175, §62; 2023 Acts, ch 19, §886

Referred to in §252D.16A, 252D.18

252D.18 Modification or termination of withholding.

1. The court or child support services may, by ex parte order, modify a previously entered income withholding order if the court or child support services determines any of the following:

a. There has been a change in the amount of the current support obligation.

b. The amount required to be withheld under the income withholding order is in error.

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c. Any past due support debt has been paid in full. Should a delinquency later accrue, the withholding order may be modified to secure payment toward the delinquency.

d. There has been a change in the rules adopted by the department pursuant to chapter 17A regarding the amount of income to be withheld to pay a delinquency.

2. Child support services may modify an amount specified in an income withholding order or notice of income withholding by providing notice to the payor of income and the obligor pursuant to sections 252D.17 and 252D.17A.

3. The court or child support services may, by ex parte order, terminate an income withholding order when the current support obligation has terminated and when the delinquent support obligation has been fully satisfied as applicable to all of the children covered by the income withholding order. Child support services may, by ex parte order, terminate an income withholding order when child support services will no longer be providing services under chapter 252B, or when another state or foreign country will be providing services under Tit. IV-D of the federal Social Security Act or a comparable law in a foreign country.

4. In no case shall payment of overdue support be the sole basis for termination of withholding.

90 Acts, ch 1123, §8; 91 Acts, ch 177, §6; 92 Acts, ch 1195, §106; 93 Acts, ch 78, §13; 98 Acts, ch 1170, §44; 2006 Acts, ch 1119, §5, 11; 2011 Acts, ch 67, §1; 2015 Acts, ch 110, §96; 2023 Acts, ch 19, §887

252D.18A Multiple income withholding orders — amounts withheld by payor.

When the obligor is responsible for paying more than one support obligation and the payor of income has received more than one income withholding order or notice of an order for the obligor, the payor shall withhold amounts in accordance with all of the following:

1. The total of all amounts withheld shall not exceed the amounts specified in 15 U.S.C. §1673(b). For orders or notices issued by child support services, the limit for the amount to be withheld shall be specified in the order or notice.

2. As reimbursement for the payor's processing costs, the payor may deduct a fee of no more than two dollars for each payment withheld in addition to the amount withheld for support.

3. Priority shall be given to the withholding of current support rather than delinquent support. The payor shall not allocate amounts withheld in a manner which results in the failure to withhold an amount for one or more of the current support obligations.

a. To arrive at the amount to be withheld for each obligee, the payor shall total the amounts due for current support under the income withholding orders and the notices of orders and determine the proportionate share for each obligee. The proportionate share shall be determined by dividing the amount due for current support for each order or notice of order by the total due for current support for all orders and notices of orders. The results are the percentages of the obligor's net income which shall be withheld for each obligee.

b. If, after completing the calculation in paragraph *"a"*, the withholding limit specified under subsection 1 has not been attained, the payor shall total the amounts due for arrearages and determine the proportionate share for each obligee. The proportionate share amounts shall be established utilizing the procedures established in paragraph *"a"* for current support obligations.

4. The payor shall identify and report payments by the obligor's name, account number, amount, and date withheld pursuant to section 252D.17. If payments for multiple obligees are combined, the portion of the payment attributable to each obligee shall be specifically identified only if the payor is directed to do so by child support services.

93 Acts, ch 78, §14; 96 Acts, ch 1141, §12, 13; 97 Acts, ch 175, §63, 64; 98 Acts, ch 1170, §9; 2002 Acts, ch 1018, §1, 2; 2009 Acts, ch 15, §1; 2023 Acts, ch 19, §888

252D.18B Irregular income.

When payment of income is irregular, and an order for immediate or mandatory income withholding has been entered by child support services or the district court, the income payor shall withhold income equal to the total that would have been withheld had there been regular

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monthly income. The amounts withheld shall not exceed the amounts specified in 15 U.S.C. §1673(b). For the purposes of this section, an income source is irregular when there are periods in excess of one month during which the income payor makes no payment to the obligor and the periods are not the result of termination or suspension of employment.

93 Acts, ch 78, §15; 2023 Acts, ch 19, §889
Referred to in §252D.16

252D.18C Withholding from lump sum payments.

Child support services or the district court may enter an ex parte order for income withholding when the obligor is paid by a lump sum income source. When a sole payment is made or payment occurs at two-month or greater intervals, the withholding order may include all current and delinquent support due through the current month, but shall not exceed the amounts specified in 15 U.S.C. §1673(b).

93 Acts, ch 78, §16; 2023 Acts, ch 19, §890
Referred to in §252D.16

252D.19 Other remedies.

The remedies provided in this chapter do not exclude the use of other civil or criminal remedies in enforcing support obligations.

90 Acts, ch 1123, §9

252D.19A Disparity between order and pay dates — not delinquent.

1. An obligor whose support payments are automatically withheld from the obligor's paycheck shall not be delinquent or in arrears if all of the following conditions are met:

a. Any delinquency or arrearage is caused solely by a disparity between the schedules of the obligor's regular pay dates and the scheduled date the support is due.

b. The amount calculated to be withheld is such that the total amount of current support to be withheld from the paychecks of the obligor and the amount ordered to be paid in the support order are the same on an annual basis.

c. The automatic deductions for support are continuous and occurring.

2. If child support services takes an enforcement action during a calendar year against an obligor and the obligor is not delinquent or in arrears solely due to the applicability of this section to the obligor, upon discovering the circumstances, child support services shall promptly discontinue the enforcement action.

97 Acts, ch 175, §65; 2023 Acts, ch 19, §891

252D.20 Administration of income withholding procedures.

Child support services is designated as the entity of the state to administer income withholding in accordance with the procedures specified for keeping adequate records to document, track, and monitor support payments on cases subject to Tit. IV-D of the federal Social Security Act. The collection services center is designated as the entity for administering income withholding for cases which are not subject to Tit. IV-D. The collection services center's responsibilities for administering income withholding in cases not subject to Tit. IV-D are limited to the receipt, recording, and disbursement of income withholding payments and to responding to requests for information on the current status of support payments pursuant to section 252B.13A. Notwithstanding section 622.53, in cases where the court or child support services is enforcing an order of another state or foreign country through income withholding, a certified copy of the underlying judgment is sufficient proof of authenticity.

90 Acts, ch 1123, §10; 92 Acts, ch 1195, §404; 98 Acts, ch 1170, §10; 2010 Acts, ch 1061, §180; 2015 Acts, ch 110, §97; 2023 Acts, ch 19, §892

252D.21 Penalty for misrepresentation.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an income withholding order or notice of income withholding against another person and to receive support payments or

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additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

90 Acts, ch 1123, §11; 97 Acts, ch 175, §66

252D.22 Rules.

The department shall adopt the administrative rules necessary to implement the provisions of this chapter as they pertain to the operations of child support services.

90 Acts, ch 1123, §12; 2023 Acts, ch 19, §893

252D.23 Filing of withholding order — order effective as district court order.

An income withholding order entered by child support services pursuant to this chapter shall be filed with the clerk of the district court. In lieu of any signature on the order which may otherwise be required by law or rule, the order shall have affixed the name and address of child support services. For the purposes of demonstrating compliance by the payor of income, the copy of the withholding order or the notice of the order received, whether or not the copy of the order is file-stamped, shall have all the force, effect, and attributes of a docketed order of the district court including, but not limited to, availability of contempt of court proceedings against a payor of income for noncompliance. However, any information contained in the income withholding order or the notice of the order related to the amount of the accruing or accrued support obligation which does not reflect the correct amount of support due does not modify the underlying support judgment.

92 Acts, ch 1195, §207; 94 Acts, ch 1171, §25; 95 Acts, ch 52, §7; 96 Acts, ch 1141, §14; 97 Acts, ch 175, §67; 99 Acts, ch 127, §2; 2023 Acts, ch 19, §894

252D.24 Applicability to support orders of other jurisdictions.

1. An income withholding order may be entered to enforce a support order of another state or foreign country. That support order may be entered and filed with the clerk of the district court at the time the income withholding order is entered. Entry of the support order of another state or foreign country under this subsection does not constitute registration of the order.

2. Income withholding for a support order issued by another state or foreign country is governed by chapter 252K and this chapter, as appropriate.

93 Acts, ch 78, §17; 97 Acts, ch 175, §71; 2005 Acts, ch 112, §11; 2015 Acts, ch 110, §98

252D.25 Limitations on scope of proceedings.

1. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a motion to quash, revoke, suspend, or stay a withholding order.

2. Support orders shall not be modified under a motion to quash a withholding order.

93 Acts, ch 78, §18

252D.26 through 252D.29 Reserved.

252D.30 Ex parte order — provisions for medical support.

An ex parte order entered under this chapter may also include provisions for enforcement of medical support when medical support provisions are included in the support order. The ex parte order may require income withholding of a dollar amount for medical support or implementation of provision for dependent coverage under a health benefit plan pursuant to chapter 252E.

93 Acts, ch 78, §19

252D.31 Motion to quash.

An obligor under this chapter may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

1. Grounds for contesting a withholding order under this chapter include all of the following:

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a. A mistake of fact, which for purposes of this chapter means an error in the amount withheld or the amount of the withholding or the identity of the obligor.

b. For immediate withholding only, the conditions for exception to immediate income withholding as defined under section 252D.8 existed at the time of implementation of the withholding.

2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

3. The payor shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the clerk of the district court or the collection services center or a comparable government entity in another state as provided in chapter 252K, as appropriate, until the notice that a motion to quash has been granted is received.

97 Acts, ch 175, §68; 2015 Acts, ch 110, §99
Referred to in §252E.6A

CHAPTER 252E
MEDICAL SUPPORT

Referred to in §252A.3, 252A.6A, 252B.3, 252B.4, 252B.5, 252B.9, 252C.3, 252C.4, 252D.1, 252D.16, 252D.16A, 252D.30, 252F.3, 252F.4, 252F.5, 252H.2, 252H.8, 252H.9, 252H.14A, 252H.15, 252I.2, 252J.1, 514C.9, 598.21B, 598.21C, 598.21E

Either parent may be ordered to provide medical support;
2008 Acts, ch 1019, §19

252E.1 Definitions.
252E.1A Establishing and modifying orders for medical support.
252E.1B Establishing and modifying orders for medical support — actions initiated by child support services.
252E.2 Order for medical support.
252E.2A Satisfaction of medical support order.
252E.3 Health care coverage of obligee.
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252E.5 Effect of order on employer.
252E.6 Duration of health benefit plan coverage.
252E.6A Motion to quash.
252E.7 Insurer authorization.
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252E.9 Responsibilities of the obligor.
252E.10 Responsibility of the department.
252E.11 Assignment.
252E.12 Enforcement.
252E.13 Modification of support order.
252E.14 Child support.
252E.15 Rulemaking authority — compliance.
252E.16 Scope and effect.

252E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Accessible"* means any of the following, unless otherwise provided in the support order:

a. The health benefit plan does not have service area limitations or provides an option not subject to service area limitations.

b. The health benefit plan has service area limitations and the dependent lives within thirty miles or thirty minutes of a network primary care provider.

2. *"Basic coverage"* means health care coverage that at a minimum provides coverage for emergency care, inpatient and outpatient hospital care, physician services whether provided within or outside a hospital setting, and laboratory and x-ray services.

3. *"Cash medical support"* means a monetary amount that a parent is ordered to pay to the obligee in lieu of that parent providing health care coverage, which amount is five percent of the gross income of the parent ordered to pay the monetary amount or, if the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the amount, the amount determined by the standard specified by the child support guidelines. *"Cash medical support"* is an obligation

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separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to section 598.21B.

4. *"Child"* means a person for whom child or medical support may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other chapter of the Code or pursuant to a comparable statute of another state or foreign country.

5. *"Child support services"* means child support services created in section 252B.2.

6. *"Department"* means the department of health and human services, which includes but is not limited to child support services, or any comparable support enforcement agency of another state.

7. *"Dependent"* means a child, or an obligee for whom a court may order health care coverage pursuant to section 252E.3.

8. *"Enroll"* means to be eligible for and covered by a health benefit plan.

9. *"Health benefit plan"* means any policy or contract of insurance, indemnity, subscription, or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation or organization, any public coverage, or any self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include but are not limited to hospital, surgical, major medical insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

10. *"Health care coverage"* or *"coverage"* means providing and paying for the medical needs of a dependent through a health benefit plan.

11. *"Insurer"* means any entity, including a health service corporation, health maintenance organization, or any similar corporation or organization, or an employer offering self-insurance, that provides a health benefit plan, but does not include an entity that provides public coverage.

12. *"Medical support"* means either the provision of health care coverage or the payment of cash medical support. *"Medical support"* is not alimony.

13. *"National medical support notice"* means a notice as prescribed under 42 U.S.C. §666(a)(19) or a substantially similar notice, that is issued and forwarded by the department in accordance with section 252E.4 to enforce the health care coverage provisions of a support order. The national medical support notice is not applicable to a provider of public coverage.

14. *"Obligee"* means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

15. *"Obligor"* means a parent or another natural person legally responsible for the support of a dependent.

16. *"Order"* means a support order entered pursuant to chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any other support chapter, or pursuant to a comparable statute of another state or foreign country, or an ex parte order entered pursuant to section 252E.4. *"Order"* also includes a notice of such an order issued by the department.

17. *"Plan administrator"* means the employer or sponsor that offers the health benefit plan or the person to whom the duty of plan administrator is delegated by the employer or sponsor offering the health benefit plan, by written agreement of the parties. *"Plan administrator"* does not include a provider of public coverage.

18. *"Primary care provider"* means a physician who provides primary care who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist; an advanced registered nurse practitioner; or a physician associate.

19. *"Public coverage"* means health care benefits provided by any form of federal or state medical assistance, including but not limited to benefits provided under chapter 249A or 514I, or under comparable laws of another state, foreign country, or Indian nation or tribe.

90 Acts, ch 1224, §25; 92 Acts, ch 1195, §505; 93 Acts, ch 78, §20; 93 Acts, ch 79, §46; 97 Acts, ch 41, §32; 2000 Acts, ch 1096, §1; 2002 Acts, ch 1018, §3; 2007 Acts, ch 218, §163, 187; 2008 Acts, ch 1019, §18, 20; 2015 Acts, ch 110, §100; 2018 Acts, ch 1111, §2, 10; 2019 Acts, ch 24, §29; 2023 Acts, ch 19, §895; 2023 Acts, ch 119, §24; 2026 Acts, ch 1008, §3

Referred to in §252C.1, 252E.6A, 514C.9, 600B.25, 714I.4
Code editor directive applied

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252E.1A Establishing and modifying orders for medical support.

1. This section shall apply to all initial or modified orders for support entered under chapter 234, 252A, 252C, 252F, 252H, 598, 600B, or any other applicable chapter. If an action to establish or modify an order for support is initiated by child support services, section 252E.1B shall also apply.

2. An order or judgment that provides for temporary or permanent support for a child shall include a provision for medical support for the child as provided in this section.

3. The court shall order as medical support for the child health care coverage if a health benefit plan other than public coverage is available to either parent at the time the order is entered or modified. A health benefit plan is available if the plan is accessible and the cost of the plan is reasonable.

a. The cost of a health benefit plan is considered reasonable, and such amount shall be stated in the order, if one of the following applies:

(1) The premium cost for a child to the parent ordered to provide coverage does not exceed five percent of that parent's gross income or the child support guidelines established pursuant to section 598.21B specifically provide an alternative income-based numeric standard for determining the reasonable cost of the premium, in which case the reasonable cost of the premium as determined by the standard specified by the child support guidelines shall apply.

(2) The premium cost for a child exceeds the amount specified in subparagraph (1) and that parent consents or does not object to entry of that order.

b. For purposes of this section, *"family coverage"* means coverage that covers multiple individuals and covers or could cover the child or children subject to the child support order.

c. For purposes of this section, *"gross income"* has the same meaning as gross income for calculation of support under the guidelines established under section 598.21B.

d. For purposes of this section, *"the premium cost for a child to the parent"* ordered to provide coverage means the amount of the premium cost for family coverage to the parent which is in excess of the premium cost for single coverage, regardless of the number of individuals covered under the plan.

4. If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent does not have public coverage for the child, the court shall order cash medical support in an amount which shall be stated in the order. This subsection shall not apply in any of the following circumstances:

a. If the parent's monthly support obligation established pursuant to the child support guidelines prescribed by the supreme court pursuant to section 598.21B is the minimum obligation amount. If this paragraph applies, the court shall order the parent to provide health care coverage when a plan becomes available for which there is no premium cost for a child to the parent.

b. If the noncustodial parent does not have income which may be subject to income withholding for collection of cash medical support at the time of the entry of the order. If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available at a reasonable cost, and the order shall specify the amount of the reasonable cost as specified in subsection 3, paragraph *"a"*, subparagraph (1).

c. If the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in section 252E.2A, subsection 1, paragraph *"c"*, subparagraph (3) or (4). If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available for which there is no premium cost for a child to the parent.

5. If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent has public coverage for the child, the court shall order the custodial parent to provide health care coverage, and the court shall order the noncustodial parent to pay cash medical support, which amount shall be stated in the order, unless an exception under subsection 4 applies.

6. Notwithstanding the requirements of this section, the court may order provisions in the alternative to those provided in this section to address the health care needs of the child if the

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court determines that extreme circumstances so require and documents the court's written findings in the order.

7. An order, decree, or judgment entered before October 1, 2018, that provides for the support of a child may be modified in accordance with this section.

2007 Acts, ch 218, §164, 187; 2008 Acts, ch 1019, §11 – 14, 18, 20; 2018 Acts, ch 1111, §3, 10; 2023 Acts, ch 19, §896

Referred to in §252B.5, 252E.1B, 598.21B, 598.21C

252E.1B Establishing and modifying orders for medical support — actions initiated by child support services.

1. If child support services is initiating an action to establish or modify support, this section shall apply in addition to the provisions of section 252E.1A.

2. Child support services shall apply the following order of priority when child support services enters or seeks an order for medical support:

a. If the custodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, child support services shall enter or seek an order for the custodial parent to provide coverage.

b. If the noncustodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, child support services shall enter or seek an order for the noncustodial parent to provide coverage.

c. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the custodial parent, child support services shall enter or seek an order for the custodial parent to provide coverage.

d. If a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to the noncustodial parent, child support services shall enter or seek an order for the noncustodial parent to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent, and the custodial parent has public coverage for the child, child support services shall enter or seek an order for the custodial parent to provide health care coverage and shall enter or seek an order for the noncustodial parent to pay cash medical support. However, if any of the circumstances described in section 252E.1A, subsection 4, paragraph *"a"*, *"b"*, or *"c"* is met, child support services shall enter or seek an order as specified by the applicable paragraph.

3. Notwithstanding subsection 2, if there is an order for joint physical care for the child and the parties subject to the support order, child support services shall apply the following order of priority when child support services enters or seeks an order for medical support:

a. If only one parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in section 252E.1A, subsection 3, child support services shall enter or seek an order for that parent to provide coverage.

b. If both parents are currently providing coverage for the child under a health benefit plan other than public coverage, and both plans are available as described in section 252E.1A, subsection 3, child support services shall enter or seek an order for both parents to provide coverage.

c. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to one parent, child support services shall enter or seek an order for that parent to provide coverage.

d. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in section 252E.1A, subsection 3, to both parents, child support services shall enter or seek an order for both parents to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent and one parent has public coverage for the child, child support services shall enter or seek an order for that parent to provide health care coverage.

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4. Child support services or the court shall not order any modification to an existing medical support order in a proceeding conducted solely pursuant to chapter 252H, subchapter IV.

2018 Acts, ch 1111, §4, 10; 2023 Acts, ch 19, §897
Referred to in §252E.1A

252E.2 Order for medical support.

1. An order requiring the provision of coverage under a health benefit plan other than public coverage is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent's eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions including but not limited to eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.

2. An insurer who is subject to the federal Employee Retirement Income Security Act, as codified in 29 U.S.C. §1169, shall provide benefits in accordance with that section which meet the requirements of a qualified medical child support order. For the purposes of this subsection*"qualified medical child support order"* means and includes a medical child support order as defined in 29 U.S.C. §1169, or a child support order which creates or recognizes the existence of a child's right to, or assigns to a child the right to, receive benefits for which a participant or child is eligible under a group health plan or a notice of such an order issued by the department, and which specifies the following:

a. The name and the last known mailing address of the participant and the name and mailing address of each child covered by the order except that, to the extent provided in the order, the name and mailing address of the department may be substituted for the mailing address of the child.

b. A reasonable description of the type of coverage to be provided to each child, or the manner in which the type of coverage is to be determined.

c. The period during which the coverage applies.

3. The obligor shall take all actions necessary to enroll and maintain coverage under a health benefit plan for a dependent at the obligor's present and all future places of employment.

4. A medical support order of another state or foreign country may be entered or filed with the clerk of the district court. However, entry of such a medical support order under this subsection does not constitute registration of that medical support order.

90 Acts, ch 1224, §26; 92 Acts, ch 1195, §506; 93 Acts, ch 78, §21; 94 Acts, ch 1171, §26; 97 Acts, ch 175, §73; 98 Acts, ch 1170, §32; 2000 Acts, ch 1096, §2; 2002 Acts, ch 1018, §4; 2015 Acts, ch 110, §101; 2018 Acts, ch 1111, §5, 10; 2023 Acts, ch 19, §898; 2026 Acts, ch 1040, §45
Referred to in §252E.4, 252E.8
Subsection 1 amended

252E.2A Satisfaction of medical support order.

This section shall apply if child support services is providing services under chapter 252B.

1. Notwithstanding any law to the contrary and without a court order, a medical support order for a child shall be deemed satisfied with regard to the department, the child, the obligor, and the obligee for the period during which all of the following conditions are met:

a. The order is issued under any applicable chapter of the Code.

b. Child support services is notified that the conditions of paragraph "*c*" are met and the parent ordered to provide medical support submits a written statement to child support services that the requirements of paragraph "*c*" are met.

c. The parent ordered to provide medical support meets at least one of the following conditions:

(1) The parent is an inmate of an institution under the control of the department of corrections or a comparable institution in another state.

(2) The parent's monthly child support obligation under the guidelines established pursuant to section 598.21B is the minimum obligation amount.

(3) The parent is a recipient of assistance under chapter 239B or 249A, or under comparable laws of another state.

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(4) The parent is residing with any child for whom the parent is legally responsible and that child is a recipient of assistance under chapter 239B, 249A, or 514I, or under comparable laws of another state. For purposes of this subparagraph, *"legally responsible"* means the parent has a legal obligation to the child as specified in Iowa court rule 9.7 of the child support guidelines.

d. Child support services files a notice of satisfaction with the clerk of the district court. The effective date of the satisfaction shall be stated in the notice and the effective date shall be no later than forty-five days after child support services issues the notice of satisfaction.

2. If a medical support order is satisfied under subsection 1, the satisfaction shall continue until all of the following apply:

a. Child support services is notified that none of the conditions specified in subsection 1, paragraph *"c"*, still applies.

b. Child support services files a satisfaction termination notice that the requirements for a satisfaction under this section no longer apply. The effective date shall be stated in the satisfaction termination notice and the effective date shall be no later than forty-five days after child support services issues the satisfaction termination notice.

3. Child support services shall mail a copy of the notice of satisfaction and the satisfaction termination notice to the last known address of the obligor and obligee.

4. The department may match data for enrollees of the Hawki program created pursuant to chapter 514I with data of child support services to assist child support services in implementing this section.

5. An order, decree, or judgment entered or pending on or before July 1, 2009, that provides for the support of a child may be satisfied as provided in this section.

2007 Acts, ch 218, §165, 187; 2008 Acts, ch 1019, §15 – 18, 20; 2023 Acts, ch 19, §899
Referred to in §252E.1A

252E.3 Health care coverage of obligee.

For cases for which services are being provided pursuant to chapter 252B, the order may require an obligor providing health care coverage for a child to also provide health care coverage for the benefit of an obligee if the obligee is eligible for enrollment under the plan in which the child or the obligor is enrolled, and if coverage for the obligee is available at no additional cost.

90 Acts, ch 1224, §27; 2018 Acts, ch 1111, §6, 10
Referred to in §252E.1, 252E.6

252E.4 Order to employer.

1. When a support order requires an obligor to provide coverage under a health benefit plan other than public coverage, the district court or the department may enter an ex parte order directing an employer to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to chapter 252D. Child support services, where appropriate, shall issue a national medical support notice to an employer within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with a noncustodial parent in the case being enforced by child support services, or upon receipt of other employment information for such parent. The department may amend the information in the ex parte order or may amend or terminate the national medical support notice regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of section 252E.2, subsection 2, or to correct a mistake of fact.

2. The obligee, district court, or department may forward either the support order containing the provision for coverage under a health benefit plan or the ex parte order provided for in subsection 1 to the obligor's employer.

3. This chapter shall be constructive notice to the obligor of enforcement and further notice prior to enforcement is not required.

4. The order requiring coverage is binding on all future employers or insurers if the

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dependent is eligible to be enrolled in the health benefit plan under the applicable plan terms and conditions.

90 Acts, ch 1224, §28; 93 Acts, ch 78, §22; 96 Acts, ch 1141, §24; 97 Acts, ch 175, §74; 2002 Acts, ch 1018, §5; 2007 Acts, ch 218, §166, 187; 2008 Acts, ch 1019, §18, 20; 2018 Acts, ch 1111, §7, 10; 2023 Acts, ch 19, §900

Referred to in §252E.1, 252E.5, 252E.6A

252E.5 Effect of order on employer.

1. When the order has been forwarded to the obligor's employer pursuant to section 252E.4, the order is binding on the employer and the employer's insurer to the extent that the dependent is eligible to be enrolled in the plan under the applicable terms and conditions of the health benefit plan and the standard enrollment guidelines of the insurer. The employer shall allow enrollment of the dependent at any time, notwithstanding any enrollment season restrictions. If a provision of this section conflicts with a provision in the national medical support notice, or in subsection 8, the provision in the notice and subsection 8 shall apply.

2. The employer shall forward a copy of the order to the insurer and request enrollment of the dependent in the health benefit plan. If the obligor fails to apply to obtain coverage for the dependent, the employer shall accept an application to enroll a dependent which has been signed by the obligee or other legal custodian of a child or by the department. Within sixty days of receipt of the order or within sixty days of receipt of application, whichever is earlier, the insurer shall determine whether the dependent is eligible for enrollment under the plan and shall notify the employer of the dependent's eligibility status. If more than one plan is offered by the employer, the dependent shall be enrolled in the health benefit plan in which the obligor is enrolled. However, if more than one plan is offered to the obligor, the plan selected shall provide coverage which is accessible to the dependent.

3. The employer shall withhold from the employee's compensation, the employee's share, if any, of premiums for the health benefit plan in an amount that does not exceed the amount specified in the national medical support notice or order or the amount specified in 15 U.S.C. §1673(b) and which is consistent with federal law. The employer shall forward the amount withheld to the insurer.

4. Within thirty days of receipt of an order that requires an obligor to enroll a dependent in a health benefit plan, the obligor's employer shall provide the following information, as applicable, regarding the enrollment status of the dependent to the obligor, the obligee, or other legal custodian of the child, and the department:

a. That the dependent has been enrolled in a health benefit plan.

b. That the dependent is not eligible for enrollment and the reasons that the dependent is not eligible to be enrolled.

c. That the order has been forwarded to the insurer and a determination of eligibility for enrollment has not been made.

5. If the dependent has been enrolled in a health benefit plan, all of the following information shall be provided:

a. The name of the insurer providing the health benefit plan.

b. The dependent's effective date of coverage.

c. The health benefit plan or account number.

d. The type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services. Additionally, the response shall include a brief description of the applicable deductibles, coinsurance, waiting periods for preexisting medical conditions, and other significant terms or conditions which materially affect the coverage.

6. *a.* An employer shall not revoke enrollment or eliminate coverage for a dependent unless the employer is provided with satisfactory written evidence that one of the following conditions exists:

(1) A court or administrative order requiring coverage in a health benefit plan is no longer in effect.

(2) The dependent is eligible for or will be enrolled in a comparable health benefit plan

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which will take effect no later than the effective date of revocation of enrollment in the other plan.

(3) The employer has eliminated dependent health coverage for all employees.

b. Nothing in this section requires an employer to maintain coverage for the dependent if the premiums are no longer being paid by the obligor because the employer no longer owes compensation to the obligor or because the obligor's employment has been terminated and the obligor has not elected to continue coverage.

c. If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the obligor's employment is terminated, the employer shall provide notice to the obligee and the department within ten days of termination of the obligor's employment.

7. If an order requiring that the obligor provide coverage under a health benefit plan for the dependent has been forwarded to the obligor's employer pursuant to section 252E.4, and the employer's health benefit plan is terminated either in its entirety or with respect to the obligor's insurance classification, or the employer has changed its insurer or become self-insured, the employer shall provide notice to the obligee or other legal custodian of the child and the department ten days prior to the termination or change in insurer.

8. If the department issues a national medical support notice to an employer or plan administrator, all of the following shall apply:

a. The employer and plan administrator shall comply with the provisions in the notice.

b. The employer and the plan administrator shall treat the notice as an application by the department for health benefit plan coverage for the dependent to the extent such application is required by the health benefit plan.

c. If the obligor named in the notice is not an employee of the employer, or if a health benefit plan is not offered or available to the employee, the employer shall notify the department, as provided in the notice, within twenty business days after the date of the notice.

d. If a health benefit plan is offered or available to the employee, the employer shall send the plan administrator's portion of the notice to each appropriate plan administrator within twenty business days after the date of the notice.

e. Upon notification from the plan administrator that the dependent is enrolled, the employer shall either withhold and forward the premiums as provided in subsection 3, or shall notify the department that the enrollment cannot be completed due to limits established for withholding as provided in subsection 3.

f. If the plan administrator notifies the employer that the obligor is subject to a waiting period that expires more than ninety days from the date of receipt of the notice by the plan administrator or that the obligor is subject to a waiting period that is measured in a manner other than the passage of time, the employer shall notify the plan administrator when the obligor becomes eligible to enroll in the plan and that the notice requires enrollment in the plan of the dependent named in the notice.

g. The plan administrator shall enroll the dependent, and if necessary to enrollment of the dependent shall also enroll the obligor, in the plan selected in accordance with this paragraph. All of the following shall apply to the selection of the plan:

(1) If the obligor is enrolled in a health benefit plan that offers dependent coverage, that plan shall be selected.

(2) If the obligor is not enrolled in a plan or is not enrolled in a plan that offers dependent coverage, and if only one plan with dependent coverage is offered by the employer, that plan shall be selected.

(3) If the obligor is not enrolled in a health benefit plan or is not enrolled in a health benefit plan that offers dependent coverage, if more than one plan with dependent coverage is offered by the employer, and if the notice is issued by child support services, all of the following shall apply:

(a) If only one of the plans is accessible to the dependent, that plan shall be selected. If none of the plans with dependent coverage is accessible to the dependent, child support services shall amend or terminate the notice.

(b) If more than one of the plans is accessible to the dependent, the plan selected shall

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be the plan that provides basic coverage for which the employee's share of the premium is lowest.

(c) If more than one of the plans is accessible to the dependent but none of the accessible plans provides basic coverage, the plan selected shall be a plan that is accessible and for which the employee's share of the premium is lowest.

(d) If the employee's share of the premiums is the same under all plans described in subparagraph (b) or (c), child support services shall attempt to consult with the obligee when selecting the plan. If the obligee does not respond within ten days of child support services' attempt, child support services shall select a plan which shall be the plan's default option, if any, or the plan with the lowest deductibles and copayment requirements.

(4) If the obligor is not enrolled in a health benefit plan or is not enrolled in a health benefit plan that offers dependent coverage, if more than one plan with dependent coverage is offered by the employer, and if the notice is issued by the child support enforcement agency of another state, that agency shall select the plan as provided in paragraph "*h*", subparagraph (3).

h. Within forty business days after the date of the notice, the plan administrator shall do all of the following as directed by the notice:

(1) Complete the appropriate portion of the notice and return the portion to the department.

(2) If the dependent is or is to be enrolled, notify the obligor, the obligee, and the child and furnish the obligee with necessary information. Provide child support services with the type of health benefit plan under which the dependent has been enrolled, including whether dental, optical, office visits, and prescription drugs are covered services.

(3) If more than one health benefit plan is available to the obligor and the obligor is not enrolled, forward plan descriptions and documents to the department and enroll the dependent, and if necessary the obligor, in the plan selected by the department or in any default option if the plan administrator has not received a selection from the department within twenty business days of the date the plan administrator returned the national medical support notice response to the department.

(4) If the obligor is subject to a waiting period that expires more than ninety days from the date of receipt of the notice by the plan administrator or if the obligor has not completed a waiting period that is measured in a manner other than the passage of time, notify the employer, the department, the obligor, and the obligee. Upon satisfaction of the period or requirement, complete the enrollment.

(5) Upon completion of the enrollment, notify the employer for a determination of whether the necessary employee share of the premium is available.

(6) If the plan administrator is subject to the federal Employee Retirement Income Security Act, as codified in 29 U.S.C. §1169, or is subject to the federal Child Support Performance and Incentive Act of 1998, Pub. L. No. 105-200, §401, subsection (e) or (f), and the plan administrator determines the notice does not constitute a qualified medical child support order, complete and send the response to the department and notify the obligor, the obligee, and the child of the specific reason for the determination.

9. This chapter does not preclude the exchange of required information between the department and employers or insurers through electronic data transfer.

90 Acts, ch 1224, §29; 94 Acts, ch 1171, §27; 2002 Acts, ch 1018, §6, 7; 2009 Acts, ch 15, §2; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §901, 902

Referred to in §252E.8

252E.6 Duration of health benefit plan coverage.

1. A child is eligible for medical support for the duration of the obligor's child support obligation. However, the child's eligibility for coverage under a health benefit plan shall be governed by all applicable plan provisions including but not limited to eligibility and insurability standards.

2. For cases for which services are being provided pursuant to chapter 252B, the department shall notify the employer when there is no longer a current order for medical support in effect for which the department is responsible. However, termination of medical

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support ordered pursuant to section 252E.3 shall be governed by the insurer's health benefit plan provisions for termination and by applicable federal law.

90 Acts, ch 1224, §30; 2002 Acts, ch 1018, §8; 2026 Acts, ch 1040, §46
Subsection 1 amended

252E.6A Motion to quash.

1. An obligor may move to quash the order to the employer under section 252E.4 by following the same procedures and alleging a mistake of a fact as provided in section 252D.31 or as provided in subsection 2. If child support services is enforcing an income withholding order and a medical support order simultaneously, any challenge to the income withholding order and medical support enforcement shall be filed and heard simultaneously.

2. The obligor may allege as a mistake of fact an error in the availability of dependent coverage under the health benefit plan because the coverage is not accessible to the dependent. Even if the plan is not accessible as defined in section 252E.1, the court may determine that the plan is substantially accessible if the obligee demonstrates that the dependent may receive a benefit under the plan. Section 252K.316 relating to evidence and procedure shall apply to the court proceeding.

3. The employer shall comply with the requirements of this chapter until the employer receives notice that a motion to quash has been granted, or that child support services has amended or terminated the national medical support notice.

97 Acts, ch 175, §75; 2002 Acts, ch 1018, §9; 2023 Acts, ch 19, §903

252E.7 Insurer authorization.

1. The entry of an order requiring a health benefit plan is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. If the obligor fails to obtain coverage for a dependent, the insurer shall accept the signature of the obligee or other legal custodian of the child or of an employee of the department on the application for enrollment of the dependent under the health benefit plan. If the dependent is otherwise eligible to be enrolled in the plan pursuant to the applicable terms and conditions of the health benefit plan and the standard enrollment guidelines of the insurer, the insurer shall allow enrollment of the dependent at any time, notwithstanding any enrollment season restrictions.

2. An insurer shall not deny enrollment of a child under the health benefit plan of the obligor based on any of the following:

a. The child was born out of wedlock.

b. The child is not claimed as a dependent on the obligor's federal income tax form.

c. The child does not reside with the obligor or in the insurer's service area.

3. For purposes of processing claims for payment, the insurer shall accept the signature of the obligee or other legal custodian of the child or of an employee of the department as valid authorization for purposes of processing any medical expense claims on behalf of the dependent for payment or reimbursement of medical services rendered to the dependent.

4. The insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for actions taken in implementing this section including but not limited to the insurer's release of any information, or the payment of any claims for services by the insurer, or the insurer's acceptance of applications for enrollment of the dependent and medical expense claims for the dependent which are signed by the obligee or an employee of the department pursuant to this section.

5. If a dependent has coverage under the health benefit plan of and through the insurer of the obligor, the insurer shall make payment directly to the obligee, the provider, or the department for claims submitted by the obligee, by the provider with the obligee's approval, or by the department.

6. Payments remitted to the obligor by the insurer for services received by the dependent shall be recoverable by the obligee or the department from the obligor if not properly paid by the obligor to the provider or the obligee.

90 Acts, ch 1224, §31; 94 Acts, ch 1171, §28; 2026 Acts, ch 1040, §47
Subsection 4 amended

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252E.8 Releases of information.

1. If an order for coverage under a health benefit plan has been forwarded pursuant to section 252E.5, the obligor's employer or insurer shall release to the obligee or other legal custodian of the child or the department, upon receiving a written request, the information necessary to complete an application, to file a claim for medical expenses of the dependent or to create a qualified medical child support order pursuant to section 252E.2, subsection 2.

2. The employer or insurer shall make available to the obligee or the department any necessary claim forms or enrollment membership cards if required to obtain services.

3. The obligor's employer and insurer shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed for any information released by such employer or insurer pursuant to this chapter.

4. The department may release to the obligor's employer or insurer or to the obligee information necessary to obtain, enforce, and collect medical support.

90 Acts, ch 1224, §32; 94 Acts, ch 1171, §29

252E.9 Responsibilities of the obligor.

1. For cases for which services are being provided pursuant to chapter 252B, an obligor who fails to maintain medical support for the benefit of the dependent as ordered shall be liable to the obligee or the department for any medical expenses incurred from the date of the court order. Proof of failure to maintain medical support constitutes a showing of increased need and provides a basis for the establishment of a monetary amount for medical support.

2. For cases for which services are being provided pursuant to chapter 252B, the obligor shall notify the obligee and the department within ten days of a change in the terms or conditions of coverage under a health benefit plan. Such changes may include but are not limited to a change in deductibles, coinsurance, preadmission notification requirements, coverage for dental, optical, office visits, prescription drugs, inpatient and outpatient hospitalization, and any other changes which materially affect the coverage. Costs incurred by the obligee or the department as a result of the obligor's failure to provide notification as required are recoverable from the obligor.

90 Acts, ch 1224, §33; 2026 Acts, ch 1040, §48
Subsection 2 amended

252E.10 Responsibility of the department.

For cases for which services are being provided pursuant to chapter 252B, the department shall take steps required by federal regulations to implement and enforce an order for medical support.

90 Acts, ch 1224, §34

252E.11 Assignment.

If medical assistance is provided by the department to a dependent pursuant to chapter 249A, rights to medical support payments are assigned to the department.

90 Acts, ch 1224, §35; 93 Acts, ch 78, §23
Referred to in §252A.13, 598.21C, 598.34, 598A.3, 600B.38

252E.12 Enforcement.

For the purposes of enforcement pursuant to chapter 252B, medical support may be reduced to a dollar amount and may be collected through the same remedies available for the collection and enforcement of child support.

90 Acts, ch 1224, §36

252E.13 Modification of support order.

1. Subject to 28 U.S.C. §1738B, when high potential for obtaining medical support exists, the obligee or the department may petition for a modification of the obligor's support order to include medical support or a monetary amount for medical support pursuant to this chapter.

2. In addition, if a support order does not provide medical support as defined in this chapter or equivalent medical support, the department or a party to the order may seek a modification of the order.

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3. Subject to 28 U.S.C. §1738B, the department may amend information concerning the provisions regarding health benefits in a court or administrative order if notice of the amendment is provided to the court and to the parties to the order and if the amendment is filed with the clerk of court.

90 Acts, ch 1224, §37; 94 Acts, ch 1171, §30; 96 Acts, ch 1141, §25; 97 Acts, ch 175, §76

252E.14 Child support.

Unless the order specifies otherwise, medical support is not included in the monetary amount of child support ordered to be paid for orders entered on or after July 1, 1990.

90 Acts, ch 1224, §38

252E.15 Rulemaking authority — compliance.

The department shall adopt rules pursuant to chapter 17A to implement this chapter for cases for which services are being provided pursuant to chapter 252B. The department shall cooperate with any agency of the state or federal government as may be necessary to qualify for federal funds in conformity with provisions of this chapter and Tit. IV-D of the federal Social Security Act.

90 Acts, ch 1224, §39; 2010 Acts, ch 1061, §180

252E.16 Scope and effect.

1. Unless otherwise specified, the provisions of this chapter take effect July 1, 1990, for all support orders entered pursuant to chapter 234, 252A, 252C, 598, or 600B.

2. If an obligor was ordered to provide a health benefit plan or insurance coverage under an order entered prior to July 1, 1990, but did not comply with the order, insurers are not liable for medical expenses incurred prior to July 1, 1990. However, such an order may be implemented pursuant to the provisions of this chapter following its enactment. This chapter shall not be implemented retroactively; however, previous orders for medical support not otherwise complied with may be reduced to a dollar amount and collected from the obligor.

90 Acts, ch 1224, §40; 2018 Acts, ch 1111, §8, 10

CHAPTER 252F

ADMINISTRATIVE ESTABLISHMENT OF PATERNITY

Referred to in §252A.3A, 252A.6, 252B.3, 252B.4, 252B.5, 252B.9, 252B.20, 252B.20A, 252B.26, 252C.1, 252D.1, 252D.16, 252D.16A, 252E.1, 252E.1A, 252H.2, 252H.21, 252I.2, 252J.1, 598.21C, 598.21G, 598.21H, 598.22, 598.22B, 598.23A, 600.11, 600B.41A, 602.8102(47)

252F.1	Definitions.	252F.5	Certification to district court.
252F.2	Jurisdiction.	252F.6	Filing with the district court.
252F.3	Notice of alleged paternity and support debt — conference — request for hearing.	252F.7	Report to state registrar of vital statistics.
252F.4	Entry of order.	252F.8	Waiver of time limitations.

252F.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Child"* means a person who is less than age eighteen or a person who is age eighteen but less than age nineteen and is engaged full-time in completing high school graduation or equivalency requirements in a manner which is reasonably expected to result in completion of the requirements prior to the person reaching age nineteen.

2. *"Child support services"* means the same as child support services created in section 252B.2.

3. *"Department"* means the department of health and human services.

4. *"Director"* means the director of health and human services.

5. *"Mother"* means a mother of the child for whom paternity is being established.

6. *"Party"* means a putative father or a mother, as named in an action.

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7. *"Paternity is at issue"* means any of the following conditions:

a. A child was not born or conceived within marriage.

b. A child was born or conceived within marriage but a court has declared that the child is not the issue of the marriage.

8. *"Paternity test"* means and includes any form of blood, tissue, or genetic testing administered to determine the biological father of a child.

9. *"Putative father"* means a person alleged to be the biological father of a child.

93 Acts, ch 79, §14; 94 Acts, ch 1171, §31; 2006 Acts, ch 1016, §12; 2007 Acts, ch 218, §168, 187; 2008 Acts, ch 1019, §18, 20; 2010 Acts, ch 1142, §2; 2023 Acts, ch 19, §904

252F.2 Jurisdiction.

1. In any case in which child support services is providing services pursuant to chapter 252B and paternity is at issue, proceedings may be initiated by child support services pursuant to this chapter for the sole purpose of establishing paternity and any accrued or accruing child support or medical support obligations. Proceedings under this chapter are in addition to other means of establishing paternity or support. Issues in addition to establishment of paternity or support obligations shall not be addressed in proceedings initiated under this chapter.

2. An action to establish paternity and support under this chapter may be brought within the time limitations set forth in section 614.8.

93 Acts, ch 79, §15; 2021 Acts, ch 76, §150; 2023 Acts, ch 19, §905

252F.3 Notice of alleged paternity and support debt — conference — request for hearing.

1. Child support services may prepare a notice of alleged paternity and support debt to be served on a party if the mother of the child or a government official with knowledge of the circumstances of possible paternity relying on government records provides a written statement to the department certifying in accordance with section 622.1 that the putative father is or may be the biological father of the child or children involved. The notice shall be accompanied by a copy of the statement and served on the putative father in accordance with rule of civil procedure 1.305. Service upon the mother shall not constitute valid service upon the putative father. The notice shall include or be accompanied by all of the following:

a. The name of the recipient of services under chapter 252B and the name and birth date of the child or children involved.

b. A statement that the putative father has been named as the biological father of the child or children named.

c. A statement that if paternity is established, the amount of the putative father's monthly support obligation and the amount of the support debt accrued and accruing will be established in accordance with the guidelines established in section 598.21B, and the criteria established pursuant to section 252B.7A.

d. A statement that if paternity is established, a party has a duty to provide accrued and accruing medical support to the child or children in accordance with chapter 252E.

e. A written explanation of the procedures for determining the child support obligation and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

f. (1) The right of a party to request a conference with child support services to discuss paternity establishment and the amount of support that a party may be required to provide, within ten days of the date of service of the original notice or, if paternity is contested and paternity testing is conducted, within ten days of the date the paternity test results are issued or mailed to a party by child support services.

(2) A statement that if a conference is requested, a party shall have one of the following time frames, whichever is the latest, to send a written request for a court hearing on the issue of support to child support services:

(a) Ten days from the date set for the conference.

(b) Twenty days from the date of service of the original notice.

(c) If paternity was contested and paternity testing was conducted, and a party does not

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deny paternity after the testing or challenge the paternity test results, twenty days from the date paternity test results are issued or mailed by child support services to the party.

(3) A statement that after the holding of the conference, child support services shall issue a new notice of alleged paternity and finding of financial responsibility for child support or medical support, or both, to be provided in person to each party or sent to each party by regular mail addressed to the party's last known address or, if applicable, to the last known address of the party's attorney.

(4) A statement that if child support services issues a new notice of alleged paternity and finding of financial responsibility for child support or medical support, or both, a party shall have one of the following time frames, whichever is the latest, to send a written request for a court hearing on the issue of support to child support services:

(a) Ten days from the date of issuance of the new notice.

(b) Twenty days from the date of service of the original notice.

(c) If paternity was contested and paternity testing conducted, and a party does not deny paternity after the testing or challenge the paternity test results, twenty days from the date the paternity test results are issued or mailed to the party by child support services.

g. A statement that if a conference is not requested, and a party does not deny paternity or challenge the results of any paternity testing conducted but objects to the finding of financial responsibility or the amount of child support or medical support, or both, the party shall send a written request for a court hearing on the issue of support to child support services within twenty days of the date of service of the original notice, or, if paternity was contested and paternity testing conducted, and a party does not deny paternity after the testing or challenge the paternity test results, within twenty days from the date the paternity test results are issued or mailed to the party by child support services, whichever is later.

h. A statement that if a timely written request for a hearing on the issue of support is received by child support services, the party shall have the right to a hearing to be held in district court and that if no timely written request is received and paternity is not contested, the department shall enter an order establishing the putative father as the father of the child or children and establishing child support or medical support, or both, in accordance with the notice of alleged paternity and support debt.

i. A written explanation of the rights and responsibilities associated with the establishment of paternity.

j. A written explanation of a party's right to deny paternity, the procedures for denying paternity, and the consequences of the denial.

k. A statement that if a party contests paternity, the party shall have twenty days from the date of service of the original notice to submit a written denial of paternity to child support services.

l. A statement that if paternity is contested, child support services shall, at the request of the party contesting paternity or on its own initiative, enter an administrative order requiring the putative father, mother, and child or children involved, to submit to paternity testing.

m. A statement that if paternity tests are conducted, child support services shall provide a copy of the test results to each party in person or send a copy to each party by regular mail, addressed to the party's last known address, or, if applicable, to the last known address of the party's attorney.

n. A statement setting forth the time frames for contesting paternity after paternity tests are conducted.

o. Other information as child support services finds appropriate.

2. The time limitations established for the notice provisions under subsection 1 are binding unless otherwise specified in this chapter or waived pursuant to section 252F.8.

3. *a.* If notice is served on a party, child support services shall file a true copy of the notice and the original return of service with the appropriate clerk of the district court as follows:

(1) In the county in which the child or children reside if the action is for purposes of establishing paternity and future child or medical support, or both.

(2) In the county in which the child or children involved last received public assistance benefits in the state, if the action is for purposes of establishing paternity and child or medical support, or both, only for prior periods of time when the child or children received public

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assistance, and no ongoing child or medical support obligation is to be established by this action.

(3) If the action is the result of a request from another state or foreign country to establish paternity of a putative father located in Iowa, in the county in which the putative father resides.

b. All subsequent documents filed or court hearings held related to the action shall be in the district court in the county in which notice was filed pursuant to this subsection. The clerk shall file and docket the action.

4. A party or child support services may request a court hearing regarding establishment of paternity or a determination of support, or both.

a. Upon receipt of a timely written response requesting a hearing or on its own initiative, child support services shall certify the matter for hearing in the district court in the county where the original notice of alleged paternity and support debt is filed, in accordance with section 252F.5.

b. If paternity establishment was contested and paternity tests conducted, a court hearing on the issue of paternity shall be held no earlier than thirty days from the date paternity test results are issued to all parties by child support services, unless the parties mutually agree to waive the time frame pursuant to section 252F.8.

c. Any objection to the results of paternity tests shall be filed no later than twenty days after the date paternity test results are issued or mailed to each party by child support services. Any objection to paternity test results filed by a party more than twenty days after the date paternity tests are issued or mailed to the party by child support services shall not be accepted or considered by the court.

5. If a timely written response and request for a court hearing is not received by child support services and a party does not deny paternity, the department shall enter an order in accordance with section 252F.4.

6. *a.* If a party contests the establishment of paternity, the party shall submit, within twenty days of service of the notice on the party under subsection 1, a written statement contesting paternity establishment to child support services. Upon receipt of a written challenge of paternity establishment, or upon initiation by child support services, the department shall enter ex parte administrative orders requiring the mother, child or children involved, and the putative father to submit to paternity testing, except that if the mother and child or children previously submitted blood or genetic specimens in a prior action to establish paternity against a different putative father, the previously submitted specimens and prior results, if available, may be utilized for testing in this action. Either the mother or putative father may contest paternity under this chapter.

b. The orders shall be filed with the clerk of the district court in the county where the notice was filed and have the same force and effect as a court order for paternity testing.

c. Child support services shall issue copies of the respective administrative orders for paternity testing to the mother and putative father in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each.

d. If a paternity test is ordered under this section, the department shall direct that inherited characteristics be analyzed and interpreted, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results. The test shall be of a type generally acknowledged as reliable by accreditation entities designated by the secretary of the United States department of health and human services and shall be performed by a laboratory approved by an accreditation entity.

e. The party contesting paternity shall be provided one opportunity to reschedule the paternity testing appointment if the testing is rescheduled prior to the date of the originally scheduled appointment.

f. An original copy of the test results shall be filed with the clerk of the district court in the county where the notice was filed. Child support services shall issue a copy of the filed test results to each party in person, or by regular mail to the last known address of each, or if applicable, to the last known address of the attorney for each. However, if the action is the result of a request from another state or foreign country, child support services shall issue a copy of the results to the initiating agency in that jurisdiction.

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g. Verified documentation of the chain of custody of the blood or genetic specimens is competent evidence to establish the chain of custody. The testimony of the appointed expert is not required. A verified expert's report of test results which indicate a statistical probability of paternity is sufficient authenticity of the expert's conclusion.

h. A verified expert's report shall be admitted as evidence to establish administrative paternity, and, if a court hearing is scheduled to resolve the issue of paternity, shall be admitted as evidence and is admissible at trial.

i. If the verified expert concludes that the test results show that the putative father is not excluded and that the probability of the putative father's paternity is ninety-five percent or higher, there shall be a rebuttable presumption that the putative father is the biological father, and the evidence shall be sufficient as a basis for administrative establishment of paternity.

(1) In order to challenge the presumption of paternity, a party shall file a written notice of the challenge with the district court within twenty days from the date the paternity test results are issued or mailed to all parties by child support services. Any challenge to a presumption of paternity resulting from paternity tests, or to paternity test results filed after the lapse of the twenty-day time frame shall not be accepted or admissible by child support services or the court.

(2) A copy of the notice challenging the presumption of paternity shall be provided to any other party in person, or by mailing the notice to the last known address of each party, or if applicable, to the last known address of each party's attorney.

(3) The party challenging the presumption of paternity has the burden of proving that the putative father is not the father of the child.

(4) The presumption of paternity may be rebutted only by clear and convincing evidence.

j. If the verified expert concludes that the test results indicate that the putative father is not excluded and that the probability of the putative father's paternity is less than ninety-five percent, the department shall order a subsequent administrative paternity test or certify the case to the district court for resolution in accordance with the procedures and time frames specified in paragraph "*i*" and section 252F.5.

k. If the results of the test or the verified expert's analysis are timely challenged as provided in this subsection, the department, upon the request of a party and advance payment by the contestant or upon the initiative of child support services, shall order that an additional test be performed by the same laboratory or an independent laboratory. If the party requesting additional testing does not advance payment, the department shall certify the case to the district court in accordance with paragraph "*i*" and section 252F.5.

l. When a subsequent paternity test is conducted, the time frames in this chapter associated with paternity tests shall apply to the most recently completed test.

m. If the paternity test results exclude the putative father as a potential biological father of the child or children, and additional tests are not requested by either party or conducted on the initiative of child support services, or if additional tests exclude the putative father as a potential biological father, child support services shall withdraw its action against the putative father and shall file a notice of the withdrawal with the clerk of the district court, and shall provide a copy of the notice to each party in person, or by regular mail sent to each party's last known address, or if applicable, the last known address of the party's attorney.

n. Except as provided in paragraph "*k*", child support services shall advance the costs of genetic testing. If paternity is established and paternity testing was conducted, child support services shall enter an order or, if the action proceeded to a court hearing, request that the court enter a judgment for the costs of the paternity tests consistent with applicable federal law. In a proceeding under this chapter, a copy of a bill for genetic testing shall be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of the amount incurred for genetic testing.

93 Acts, ch 79, §16; 94 Acts, ch 1171, §32; 96 Acts, ch 1141, §5, 6; 97 Acts, ch 175, §77 – 84; 2005 Acts, ch 69, §17; 2007 Acts, ch 218, §169 – 175, 187; 2008 Acts, ch 1019, §18, 20; 2009 Acts, ch 41, §263; 2010 Acts, ch 1069, §29; 2012 Acts, ch 1061, §1; 2015 Acts, ch 110, §102, 103, 124; 2023 Acts, ch 19, §906

Referred to in §234.39, 252F.4, 252F.5, 252F.6

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252F.4 Entry of order.

1. If each party fails to respond to the initial notice within twenty days after the date of service of the notice or fails to appear at a conference pursuant to section 252F.3 on the scheduled date of the conference, and paternity has not been contested and each party fails to timely request a court hearing on the issue of support, the department shall enter an order against the parties, declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

2. If paternity is contested pursuant to section 252F.3, subsection 6, and the party contesting paternity fails to appear for a paternity test and fails to request a rescheduling pursuant to section 252F.3, or fails to appear for both the initial and the rescheduled paternity tests and each party fails to timely request a court hearing on the issue of support, the department shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

3. If a conference pursuant to section 252F.3 is held, and paternity is not contested, and each party fails to timely request a court hearing on the issue of support, the department shall enter an order against the parties after the second notice has been sent declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

4. If paternity was contested and paternity testing was performed and the putative father was not excluded, if the test results indicate that the probability of the putative father's paternity is ninety-five percent or greater, if the test results are not timely challenged, and if each party fails to timely request a court hearing on the issue of support, the department shall enter an order against the parties declaring the putative father to be the legal father of the child or children involved and assessing any accrued and accruing child support obligation pursuant to the guidelines established under section 598.21B, and medical support pursuant to chapter 252E.

5. The department shall establish a support obligation under this section based upon the best information available to child support services and pursuant to section 252B.7A.

6. The order shall contain all of the following:

a. A declaration of paternity.

b. The amount of monthly support to be paid, with direction as to the manner of payment.

c. The amount of accrued support.

d. The name of the custodial parent or caretaker.

e. The name and birth date of the child or children to whom the order applies.

f. A statement that property of a party ordered to provide support is subject to income withholding, liens, garnishment, tax offset, and other collection actions.

g. The medical support required pursuant to chapter 598 and chapter 252E.

h. A statement that a party who is ordered to provide support is required to inform child support services, on a continuing basis, of the name and address of the party's current employer, whether the party has access to health insurance coverage as required in the order, and if so, the health insurance policy information.

i. If paternity was contested by the putative father, the amount of any judgment assessed to the father for costs of paternity tests conducted pursuant to this chapter.

j. Statements as required pursuant to section 598.22B.

7. If paternity is not contested but a party does wish to challenge the issues of child or medical support, the department shall enter an order establishing paternity and reserving the issues of child or medical support for determination by the district court.

93 Acts, ch 79, §17; 94 Acts, ch 1171, §33; 97 Acts, ch 175, §85; 2005 Acts, ch 69, §18; 2007 Acts, ch 218, §176, 187; 2008 Acts, ch 1019, §18, 20; 2010 Acts, ch 1142, §3; 2023 Acts, ch 19, §907

Referred to in §252F.3

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252F.5 Certification to district court.

1. Actions initiated under this chapter are not subject to contested case proceedings or further review pursuant to chapter 17A.

2. An action under this chapter may be certified to the district court if a party timely contests paternity establishment or paternity test results, or if a party requests a court hearing on the issues of child or medical support, or both, or upon the initiation of child support services as provided in this chapter. Review by the district court shall be an original hearing before the court.

3. In any action brought under this chapter, the action shall not be certified to the district court in a contested paternity action unless all of the following have occurred:

a. Paternity testing has been completed.

b. The results of the paternity test have been issued to all parties.

c. A timely written objection to paternity establishment or paternity test results has been received from a party, or a timely written request for a court hearing on the issue of support has been received from a party by child support services, or child support services has requested a court hearing on child support services' own initiative.

4. A matter shall be certified to the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 3.

5. The court shall set the matter for hearing and notify the parties of the time of and place for hearing.

6. If the court determines that the putative father is the legal father, the court shall establish the amount of the accrued and accruing child support pursuant to the guidelines established under section 598.21B, and shall establish medical support pursuant to chapter 252E.

7. If the putative father or another party contesting paternity fails to appear at the hearing, upon a showing that proper notice has been provided to the party, the court shall find the party in default and enter an appropriate order establishing paternity and support.

93 Acts, ch 79, §18; 94 Acts, ch 1171, §34; 97 Acts, ch 175, §86; 2005 Acts, ch 69, §19; 2007 Acts, ch 218, §177, 178, 187; 2008 Acts, ch 1019, §18, 20; 2023 Acts, ch 19, §908

Referred to in §252F.3

252F.6 Filing with the district court.

Following issuance of an order by the department, the order shall be presented to an appropriate district court judge for review and approval. Unless a defect appears on the face of the order, the district court shall approve the order. Upon approval by the district court judge, the order shall be filed in the district court in the county in which the notice was filed pursuant to section 252F.3, subsection 3. Upon filing, the order has the same force and effect as a district court order.

93 Acts, ch 79, §19; 2023 Acts, ch 19, §909

252F.7 Report to state registrar of vital statistics.

Upon the filing of an order with the district court pursuant to this chapter, the clerk of the district court shall report the information from the order to the state registrar of vital statistics in the manner provided in section 600B.36.

93 Acts, ch 79, §20; 2001 Acts, ch 24, §41; 2023 Acts, ch 19, §910

252F.8 Waiver of time limitations.

1. A putative father or other party may waive the time limitations established in this chapter.

2. If a party does not contest paternity or wish to request a conference or court hearing on the issue of support, upon receipt of a signed statement from the putative father and any other party that may contest establishment of paternity, waiving the time limitations, the department shall enter an order establishing paternity and support and the court may approve the order, notwithstanding the expiration of the period of the time limitations if paternity is established.

3. If a putative father or other party waives the time limitations and an order establishing

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paternity or determining support, or both, is entered under this chapter, the signed statement of the putative father and other party waiving the time limitations shall be filed with the order.

93 Acts, ch 79, §21; 94 Acts, ch 1171, §35; 2023 Acts, ch 19, §911
Referred to in §252F.3

CHAPTER 252G

CENTRAL EMPLOYEE REGISTRY

Referred to in §22.7(28), 252B.3, 252B.9

252G.1 Definitions.
252G.2 Establishment of central employee registry.
252G.3 Employer reporting requirements — penalty.
252G.4 Alternative reporting requirements — penalty.
252G.5 Access to centralized employee registry.
252G.6 Administration and costs of the centralized employee registry.
252G.7 Data entry and transmitting centralized employee registry records to the national new hire registry.
252G.8 Income withholding requirements.

252G.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Business day"* means a day on which state offices are open for regular business.
2. *"Child support services"* means child support services created in section 252B.2.
3. *"Compensation"* means payment owed by the payor of income for:

a. Labor or services rendered by an employee or contractor to the payor of income.

b. Benefits including, but not limited to, vacation, holiday, and sick leave, and severance payments which are due an employee under an agreement with the employer or under a policy of the employer.

4. *"Contractor"* means a natural person who is eighteen years of age or older, who performs labor in this state to whom a payor of income makes payments which are not subject to withholding and for whom the payor of income is required by the internal revenue service to complete a 1099-MISC form.
5. *"Date of hire"* means either of the following:

a. The first day for which an employee is owed compensation by the payor of income.

b. The first day that a contractor performs labor or services for the payor of income.

6. *"Days"* means calendar days.
7. *"Department"* means the department of health and human services.
8. *"Dependent"* includes a spouse or child or any other person who is in need of and entitled to support from a person who is declared to be legally liable for the support of that dependent.
9. *"Employee"* means a natural person who performs labor in this state and is employed by an employer in this state for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation.
10. *"Employer"* means a person doing business in this state who engages an employee for compensation and for whom the employer withholds federal or state tax liabilities from the employee's compensation. *"Employer"* includes any governmental entity and any labor organization.
11. *"Labor organization"* means any organization of any kind, or any agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
12. *"Natural person"* means an individual and not a corporation, government, business trust, estate, partnership, proprietorship, or other legal entity, however organized.

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13. *"Payor of income"* includes both an employer and a person engaged in a trade or business in this state who engages a contractor for compensation.

14. *"Registry"* means the central employee registry created in section 252G.2.

15. *"Rehire"* means the first day for which an employee is owed compensation by the payor of income following a termination of employment lasting a minimum of six consecutive weeks. Termination of employment does not include temporary separations from employment such as unpaid medical leave, an unpaid leave of absence, or a temporary layoff.

93 Acts, ch 79, §3; 94 Acts, ch 1171, §36; 97 Acts, ch 175, §87, 88; 2023 Acts, ch 19, §912
Referred to in §84A.5, 252J.1

252G.2 Establishment of central employee registry.

Child support services shall establish a centralized employee registry database for the purpose of receiving and maintaining information on newly hired or rehired employees from employers. Child support services shall establish the database and the department may adopt rules in conjunction with the department of revenue and the department of workforce development to identify appropriate uses of the registry and to implement this chapter, including implementation through the entering of agreements pursuant to chapter 28E.

93 Acts, ch 79, §4; 96 Acts, ch 1186, §23; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §913
Referred to in §252G.1, 252G.4

252G.3 Employer reporting requirements — penalty.

1. Beginning January 1, 1994, an employer who hires or rehires an employee on or after January 1, 1994, shall report the hiring or rehiring of the employee to the centralized employee registry in accordance with one of the following time frames:

a. Within fifteen days of the hiring or rehiring of the employee.

b. If the employer is transmitting hire and rehire reports magnetically or electronically, the employer may report through transmissions which are not less than twelve nor more than sixteen days apart.

2. The report submitted shall contain all of the following:

a. The employer's name, address, and federal identification number.

b. The employee's name, address, and social security number.

c. Information regarding whether the employer has employee dependent health care coverage available and the appropriate date on which the employee may qualify for the coverage.

d. The address to which income withholding orders or the notices of orders and garnishments should be sent.

e. The employee's date of birth.

3. Employers required to report may report the information required under subsection 2 by any of the following means:

a. By mailing a copy of the employee's Iowa employee's withholding allowance certificate to the registry.

b. By submitting electronic media in a format approved by child support services in advance.

c. By submitting a fax transmission of the employee's Iowa employee's withholding allowance certificate to the registry.

d. By any other means authorized by child support services in advance if the means will result in timely reporting.

e. By submitting both of the following:

(1) For the information in subsection 2, paragraphs *"a"* and *"b"*, by transmitting by first class mail, magnetically or electronically, a federal W-4 form, or, at the option of the employer, an equivalent form.

(2) By reporting the other information required in subsection 2 by any of the means provided in paragraph *"a"*, *"b"*, *"c"*, or *"d"* of this subsection.

4. An employer with employees in two or more states that transmits reports magnetically or electronically may comply with subsection 1 by transmitting the report described in

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subsection 1 to each state, or by designating as the recipient state one state, in which the employer has employees, and transmitting the report to that state. An employer that transmits reports pursuant to this subsection shall notify the United States secretary of health and human services, in writing, of the state designated by the employer for the purpose of transmitting reports.

5. If an employer fails to report as required under this section, an action may be brought against the employer by any state agency accessing or administering the registry, or by the attorney general. The action may be brought in district court in the county in which the employer has its principal place of business, or if the employer has no principal place of business, in any county in which an employee is performing labor or service for compensation, or in Polk county to determine noncompliance with this section. A willful failure to provide the information shall be punishable as contempt.

93 Acts, ch 79, §5; 94 Acts, ch 1171, §37; 96 Acts, ch 1141, §15; 97 Acts, ch 175, §89, 90; 98 Acts, ch 1170, §21; 2023 Acts, ch 19, §914

Referred to in §252G.4

252G.4 Alternative reporting requirements — penalty.

1. *a.* A payor of income to whom section 252G.3 is inapplicable, who enters into an agreement for the performance of services with a contractor, shall report the contractor to the registry. Payors of income shall report contractors performing labor under an agreement within fifteen days of the date on which all of the following conditions are met:

(1) The payor issues payment to the contractor in an amount which exceeds the amount required for the filing of a 1099-MISC report.

(2) Payment to the contractor under an agreement is made in a form which is other than a lump sum payment, within a calendar year.

b. The payor of income is not required to file more than one report for any contractor.

2. The report submitted to the registry shall contain all of the following:

a. The name, address, and federal identification number of the payor of income.

b. The contractor's name, address, social security number, and if known, the contractor's date of birth.

3. A payor of income required to report under this section may report the information required under subsection 1 by any written means authorized by child support services which results in timely reporting.

4. Information reported under this section shall be received and maintained as provided in section 252G.2.

5. A payor of income required to report under this section who fails to report is subject to the penalty provided in section 252G.3, subsection 5.

93 Acts, ch 79, §6; 94 Acts, ch 1171, §38; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §915, 916

252G.5 Access to centralized employee registry.

The records of the centralized employee registry are confidential records pursuant to sections 22.7 and 252B.9, and may be accessed only by state agencies as provided in this section and section 252B.9. When a state agency accesses information in the registry, the agency may use the information to update the agency's own records. Access to and use of the information contained in the registry shall be limited to the following:

1. Child support services for program administration, including but not limited to activities related to establishment and enforcement of child and medical support obligations through administrative or judicial processes, and other services authorized pursuant to chapter 252B.

2. State agencies as specified under 42 U.S.C. §653A which utilize income information for the determination of eligibility or calculation of payments for benefit or entitlement payments unless prohibited under federal law.

3. State agencies operating employment security and workers' compensation programs for the purposes of administering such programs unless prohibited under federal law.

93 Acts, ch 79, §7; 98 Acts, ch 1170, §22; 2012 Acts, ch 1033, §9; 2023 Acts, ch 19, §917

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252G.6 Administration and costs of the centralized employee registry.

1. The registry shall maintain the information received from employers for a minimum period of six months.

2. State agencies accessing the centralized registry shall participate in a proportionate cost sharing to defray the administrative costs of the registry. The amount of a state agency's proportionate share shall be established by rule of the department.

93 Acts, ch 79, §8

252G.7 Data entry and transmitting centralized employee registry records to the national new hire registry.

Child support services shall enter new hire data into the centralized employee directory database within five business days of receipt from employers and shall transmit the records of the centralized employee registry to the national directory of new hires within three business days after the date information regarding a newly hired employee is entered into the centralized employee registry.

97 Acts, ch 175, §91; 2023 Acts, ch 19, §918

252G.8 Income withholding requirements.

Within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with obligors in cases being enforced by child support services, child support services shall transmit a notice to the employer or payor of income of the employee directing the employer or payor of income to withhold from the income of the employee in accordance with chapter 252D.

97 Acts, ch 175, §92; 2023 Acts, ch 19, §919

CHAPTER 252H

ADJUSTMENT AND MODIFICATION OF SUPPORT ORDERS

Referred to in §234.39, 252B.3, 252B.5, 252B.9, 252B.20A, 252B.26, 252D.16, 252D.16A, 252E.1, 252E.1A, 252J.1, 598.21C, 598.22B

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SUBCHAPTER I

GENERAL PROVISIONS

Referred to in §252H.24

252H.1 Purpose and intent.

This chapter is intended to provide a means for state compliance with Tit. IV-D of the federal Social Security Act, as amended, requiring states to provide procedures for the review and adjustment of support orders being enforced under Tit. IV-D of the federal Social Security Act, and also to provide an expedited modification process when review and adjustment procedures are not required, appropriate, or applicable. Actions under this chapter shall be initiated only by child support services.

93 Acts, ch 78, §24; 97 Acts, ch 175, §93; 2023 Acts, ch 19, §920

252H.2 Definitions.

1. As used in this chapter, unless the context otherwise requires, *"caretaker"*, *"court order"*, *"department"*, *"dependent child"*, *"medical support"*, and *"responsible person"* mean the same as defined in section 252C.1.

2. As used in this chapter, unless the context otherwise requires:

a. "Act" means the federal Social Security Act.

b. "Adjustment" applies only to the child support provisions of a support order and means either of the following:

(1) A change in the amount of child support based upon an application of the child support guidelines established pursuant to section 598.21B.

(2) An addition of or change to provisions for medical support as provided in chapter 252E.

c. "Child" means a child as defined in section 252B.1.

d. "Child support agency" means any state, county, or local office or entity of another state that has the responsibility for providing child support enforcement services under Tit. IV-D of the Act.

e. "Child support services" means child support services created in section 252B.2.

f. "Cost-of-living alteration" means a change in an existing child support order which equals an amount which is the amount of the support obligation following application of the percentage change of the consumer price index for all urban consumers, United States city average, as published in the federal register by the federal department of labor, bureau of labor statistics.

g. "Determination of controlling order" means the process of identifying a child support order which must be recognized pursuant to section 252K.207 and 28 U.S.C. §1738B, when more than one state has issued a support order for the same child and the same obligor, and may include a reconciliation of arrearages with information related to the calculation. Registration of an order of another state or foreign country is not necessary for a court or child support services to make a determination of controlling order.

h. "Modification" means either of the following:

(1) A change, correction, or termination of an existing support order.

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(2) The establishment of a child or medical support obligation in a previously established order entered pursuant to chapter 234, 252A, 252C, 598, 600B, or any other support proceeding, in which such support was not previously established, or in which support was previously established and subsequently terminated prior to the emancipation of the children affected.

i. "Parent" means, for the purposes of requesting a review of a support order and for being entitled to notice under this chapter:

(1) The individual ordered to pay support pursuant to the order.

(2) An individual or entity entitled to receive current or future support payments pursuant to the order, or pursuant to a current assignment of support including but not limited to an agency of this or any other state that is currently providing public assistance benefits to the child for whom support is ordered and any child support agency. Service of notice of an action initiated under this chapter on an agency is not required, but the agency may be advised of the action by other means.

j. "Public assistance" means benefits received in this state or any other state, under Tit. IV-A (temporary assistance to needy families), IV-E (foster care), or XIX (Medicaid) of the Act.

k. "Review" means an objective evaluation conducted through a proceeding before a court, administrative body, or an agency, of information necessary for the application of a state's mandatory child support guidelines to determine:

(1) The appropriate monetary amount of support.

(2) Provisions for medical support.

l. "State" means *"state"* as defined in chapter 252K.

m. "Support order" means an order for support issued pursuant to this chapter, chapter 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country as registered with the clerk of court or certified to child support services.

93 Acts, ch 78, §25; 93 Acts, ch 79, §47; 97 Acts, ch 175, §94 – 96; 98 Acts, ch 1170, §35; 2002 Acts, ch 1018, §10; 2005 Acts, ch 69, §20; 2007 Acts, ch 218, §179, 180, 187; 2008 Acts, ch 1019, §18, 20; 2009 Acts, ch 41, §263; 2011 Acts, ch 67, §2; 2015 Acts, ch 110, §104; 2016 Acts, ch 1011, §41; 2023 Acts, ch 19, §921

Referred to in §252B.1, 252I.4, 252J.1

252H.3 Scope of the administrative adjustment or modification — role of district court in contested cases.

1. Any action initiated under this chapter, including any court hearing resulting from an action, shall be limited in scope to the adjustment or modification of the child or medical support or cost-of-living alteration of the child support provisions of a support order. A determination of a controlling order is within the scope of this chapter. If the social security disability provisions of sections 598.22 and 598.22C apply, a determination of the amount of delinquent support due is within the scope of this chapter.

2. Nonsupport issues shall not be considered by child support services or the court in any action resulting under this chapter.

3. Actions initiated by child support services under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and resulting court hearings following certification shall be an original hearing before the district court.

93 Acts, ch 78, §26; 97 Acts, ch 175, §97; 98 Acts, ch 1170, §36; 2002 Acts, ch 1018, §11; 2023 Acts, ch 19, §922

Referred to in §252H.8

252H.3A Adding a party.

A mother or father may be added as a proper party defendant to a support order upon service of a notice as provided in this chapter and without a court order as provided in the rules of civil procedure.

2007 Acts, ch 218, §181, 187; 2008 Acts, ch 1019, §18, 20

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252H.4 Role of child support services.

1. Child support services may administratively adjust or modify or may provide for an administrative cost-of-living alteration of a support order entered under chapter 234, 252A, 252C, 598, or 600B, or any other support chapter if child support services is providing enforcement services pursuant to chapter 252B. Child support services is not required to intervene to administratively adjust or modify or provide for an administrative cost-of-living alteration of a support order under this chapter.

2. Child support services is a party to an action initiated pursuant to this chapter.

3. Child support services shall conduct a review to determine whether an adjustment is appropriate or, upon the request of a parent or upon child support services' own initiative, determine whether a modification is appropriate.

4. Child support services shall adopt rules pursuant to chapter 17A to establish the process for the review of requests for adjustment, the criteria and procedures for conducting a review and determining when an adjustment is appropriate, the procedure and criteria for a cost-of-living alteration, the criteria and procedure for a request for review pursuant to section 252H.18A, and other rules necessary to implement this chapter.

5. Legal representation of child support services shall be provided pursuant to section 252B.7, subsection 4.

93 Acts, ch 78, §27; 97 Acts, ch 175, §98; 2023 Acts, ch 19, §923

252H.5 Fees and cost recovery for review — adjustment — modification.

1. Unless child support services is already providing support enforcement service pursuant to chapter 252B, a parent ordered to provide support, who requests a review of a support order under subchapter II, shall file an application for services pursuant to section 252B.4.

2. A parent requesting a service shall pay the fee established for that service as established under this subsection. The fees established are not applicable to a parent who as a condition of eligibility for receiving public assistance benefits has assigned the rights to child or medical support for the order to be reviewed. The following fees shall be paid for the following services:

a. A fee for conducting the review, to be paid at the time the request for review is submitted to child support services. If the request for review is denied for any reason, the fee shall be refunded to the parent making the request. Any request submitted without full payment of the fee shall be denied.

b. A fee for a second review requested pursuant to section 252H.17, to be paid at the time the request for the second review is submitted to child support services. Any request submitted without full payment of the fee shall be denied.

c. A fee for activities performed by child support services in association with a court hearing requested pursuant to section 252H.8.

d. A fee for activities performed by child support services in entering an administrative order to adjust support when neither parent requests a court hearing pursuant to section 252H.8. The fee shall be paid during the postreview waiting period under section 252H.17. If the fee is not paid in full during the postreview notice period, further action shall not be taken by child support services to adjust the order unless the parent not requesting the adjustment pays the fee in full during the postreview waiting period, or unless the children affected by the order reviewed are currently receiving public assistance benefits and the proposed adjustment would result in either an increase in the amount of support or in provisions for medical support for the children.

e. A fee for conducting a conference requested pursuant to section 252H.20.

3. A parent who requests a review of a support order pursuant to section 252H.13, shall pay any service of process fees for service or attempted service of the notice required in section 252H.15. Child support services shall not proceed to conduct a review pursuant to section 252H.16 until service of process fees have been paid in full. The service of process fee requirement of this subsection is not applicable to a parent who as a condition of eligibility for public assistance benefits has assigned the rights to child or medical support for the order

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to be reviewed. Service of process fees charged by a person other than child support services are distinct from any other fees and recovery of costs provided for in this section.

4. Child support services shall, consistent with applicable federal law, recover administrative costs in excess of any fees collected pursuant to subsections 2 and 3 for providing services under this chapter and shall adopt rules providing for collection of fees for administrative costs.

5. Child support services shall adopt rules pursuant to chapter 17A to establish procedures and criteria to determine the amount of any fees specified in this section and the administrative costs in excess of these fees.

93 Acts, ch 78, §28; 2019 Acts, ch 112, §3; 2020 Acts, ch 1063, §98; 2023 Acts, ch 19, §924

252H.6 Collection of information.

Child support services may request, obtain, and validate information concerning the financial circumstances of the parents of a child as necessary to determine the appropriate amount of support pursuant to the guidelines established in section 598.21B, including but not limited to those sources and procedures described in sections 252B.7A and 252B.9. The collection of information does not constitute a review conducted pursuant to section 252H.16.

93 Acts, ch 78, §29; 97 Acts, ch 175, §99; 2005 Acts, ch 69, §21; 2023 Acts, ch 19, §925

252H.7 Waiver of notice periods and time limitations.

1. A parent may waive the fifteen-day prereview waiting period provided for in section 252H.16.

a. Upon receipt of signed requests from both parents waiving the prereview waiting period, child support services may conduct a review of the support order prior to the expiration of the fifteen-day period provided in section 252H.16.

b. If the parents jointly waive the prereview waiting period and the order under review is subsequently adjusted, the signed statements of both parents waiving the waiting period shall be filed in the court record with the order adjusting the support obligation.

2. A parent may waive the postreview waiting period provided for in section 252H.8, subsection 2 or 7, for a court hearing or in section 252H.17 for requesting of a second review.

a. Upon receipt of signed requests from both parents subject to the order reviewed, waiving the postreview waiting period, child support services may enter an administrative order adjusting the support order, if appropriate, prior to the expiration of the postreview waiting period.

b. If the parents jointly waive the postreview waiting period and an administrative order to adjust the support order is entered, the signed statements of both parents waiving the waiting period shall be filed in the court record with the administrative order adjusting the support obligation.

3. A parent may waive the time limitations established in section 252H.8, subsection 3, for requesting a court hearing, or in section 252H.20 for requesting a conference.

a. Upon receipt of signed requests from both parents who are subject to the order to be modified, waiving the time limitations, child support services may proceed to enter an administrative modification order.

b. If the parents jointly waive the time limitations and an administrative modification order is entered under this chapter, the signed statements of both parents waiving the time limitations shall be filed in the court record with the administrative modification order.

93 Acts, ch 78, §30; 2007 Acts, ch 218, §143, 156; 2010 Acts, ch 1142, §4, 5; 2023 Acts, ch 19, §926

Referred to in §252H.16

252H.8 Certification to court — hearing — default.

1. For actions initiated under section 252H.15, either parent or child support services may request a court hearing within fifteen days from the date of issuance of the notice of decision under section 252H.16, or within ten days of the date of issuance of the second notice of decision under section 252H.17, whichever is later.

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2. For actions initiated under section 252H.14A, either parent or child support services may request a court hearing within ten days of the issuance of the second notice of decision under section 252H.17.

3. For actions initiated under subchapter III, either parent or child support services may request a court hearing within the latest of any of the following time periods:

a. Twenty days from the date of successful service of the notice of intent to modify required under section 252H.19.

b. Ten days from the date scheduled for a conference to discuss the modification action.

c. Ten days from the date of issuance of a second notice of a proposed modification action.

4. The time limitations for requesting a court hearing under this section may be extended by child support services.

5. If a timely written request for a hearing is received by child support services, a hearing shall be held in district court, and child support services shall certify the matter to the district court in the county in which the order subject to adjustment or modification is filed. The certification shall include the following, as applicable:

a. Copies of the notice of intent to review or notice of intent to modify.

b. The return of service, proof of service, acceptance of service, or signed statement by the parent requesting review and adjustment or requesting modification, waiving service of the notice.

c. Copies of the notice of decision and any revised notice as provided in section 252H.16.

d. Copies of any written objections to and request for a second review or conference or hearing.

e. Copies of any second notice of decision issued pursuant to section 252H.17, or second notice of proposed modification action issued pursuant to section 252H.20.

f. Copies of any financial statements and supporting documentation provided by the parents including proof of a substantial change in circumstances for a request filed pursuant to section 252H.18A.

g. Copies of any computation worksheet prepared by child support services to determine the amount of support calculated using the mandatory child support guidelines established under section 598.21B, and, if appropriate and the social security disability provisions of sections 598.22 and 598.22C apply, a determination of the amount of delinquent support due.

h. A certified copy of each order, issued by another state or foreign country, considered in determining the controlling order.

6. The court shall set the matter for hearing and notify the parties of the time and place of the hearing.

7. For actions initiated under section 252H.15, a hearing shall not be held for at least sixteen days following the date of issuance of the notice of decision unless the parents have jointly waived, in writing, the fifteen-day postreview period.

8. Pursuant to section 252H.3, the district court shall review the matter as an original hearing before the court.

9. Issues subject to review by the court in any hearing resulting from an action initiated under this chapter shall be limited to the issues identified in section 252H.3.

10. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, one hearing on all of the affected support orders shall be held in the district court in the county where child support services files the action. For the purposes of this subsection, the district court hearing the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.

11. The court shall establish the amount of child support pursuant to section 598.21B, or medical support pursuant to chapter 252E, or both.

12. If a party fails to appear at the hearing, upon a showing of proper notice to the party, the court may find the party in default and enter an appropriate order.

93 Acts, ch 78, §31; 96 Acts, ch 1141, §1, 2; 97 Acts, ch 175, §100; 98 Acts, ch 1170, §37; 2002 Acts, ch 1018, §12; 2004 Acts, ch 1116, §21; 2005 Acts, ch 69, §22, 23; 2007 Acts, ch 218, §144 – 147, 156; 2010 Acts, ch 1142, §6; 2015 Acts, ch 110, §105; 2023 Acts, ch 19, §927

Referred to in §252H.5, 252H.7, 252H.9, 252H.11, 252H.14A

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252H.9 Filing and docketing of administrative adjustment or modification order — order effective as district court order.

1. If timely request for a court hearing is not made pursuant to section 252H.8, child support services shall prepare and present an administrative order for adjustment or modification, as applicable, for review and approval, ex parte, to the district court where the order to be adjusted or modified is filed. Notwithstanding any other law to the contrary, if more than one support order exists involving children with the same legally established parents, for the purposes of this subsection, the district court reviewing and approving the matter shall have jurisdiction over all other support orders entered by a court of this state and affected under this subsection.

2. For orders to which subchapter II or III is applicable, child support services shall determine the appropriate amount of the child support obligation using the current child support guidelines established pursuant to section 598.21B and the criteria established pursuant to section 252B.7A and shall determine the provisions for medical support pursuant to chapter 252E.

3. The administrative order prepared by child support services shall specify all of the following:

a. The amount of support to be paid and the manner of payment.

b. The name of the custodian of any child for whom support is to be paid.

c. The name of the parent ordered to pay support.

d. The name and birth date of any child for whom support is to be paid.

e. That the property of the responsible person is subject to collection action, including but not limited to wage withholding, garnishment, attachment of a lien, and other methods of execution.

f. Provisions for medical support.

g. If applicable, the order determined to be the controlling order.

h. If applicable, the amount of delinquent support due based upon the receipt of social security disability payments as provided in sections 598.22 and 598.22C.

4. Supporting documents as described in section 252H.8, subsection 5, may be presented to the court with the administrative order, as applicable.

5. Unless defects appear on the face of the order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. A copy of the order shall be sent by regular mail within fourteen days after filing to each parent's last known address, or if applicable, to the last known address of the parent's attorney.

8. The order is final, and action by child support services to enforce and collect upon the order, including arrearages and medical support, or both, may be taken from the date of the entry of the order by the district court.

93 Acts, ch 78, §32; 97 Acts, ch 175, §101; 98 Acts, ch 1170, §38; 2002 Acts, ch 1018, §13; 2005 Acts, ch 69, §24; 2007 Acts, ch 218, §148, 156; 2023 Acts, ch 19, §928

252H.10 Effective date of adjustment — modification.

1. Pursuant to section 598.21C, any administrative or court order resulting from an action initiated under this chapter may be made retroactive only from three months after the date that all parties were successfully served the notice required under section 252H.14A, 252H.15, or section 252H.19, as applicable.

2. The periodic due date established under a prior order for payment of child support shall not be changed in any order modified as a result of an action initiated under this chapter, unless child support services or the court determines that good cause exists to change the periodic due date. If child support services or the court determines that good cause exists, child support services or the court shall include the rationale for the change in the modified order and shall address the issue of reconciliation of any payments due or made under a prior

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order which would result in payment of the child support obligation under both the prior and the modified orders.

93 Acts, ch 78, §33; 95 Acts, ch 115, §10; 2005 Acts, ch 69, §25; 2007 Acts, ch 218, §149, 156; 2023 Acts, ch 19, §929

252H.11 Concurrent actions.

This chapter does not prohibit or affect the ability or right of a parent or the parent's attorney to file a modification action at the parent's own initiative. If a modification action is filed by a parent concerning an order for which an action has been initiated but has not yet been completed by child support services under this chapter, child support services shall terminate any action initiated under this chapter, subject to the following:

1. The modification action filed by the parent must address the same issues as the action initiated under this chapter.

2. If the modification action filed by the parent is subsequently dismissed before being heard by the court, child support services shall continue the action previously initiated under subchapter II or III, or initiate a new action as follows:

a. If child support services previously initiated an action under subchapter II, and had not issued a notice of decision as required under section 252H.14A or 252H.16, child support services shall proceed as follows:

(1) If notice of intent to review was served ninety days or less prior to the date the modification action filed by the parent is dismissed, child support services shall complete the review and issue the notice of decision.

(2) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to review was served, child support services shall serve or issue a new notice of intent to review and conduct the review.

(3) If child support services initiated a review under section 252H.14A, child support services may issue the notice of decision.

b. If child support services previously initiated an action under subchapter II and had issued the notice of decision as required under section 252H.14A or 252H.16, child support services shall proceed as follows:

(1) If the notice of decision was issued ninety days or less prior to the date the modification action filed by the parent is dismissed, child support services shall request, obtain, and verify any new or different information concerning the financial circumstances of the parents and issue a revised notice of decision to each parent, or if applicable, to the parent's attorney.

(2) If the modification action filed by the parent is dismissed more than ninety days after the date of issuance of the notice of decision, child support services shall serve or issue a new notice of intent to review pursuant to section 252H.15 and conduct a review pursuant to section 252H.16, or conduct a review and serve a new notice of decision under section 252H.14A.

c. If child support services previously initiated an action under subchapter III, child support services shall proceed as follows:

(1) If the modification action filed by the parent is dismissed more than ninety days after the original notice of intent to modify was served, child support services shall serve a new notice of intent to modify pursuant to section 252H.19.

(2) If the modification action filed by the parent is dismissed ninety days or less after the original notice of intent to modify was served, child support services shall complete the original modification action initiated by child support services under this subchapter.

(3) Each parent shall be allowed at least twenty days from the date the administrative modification action is reinstated to request a court hearing as provided for in section 252H.8.

3. If an action initiated under this chapter is terminated as the result of a concurrent modification action filed by one of the parents or the parent's attorney, child support services shall advise each parent, or if applicable, the parent's attorney, in writing, that the action has been terminated and the provisions of subsection 2 of this section for continuing or initiating a new action under this chapter. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

4. If an action initiated under this chapter by child support services is terminated as the

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result of a concurrent action filed by one of the parents and is subsequently reinstated because the modification action filed by the parent is dismissed, child support services shall advise each parent, or if applicable, each parent's attorney, in writing, that child support services is continuing the prior administrative adjustment or modification action. The notice shall be issued by regular mail to the last known mailing address of each parent, or if applicable, each parent's attorney.

93 Acts, ch 78, §34; 97 Acts, ch 175, §102; 2007 Acts, ch 218, §150, 156; 2023 Acts, ch 19, §930

SUBCHAPTER II

REVIEW AND ADJUSTMENT

Referred to in §252B.20, 252B.20A, 252H.5, 252H.9, 252H.11, 252H.18, 252H.24

252H.12 Support orders subject to review and adjustment.

A support order meeting all of the following conditions is eligible for review and adjustment under this subchapter:

1. The support order is subject to the jurisdiction of this state for the purposes of adjustment.

2. The support order provides for the ongoing support of at least one child under the age of eighteen or a child between the ages of eighteen and nineteen who has not yet graduated from high school but who is reasonably expected to graduate from high school before attaining the age of nineteen.

3. Child support services is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

93 Acts, ch 78, §35; 2020 Acts, ch 1063, §99; 2023 Acts, ch 19, §931
Referred to in §252H.14

252H.13 Right to request review.

A parent shall have the right to request the review of a support order for which child support services is currently providing enforcement services of an ongoing child support obligation pursuant to chapter 252B including by objecting to a cost-of-living alteration pursuant to section 252H.24, subsections 1 and 2.

93 Acts, ch 78, §36; 97 Acts, ch 175, §103; 2023 Acts, ch 19, §932
Referred to in §252H.5, 252H.14A, 252H.15, 252H.24

252H.14 Reviews initiated by child support services.

1. Child support services may periodically initiate a review of support orders meeting the conditions in section 252H.12 in accordance with the following:

a. The right to any ongoing child support obligation is currently assigned to the state due to the receipt of public assistance.

b. The support order does not already include provisions for medical support.

c. The review is otherwise necessary to comply with the Act.

2. Child support services may periodically initiate a request to a child support agency of another state or to a foreign country to conduct a review of a support order when the right to any ongoing child or medical support obligation due under the order is currently assigned to the state of Iowa or if the order does not include provisions for medical support.

3. Child support services shall adopt rules establishing criteria to determine the appropriateness of initiating a review.

4. Child support services shall initiate reviews under this section in accordance with the Act.

93 Acts, ch 78, §37; 97 Acts, ch 175, §104; 2007 Acts, ch 218, §182, 183, 187; 2008 Acts, ch 1019, §18, 20; 2015 Acts, ch 110, §106; 2023 Acts, ch 19, §933

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252H.14A Reviews initiated by child support services — abbreviated method.

1. Notwithstanding section 252H.15, child support services may use procedures under this section to review a support order if all the following apply:

a. One of the following applies:

(1) The right to ongoing child support is assigned to the state of Iowa due to the receipt of family investment program assistance, and a review of the support order is required under section 7302 of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171.

(2) A parent requests a review, provides child support services with financial information as part of that request, and the order meets the criteria for review under this subchapter.

b. Child support services has access to information concerning the financial circumstances of each parent and one of the following applies:

(1) The parent is a recipient of family investment program assistance, medical assistance, or supplemental nutrition assistance program assistance from the department.

(2) The parent's income is from supplemental security income paid pursuant to 42 U.S.C. §1381a.

(3) The parent is a recipient of disability benefits under the Act because of the parent's disability.

(4) The parent is an inmate of an institution under the control of the department of corrections.

(5) Child support services has access to information described in section 252B.7A, subsection 1, paragraph "*c*".

2. If the conditions of subsection 1 are met, child support services may conduct a review and determine whether an adjustment is appropriate using information accessible by child support services without issuing a notice under section 252H.15 or requesting additional information from the parent.

3. Upon completion of the review, child support services shall issue a notice of decision to each parent, or if applicable, to each parent's attorney. The notice shall be served in accordance with the rules of civil procedure or as provided in section 252B.26, except that a parent requesting a review pursuant to section 252H.13 shall waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

4. All of the following shall be included in the notice of decision:

a. The legal basis and purpose of the action, including an explanation of the procedures for determining child support, the criteria for determining the appropriateness of an adjustment, and a statement that child support services used the child support guidelines established pursuant to section 598.21B and the provisions for medical support pursuant to chapter 252E.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the legal rights and responsibilities of the affected parties, including time frames in which the parties must act.

d. A statement indicating whether child support services finds that an adjustment is appropriate and the basis for the determination.

e. Procedures for contesting the action, including that if a parent requests a second review both parents will be requested to submit financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

f. Other information as appropriate.

5. Section 252H.16, subsection 5, regarding a revised notice of decision shall apply to a notice of decision issued under this section.

6. Each parent shall have the right to challenge the notice of decision issued under this section by requesting a second review by child support services as provided in section 252H.17. If there is no new or different information to consider for the second review, child support services shall issue a second notice of decision based on prior information. Each

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parent shall have the right to challenge the second notice of decision by requesting a court hearing as provided in section 252H.8.

2007 Acts, ch 218, §151, 156; 2010 Acts, ch 1142, §7; 2011 Acts, ch 67, §3; 2023 Acts, ch 19, §934

Referred to in §252B.26, 252H.8, 252H.10, 252H.11, 252H.15, 252H.17

252H.15 Notice of intent to review and adjust.

1. Unless an action is initiated under section 252H.14A, prior to conducting a review of a support order, child support services shall issue a notice of intent to review and adjust to each parent, or if applicable, to each parent's attorney. However, notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. Notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting a review pursuant to section 252H.13 shall waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

3. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. The legal basis and purpose of the action.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.

e. Criteria for determining appropriateness of an adjustment and a statement that child support services will use the child support guidelines established pursuant to section 598.21B and the provisions for medical support pursuant to chapter 252E to adjust the order.

f. Procedures for contesting the action.

g. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

h. Other information as appropriate.

93 Acts, ch 78, §38; 2004 Acts, ch 1116, §22; 2005 Acts, ch 69, §26; 2007 Acts, ch 218, §152, 156; 2023 Acts, ch 19, §935 – 937

Referred to in §252H.5, 252H.8, 252H.10, 252H.11, 252H.14A, 252H.16

252H.16 Conducting the review — notice of decision.

1. For actions initiated under section 252H.15, child support services shall conduct the review and determine whether an adjustment is appropriate. As necessary, child support services shall make a determination of the controlling order or the amount of delinquent support due based upon the receipt of social security disability payments as provided in sections 598.22 and 598.22C.

2. Unless both parents have waived the prereview notice period as provided for in section 252H.7, the review shall not be conducted for at least fifteen days from the date both parents were successfully served with the notice required in section 252H.15.

3. Upon completion of the review, child support services shall issue a notice of decision by regular mail to the last known address of each parent, or if applicable, each parent's attorney.

4. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. A statement indicating whether child support services finds that an adjustment is appropriate and the basis for the determination.

c. Other information, as appropriate.

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5. A revised notice of decision shall be issued when child support services receives or becomes aware of new or different information affecting the results of the review after the notice of decision has been issued and before the entry of an administrative order adjusting the support order, when new or different information is not received in conjunction with a request for a second review, or subsequent to a request for a court hearing. If a revised notice of decision is issued, the time frames for requesting a second review or court hearing shall apply from the date of issuance of the revised notice.

93 Acts, ch 78, §39; 98 Acts, ch 1170, §39; 2002 Acts, ch 1018, §14; 2007 Acts, ch 218, §153, 156; 2010 Acts, ch 1142, §8; 2023 Acts, ch 19, §938

Referred to in §252H.5, 252H.6, 252H.7, 252H.8, 252H.11, 252H.14A, 252H.17

252H.17 Challenging the notice of decision — second review — notice.

1. Each parent shall have the right to challenge the notice of decision issued under section 252H.14A or 252H.16, by requesting a second review by child support services.

2. A challenge shall be submitted, in writing, to child support services, within thirty days of service of the notice of decision under section 252H.14A or within ten days of the issuance of the notice of decision under section 252H.16.

3. A parent challenging the notice of decision shall submit any new or different information, not previously considered by child support services in conducting the review, with the challenge and request for second review.

4. A parent challenging the notice of decision shall submit any required fees with the challenge. Any request submitted without full payment of the required fee shall be denied.

5. If a timely challenge along with any necessary fee is received, child support services shall issue by regular mail to the last known address of each parent, or if applicable, to each parent's attorney, a notice that a second review will be conducted. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. A statement of purpose of the second review.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. A statement of the information that is eligible for consideration at the second review.

d. The procedures and time frames in conducting and completing a second review, including a statement that only one second review shall be conducted as the result of a challenge received from either or both parents.

e. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

f. Other information, as appropriate.

6. Child support services shall conduct a second review, utilizing any new or additional information provided or available since issuance of the notice of decision under section 252H.14A or under section 252H.16, to determine whether an adjustment is appropriate.

7. Upon completion of the review, child support services shall issue a second notice of decision by regular mail to the last known address of each parent, or if applicable, to each parent's attorney. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. Child support services' finding resulting from the second review indicating whether child support services finds that an adjustment is appropriate, the basis for the determination, and the impact on the first review.

c. An explanation of the right to request a court hearing, and the applicable time frames and procedures to follow in requesting a court hearing.

d. Other information, as appropriate.

8. If the determination resulting from the first review is revised or reversed by the second review, the following shall be issued to each parent along with the second notice of decision and the amount of any proposed adjustment:

a. Any updated or revised financial statements provided by either parent.

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b. A computation prepared by child support services, demonstrating how the amount of support due under the child support guidelines was calculated, and a comparison of the newly computed amount with the current support obligation amount.

93 Acts, ch 78, §40; 96 Acts, ch 1141, §3; 2007 Acts, ch 218, §154, 156; 2023 Acts, ch 19, §939
Referred to in §252H.5, 252H.7, 252H.8, 252H.14A

SUBCHAPTER III

ADMINISTRATIVE MODIFICATION

Referred to in §252H.8, 252H.9, 252H.11

252H.18 Orders subject to administrative modification.

An order meeting all of the following conditions is eligible for administrative modification under this subchapter.

1. The order is subject to the jurisdiction of this state for the purposes of modification.
2. Child support services is providing services pursuant to chapter 252B.
3. The child was conceived or born during a marriage or paternity has been legally established.
4. Review and adjustment services pursuant to subchapter II are not required or are not applicable.

93 Acts, ch 78, §41; 2023 Acts, ch 19, §940

252H.18A Request for review outside applicable time frames.

1. If a support order is not eligible for review and adjustment because the support order is outside of the minimum time frames specified by rule of the department, a parent may request a review and administrative modification by submitting all of the following to child support services:

a. A request for review of the support order which is outside of the applicable time frames.

b. Verified documentation of a substantial change in circumstances as specified by rule of the department.

2. Upon receipt of the request and all documentation required in subsection 1, child support services shall review the request and documentation and if appropriate shall issue a notice of intent to modify as provided in section 252H.19.

3. Notwithstanding section 598.21C, for purposes of this section, a substantial change in circumstances means there has been a change of fifty percent or more in the income of a parent, and the change is due to financial circumstances which have existed for a minimum period of three months and can reasonably be expected to exist for an additional three months.

97 Acts, ch 175, §105; 2005 Acts, ch 69, §27; 2023 Acts, ch 19, §941, 942
Referred to in §252H.4, 252H.8

252H.19 Notice of intent to modify.

1. Child support services shall issue a notice of intent to modify to each parent. Notice to a child support agency or an agency entitled to receive child or medical support payments as the result of an assignment of support rights is not required.

2. The notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting modification shall, at the time of the request, waive the right to personal service of the notice in writing and accept service by regular mail. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. The legal basis and purpose of the action.

b. Information sufficient to identify the affected parties and the support order or orders affected.

c. An explanation of the procedures for determining child support and a request for financial or income information as necessary for application of the child support guidelines established pursuant to section 598.21B.

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d. An explanation of the legal rights and responsibilities of the affected parties, including the time frames in which the parties must act.

e. Procedures for contesting the action through a conference or a court hearing.

f. Other information, as appropriate.

93 Acts, ch 78, §42; 2004 Acts, ch 1116, §23; 2005 Acts, ch 69, §28; 2023 Acts, ch 19, §943, 944

Referred to in §252H.8, 252H.10, 252H.11, 252H.18A

252H.20 Conference — second notice and finding of financial responsibility.

1. Each parent shall have the right to request a conference with child support services. The request may be made in person, in writing, or by telephone, and shall be made within ten days of the date of successful service of the notice of intent to modify.

2. A parent requesting a conference shall submit any required fee no later than the date of the scheduled conference. A conference shall not be held unless the required fee is paid in full.

3. Upon a request and full payment of any required fee, child support services shall schedule a conference with the parent and advise the parent of the date, time, place, and procedural aspects of the conference. Child support services shall adopt rules pursuant to chapter 17A to specify the manner in which a conference is conducted and the purpose of the conference.

4. Following the conference, child support services shall issue a second notice of proposed modification and finding of financial responsibility to the parent requesting the conference. Child support services shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

a. Information sufficient to identify the affected parties and the support order or orders affected.

b. If child support services will continue or terminate the action.

c. Procedures for contesting the action and the applicable time frames for actions by the parents.

d. Other information, as appropriate.

93 Acts, ch 78, §43; 2023 Acts, ch 19, §945

Referred to in §252H.5, 252H.7, 252H.8

SUBCHAPTER IV

COST-OF-LIVING ALTERATION

Referred to in §252B.20, 252B.20A, 252E.1B

252H.21 Purpose — intent — effect on requirements for guidelines.

1. This subchapter is intended to provide a procedure to accommodate a request of both parents to expeditiously change a support order due to changes in the cost of living.

2. All of the following shall apply to a cost-of-living alteration under this subchapter:

a. To the extent permitted under 42 U.S.C. §666(a)(10)(A)(i)(II), the cost-of-living alteration shall be an exception to any requirement under law for the application of the child support guidelines established pursuant to section 598.21B, including but not limited to any requirement in this chapter or chapter 234, 252A, 252B, 252C, 252F, 598, or 600B.

b. The cost-of-living alteration shall not prevent any subsequent modification or adjustment to the support order as otherwise provided in law based on application of the child support guidelines.

c. The calculation of a cost-of-living alteration to a child support order shall be compounded as follows:

(1) Increase or decrease the child support order by the percentage change of the appropriate consumer price index for the month and year after the month and year the child support order was last issued, modified, adjusted, or altered.

(2) Increase or decrease the amount of the child support order calculated in subparagraph (1) for each subsequent year by applying the appropriate consumer price index for each

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subsequent year to the result of the calculation for the previous year. The final year in the calculation shall be the year immediately preceding the year child support services received the completed request for the cost-of-living alteration.

d. The amount of the cost-of-living alteration in the notice in section 252H.24, subsection 1, shall be the result of the calculation in paragraph "*c*".

97 Acts, ch 175, §106; 2005 Acts, ch 69, §29; 2023 Acts, ch 19, §946

252H.22 Support orders subject to cost-of-living alteration.

A support order meeting all of the following conditions is eligible for a cost-of-living alteration under this subchapter.

1. The support order is subject to the jurisdiction of this state for the purposes of a cost-of-living alteration.

2. The support order provides for the ongoing support of at least one child under the age of eighteen or a child between the ages of eighteen and nineteen who has not yet graduated from high school but who is reasonably expected to graduate from high school before attaining the age of nineteen.

3. Child support services is providing enforcement services for the ongoing support obligation pursuant to chapter 252B.

4. A parent requests a cost-of-living alteration as provided in section 252H.23.

5. The support order addresses medical support for the child.

6. The support order is not subject to the social security disability provisions pursuant to sections 598.22 and 598.22C.

97 Acts, ch 175, §107; 2002 Acts, ch 1018, §15; 2023 Acts, ch 19, §947

252H.23 Right to request cost-of-living alteration.

A parent may request a cost-of-living alteration by submitting all of the following to child support services:

1. A written request for a cost-of-living alteration to the support order signed by the parent making the request.

2. A statement signed by the nonrequesting parent agreeing to the cost-of-living alteration to the support order.

3. A statement signed by each parent waiving that parent's right to personal service and accepting service by regular mail.

4. Other documentation specified by rule of the department.

97 Acts, ch 175, §108; 2023 Acts, ch 19, §948

Referred to in §252H.22

252H.24 Role of child support services — filing and docketing of cost-of-living alteration order — order effective as district court order.

1. Upon receipt of a request and required documentation for a cost-of-living alteration, child support services shall issue a notice of the amount of cost-of-living alteration by regular mail to the last known address of each parent, or, if applicable, each parent's attorney. The notice shall include all of the following:

a. A statement that either parent may contest the cost-of-living alteration within thirty days of the date of the notice by making a request for a review of a support order as provided in section 252H.13, and if either parent does not make a request for a review within thirty days, child support services shall prepare an administrative order as provided in subsection 4.

b. A statement that the parent may waive the thirty-day notice waiting period provided for in this section.

2. Upon timely receipt of a request and required documentation for a review of a support order as provided in subsection 1 from either parent, child support services shall terminate the cost-of-living alteration process and apply the provisions of subchapters I and II of this chapter relating to review and adjustment.

3. Upon receipt of signed requests from both parents subject to the support order,

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waiving the notice waiting period, child support services may prepare an administrative order pursuant to subsection 4 altering the support obligation.

4. If timely request for a review pursuant to section 252H.13 is not made, and if the thirty-day notice waiting period has expired, or if both parents have waived the notice waiting period, child support services shall prepare and present an administrative order for a cost-of-living alteration, ex parte, to the district court where the order to be altered is filed.

5. Unless defects appear on the face of the administrative order or on the attachments, the district court shall approve the order. Upon filing, the approved order shall have the same force, effect, and attributes of an order of the district court.

6. Upon filing, the clerk of the district court shall enter the order in the judgment docket and judgment lien index.

7. If the parents jointly waive the thirty-day notice waiting period, the signed statements of both parents waiving the notice period shall be filed in the court record with the administrative order altering the support obligation.

8. Child support services shall send a copy of the order by regular mail to each parent's last known address, or, if applicable, to the last known address of the parent's attorney.

9. An administrative order approved by the district court is final, and action by child support services to enforce and collect upon the order may be taken from the date of the entry of the order by the district court.

97 Acts, ch 175, §109; 2023 Acts, ch 19, §949
Referred to in §252H.13, 252H.21, 598.21C

CHAPTER 252I

SUPPORT PAYMENTS — LEVIES AGAINST ACCOUNTS

Referred to in §252B.3, 252B.9

252I.1 Definitions.
252I.2 Purpose and use.
252I.3 Initial notice to obligor.
252I.4 Verification of accounts and immunity from liability.
252I.5 Administrative levy — notice to financial institution.
252I.6 Administrative levy — notice to support obligor.
252I.7 Responsibilities of financial institution.
252I.8 Challenges to action.

252I.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Account"* means "account" as defined in section 524.103, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. *"Account"* also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts and "account" as defined in 42 U.S.C. §666(a)(17). However, *"account"* does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

2. *"Bank"* means "bank", "insured bank", and "state bank" as defined in section 524.103.

3. *"Child support services"* means child support services created in section 252B.2.

4. *"Court order"* means "support order" as defined in section 252J.1.

5. *"Credit union"* means "credit union" as defined in section 533.102.

6. *"Financial institution"* means "financial institution" as defined in 42 U.S.C. §669A(d)(1). *"Financial institution"* also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

7. *"Obligor"* means a person who has been ordered by a court or administrative authority to pay support.

8. *"Support"* or *"support payments"* means "support" or "support payments" as defined in section 252D.16.

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9. *"Working days"* means only Monday, Tuesday, Wednesday, Thursday, and Friday, but excluding the holidays specified in section 1C.2, subsection 1.

94 Acts, ch 1101, §1; 96 Acts, ch 1034, §15; 97 Acts, ch 175, §110; 98 Acts, ch 1170, §33; 2007 Acts, ch 174, §91; 2008 Acts, ch 1031, §109; 2012 Acts, ch 1017, §61, 62; 2023 Acts, ch 19, §950

Referred to in §252B.9

252I.2 Purpose and use.

1. Notwithstanding other statutory provisions which provide for the execution, attachment, or levy against accounts, child support services may utilize the process established in this chapter to collect delinquent support payments provided that any exemptions or exceptions which specifically apply to enforcement of support obligations pursuant to other statutory provisions also apply to this chapter.

2. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by child support services, and if the support payments ordered under chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country, as certified to child support services, are not paid to the clerk of the district court or the collection services center pursuant to section 598.22 and become delinquent in an amount equal to the support payment for one month.

3. Any amount forwarded by a financial institution under this chapter shall not exceed the amounts specified in 15 U.S.C. §1673(b) and shall not exceed the delinquent or accrued amount of support owed by the obligor.

94 Acts, ch 1101, §2; 2015 Acts, ch 110, §107; 2023 Acts, ch 19, §951

Referred to in §252I.5, 252I.6

252I.3 Initial notice to obligor.

Child support services or the district court may include language in any new or modified support order issued on or after July 1, 1994, notifying the obligor that the obligor is subject to the provisions of this chapter. However, this chapter is sufficient notice for implementation of administrative levy provisions without further notice of the provisions of this chapter.

94 Acts, ch 1101, §3; 2005 Acts, ch 112, §12; 2023 Acts, ch 19, §952

252I.4 Verification of accounts and immunity from liability.

1. Child support services may contact a financial institution to obtain verification of the account number, the names and social security numbers listed for the account, and the account balance of any account held by an obligor. Contact with a financial institution may be by telephone or by written communication. The financial institution may require positive voice recognition and may require the telephone number of the authorized person from child support services before releasing an obligor's account information by telephone.

2. Child support services and financial institutions doing business in Iowa shall enter into agreements to develop and operate a data match system, using automated data exchanges to the maximum extent feasible. The data match system shall allow a means by which each financial institution shall provide to child support services for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the institution and who owes past-due support, as identified by child support services by name and social security number or other taxpayer identification number. Child support services shall work with representatives of financial institutions to develop a system to assist nonautomated financial institutions in complying with the provisions of this section.

3. Child support services may pay a reasonable fee to a financial institution for conducting the data match required in subsection 2, not to exceed the lower of either one hundred fifty dollars for each quarterly data match or the actual costs incurred by the financial institution for each quarterly data match. However, child support services may also adopt rules pursuant to chapter 17A to specify a fee amount for each quarterly data match based upon the estimated state share of funds collected under this chapter, which, when adopted, shall be applied in lieu of the one hundred fifty dollar fee under this subsection. In addition, child support services

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may pay a reasonable fee to a financial institution for automation programming development performed in order to conduct the data match required in subsection 2, not to exceed the lower of either five hundred dollars or the actual costs incurred by the financial institution. Child support services may use the state share of funds collected under this chapter to pay the fees to financial institutions under this subsection. For state fiscal years beginning July 1, 1999, and July 1, 2000, child support services may use up to one hundred percent of the state share of such funds. For state fiscal years beginning on or after July 1, 2001, child support services may use up to fifty percent of the state share of such funds. Notwithstanding any other provision of law to the contrary, a financial institution shall have until a date provided in the agreement in subsection 2 to submit its claim for a fee under this subsection. If child support services does not have sufficient funds available under this subsection for payment of fees under this subsection for conducting data matches or for automation program development performed in the fiscal year beginning July 1, 1999, the cost may be carried forward to the fiscal year beginning July 1, 2000. Child support services may also use funds from an amount assessed a child support agency of another state, as defined in section 252H.2, to conduct a data match requested by that child support agency as provided in 42 U.S.C. §666(a)(14) to pay fees to financial institutions under this subsection.

4. *a.* A financial institution is immune from any liability in any action or proceeding, whether civil or criminal, for any of the following:

(1) The disclosure of any information by a financial institution to child support services pursuant to this chapter or the rules or procedures adopted by child support services to implement this chapter, including disclosure of information relating to an obligor who maintains an account with the financial institution or disclosure of information relating to any other person who maintains an account with the financial institution that is provided for the purpose of complying with the data match requirements of this section and with the agreement entered into between the financial institution and child support services pursuant to subsection 2.

(2) Any encumbrance or surrender of any assets held by a financial institution in response to a notice of lien or levy issued by child support services.

(3) Any action or omission in connection with good faith efforts to comply with this chapter or any rules or procedures that are adopted by child support services to implement this chapter.

(4) The disclosure, use, or misuse by child support services or by any other person of information provided or assets delivered to child support services by a financial institution.

b. For the purposes of this section, "*financial institution*" includes officers, directors, employees, contractors, and agents of the financial institution.

5. The financial institution or child support services is not liable for the cost of any early withdrawal penalty of an obligor's certificate of deposit.

94 Acts, ch 1101, §4; 97 Acts, ch 175, §111; 99 Acts, ch 127, §3; 2000 Acts, ch 1096, §3, 4; 2000 Acts, ch 1232, §90, 95; 2023 Acts, ch 19, §953

252I.5 Administrative levy — notice to financial institution.

1. If an obligor is subject to this chapter under section 252I.2, child support services may initiate an administrative action to levy against the accounts of the obligor.

2. Child support services may send a notice to the financial institution with which the account is placed, directing that the financial institution forward all or a portion of the moneys in the obligor's account or accounts to the collection services center established pursuant to chapter 252B. The notice shall be sent by regular mail, with proof of service completed according to rule of civil procedure 1.442.

3. The notice to the financial institution shall contain all of the following:

a. The name and social security number of the obligor.

b. A statement that the obligor is believed to have one or more accounts at the financial institution.

c. A statement that pursuant to the provisions of this chapter, the obligor's accounts are subject to seizure and the financial institution is authorized and required to forward moneys to the collection services center.

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d. The maximum amount that shall be forwarded by the financial institution, which shall not exceed the delinquent or accrued amount of support owed by the obligor.

e. The prescribed time frame which the financial institution must meet in forwarding amounts.

f. The address of the collection services center and the collection services center account number.

g. A telephone number and address for child support services.

94 Acts, ch 1101, §5; 2005 Acts, ch 112, §13; 2023 Acts, ch 19, §954, 955
Referred to in §252I.6, 252I.7

252I.6 Administrative levy — notice to support obligor.

1. Child support services may administratively initiate an action to seize accounts of an obligor who is subject to this chapter under section 252I.2.

2. Child support services shall notify an obligor subject to this chapter, and any other party known to have an interest in the account, of the action. The notice shall contain all of the following:

a. The name of the obligor.

b. A statement that the obligor is believed to have one or more accounts at the financial institution.

c. A statement that pursuant to the provisions of this chapter, the obligor's accounts are subject to seizure and the financial institution is authorized and required to forward moneys to the collection services center.

d. The maximum amount to be forwarded by the financial institution, which shall not exceed the delinquent or accrued amount of support owed by the obligor.

e. The prescribed time frames within which the financial institution must comply.

f. A statement that any challenge to the action shall be in writing and shall be received by child support services within ten days of the date of the notice to the obligor.

g. The address of the collection services center and the collection services center account number.

h. A telephone number and address for child support services.

3. Child support services shall forward the notice to the obligor by regular mail within two working days of sending the notice to the financial institution pursuant to section 252I.5. Proof of service shall be completed according to rule of civil procedure 1.442.

94 Acts, ch 1101, §6; 2008 Acts, ch 1019, §10; 2023 Acts, ch 19, §956

252I.7 Responsibilities of financial institution.

Upon receipt of a notice under section 252I.5, the financial institution shall do all of the following:

1. Immediately encumber funds in all accounts in which the obligor has an interest to the extent of the debt indicated in the notice from child support services.

2. No sooner than fifteen days, and no later than twenty days from the date the financial institution receives the notice under section 252I.5, unless notified by child support services of a challenge by the obligor or an account holder of interest, the financial institution shall forward the moneys encumbered to the collection services center with the obligor's name and social security number, collection services center account number, and any other information required in the notice.

3. The financial institution may assess a fee against the obligor, not to exceed ten dollars, for forwarding of moneys to the collection services center. This fee is in addition to the amount of support due. In the event that there are insufficient moneys to cover the fee and the support amount due, the institution may deduct the fee amount prior to forwarding moneys to the collection services center and the amount credited to the support obligation shall be reduced by the fee amount.

94 Acts, ch 1101, §7; 2023 Acts, ch 19, §957
Referred to in §252I.8

252I.8 Challenges to action.

1. Challenges under this chapter may be initiated only by an obligor or by an account

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holder of interest. Actions initiated by child support services under this chapter are not subject to chapter 17A, and resulting court hearings following certification shall be an original hearing before the district court.

2. The person challenging the action shall submit a written challenge to child support services within ten working days of the date of the notice.

3. Child support services shall, upon receipt of a written challenge, review the facts of the case with the challenging party. Only a mistake of fact including but not limited to a mistake in the identity of the obligor or a mistake in the amount of delinquent support due shall be considered as a reason to dismiss or modify the proceeding.

4. If child support services determines that a mistake of fact has occurred, child support services shall proceed as follows:

a. If a mistake in identity has occurred or the obligor is not delinquent in an amount equal to the payment for one month, child support services shall notify the financial institution that the administrative levy has been released. Child support services shall provide a copy of the notice to the support obligor by regular mail.

b. If the obligor is delinquent, but the amount of the delinquency is less than the amount indicated in the notice, child support services shall notify the financial institution of the revised amount with a copy of the notice and issue a copy to the obligor or forward a copy to the obligor by regular mail. Upon written receipt of instructions from child support services, the financial institution shall release the funds in excess of the revised amount to the obligor and the moneys in the amount of the debt shall be processed according to section 252I.7.

5. If child support services finds no mistake of fact, child support services shall provide a notice to that effect to the challenging party by regular mail. Upon written request of the challenging party, child support services shall request a hearing before the district court in the county in which the underlying support order is filed.

a. The financial institution shall encumber moneys if child support services notifies the financial institution to do so.

b. The clerk of the district court shall schedule a hearing upon the request by child support services for a time not later than ten calendar days after the filing of the request for hearing. The clerk shall mail copies of the request for hearing and the order scheduling the hearing to child support services and to all account holders of interest.

c. If the court finds that there is a mistake of identity or that the obligor does not owe the delinquent support, child support services shall notify the financial institution that the administrative levy has been released.

d. If the court finds that the obligor has an interest in the account, and the amount of support due was incorrectly overstated, child support services shall notify the financial institution to release the excess moneys to the obligor and remit the remaining moneys in the amount of the debt to the collection services center for disbursement to the appropriate recipient.

e. If the court finds that the obligor has an interest in the account, and the amount of support due is correct, the financial institution shall forward the moneys to the collection services center for disbursement to the appropriate recipient.

f. If the obligor or any other party known to have an interest in the account fails to appear at the hearing, the court may find the challenging party in default, shall ratify the administrative levy, if valid upon its face, and shall enter an order directing the financial institution to release the moneys to child support services.

g. Issues related to visitation, custody, or other provisions not related to levies against accounts are not grounds for a hearing under this chapter.

h. Support orders shall not be modified under a challenge pursuant to this section.

i. Any findings in the challenge of an administrative levy related to the amount of the accruing or accrued support obligation do not modify the underlying support order.

j. An order entered under this chapter for a levy against an account of a support obligor has priority over a levy for a purpose other than the support of the dependents in the court order being enforced.

6. The support obligor may withdraw the request for challenge by submitting a written withdrawal to child support services or child support services may withdraw

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the administrative levy at any time prior to the court hearing and provide notice of the withdrawal to the obligor and any account holder of interest and to the financial institution, by regular mail.

7. If the financial institution has forwarded moneys to the collection services center and has deducted a fee from the moneys of the account, or if any additional fees or costs are levied against the account, and all funds are subsequently refunded to the account due to a mistake of fact or ruling of the court, child support services shall reimburse the account for any fees assessed by the financial institution. If the mistake of fact is a mistake in the amount of support due and any portion of the moneys is retained as support payments, however, child support services is not required to reimburse the account for any fees or costs levied against the account. Additionally, for the purposes of reimbursement to the account for any fees or costs, each certificate of deposit is considered a separate account.

94 Acts, ch 1101, §8; 2023 Acts, ch 19, §958; 2024 Acts, ch 1182, §156

CHAPTER 252J

CHILD SUPPORT — LICENSING SANCTIONS

Referred to in §252B.3, 252B.9, 272D.1, 522C.16, 522F.23

252J.1	Definitions.	252J.6	Decision of child support services.
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252J.4	Conference.	252J.9	District court hearing.
252J.5	Written agreement.		

252J.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Certificate of noncompliance"* means a document provided by child support services certifying that the named individual is not in compliance with any of the following:

a. A support order.

b. A written agreement for payment of support entered into by child support services and the obligor.

c. A subpoena or warrant relating to a paternity or support proceeding.

2. *"Child support services"* means child support services created in section 252B.2.

3. *"Department"* means the department of health and human services.

4. *"Individual"* means a parent, an obligor, or a putative father in a paternity or support proceeding.

5. *"License"* means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an individual by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, industry, or recreation or to operate or register a motor vehicle. *"License"* includes licenses for hunting, fishing, boating, or other recreational activity.

6. *"Licensee"* means an individual to whom a license has been issued, or who is seeking the issuance of a license.

7. *"Licensing authority"* means a county treasurer, county recorder or designated depositary, the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an individual to register or operate a motor vehicle or to engage in a business, occupation, profession, recreation, or industry.

8. *"Obligor"* means a natural person as defined in section 252G.1 who has been ordered by a court or administrative authority to pay support.

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9. *"Subpoena or warrant"* means a subpoena or warrant relating to a paternity or support proceeding initiated or obtained by child support services or a child support agency as defined in section 252H.2.

10. *"Support"* means support or support payments as defined in section 252D.16, whether established through court or administrative order.

11. *"Support order"* means an order for support issued pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F, 252H, 598, 600B, or any other applicable chapter, or under a comparable statute of another state or foreign country as registered with the clerk of the district court or certified to child support services.

12. *"Withdrawal of a certificate of noncompliance"* means a document provided by child support services certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of an individual's license.

95 Acts, ch 115, §1; 97 Acts, ch 175, §112, 113; 2015 Acts, ch 110, §108; 2023 Acts, ch 19, §959

Referred to in §252B.5, 252B.9, 252I.1

252J.2 Purpose and use.

1. Notwithstanding other statutory provisions to the contrary, and if an individual has not been cited for contempt and enjoined from engaging in the activity governed by a license pursuant to section 598.23A, child support services may utilize the process established in this chapter to collect support.

2. For cases in which services are provided by child support services all of the following apply:

a. An obligor is subject to the provisions of this chapter if the obligor's support obligation is being enforced by child support services, if the support payments required by a support order to be paid to the clerk of the district court or the collection services center pursuant to section 598.22 are not paid and become delinquent in an amount equal to the support payment for three months, and if the obligor's situation meets other criteria specified under rules adopted by the department pursuant to chapter 17A. The criteria specified by rule shall include consideration of the length of time since the obligor's last support payment and the total amount of support owed by the obligor.

b. An individual is subject to the provisions of this chapter if the individual has failed, after receiving appropriate notice, to comply with a subpoena or warrant.

3. Actions initiated by child support services under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court.

4. Notwithstanding chapter 22, all of the following apply:

a. Information obtained by child support services under this chapter shall be used solely for the purposes of this chapter or chapter 252B.

b. Information obtained by a licensing authority shall be used solely for the purposes of this chapter.

95 Acts, ch 115, §2; 97 Acts, ch 175, §114; 2023 Acts, ch 19, §960

Referred to in §252J.5, 252J.6, 252J.9

252J.3 Notice to individual of potential sanction of license.

Child support services shall proceed in accordance with this chapter only if child support services sends a notice to the individual by regular mail to the last known address of the individual. The notice shall include all of the following:

1. The address and telephone number of child support services and the child support services' case number.

2. A statement that the obligor is not in compliance with a support order or the individual has not complied with a subpoena or warrant.

3. A statement that the individual may request a conference with child support services to contest the action.

4. A statement that if, within twenty days of mailing of the notice to the individual, the

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individual fails to contact child support services to schedule a conference, child support services shall issue a certificate of noncompliance, bearing the individual's name, social security number, and the child support services' case number, to any appropriate licensing authority, certifying that the obligor is not in compliance with a support order or an individual has not complied with a subpoena or warrant.

5. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by child support services within twenty days of mailing of the notice to the individual.

6. The names of the licensing authorities to which child support services intends to issue a certificate of noncompliance.

7. A statement that if child support services issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the individual's license, unless child support services provides the licensing authority with a withdrawal of a certificate of noncompliance.

95 Acts, ch 115, §3; 97 Acts, ch 175, §115; 2005 Acts, ch 112, §14, 15; 2023 Acts, ch 19, §961
Referred to in §252J.4, 252J.6, 252J.7

252J.4 Conference.

1. The individual may schedule a conference with child support services following mailing of the notice pursuant to section 252J.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a licensing authority, to challenge child support services' actions under this chapter.

2. The request for a conference shall be made to child support services, in writing, and, if requested after mailing of the notice pursuant to section 252J.3, shall be received by child support services within twenty days following mailing of the notice.

3. Child support services shall notify the individual of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by child support services, unless the individual and child support services agree to an earlier date which may be the same date the individual requests the conference. If the individual fails to appear at the conference, child support services shall issue a certificate of noncompliance.

4. Following the conference, child support services shall issue a certificate of noncompliance unless any of the following applies:

a. Child support services finds a mistake in the identity of the individual.

b. Child support services finds a mistake in determining that the amount of delinquent support is equal to or greater than three months.

c. The obligor enters a written agreement with child support services to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support due.

d. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department pursuant to chapter 17A.

e. Child support services finds a mistake in determining the compliance of the individual with a subpoena or warrant.

f. The individual complies with a subpoena or warrant.

5. Child support services shall grant the individual a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with child support services to comply with a support order or if the individual complies with a subpoena or warrant.

6. If the individual does not timely request a conference or does not comply with a subpoena or warrant or if the obligor does not pay the total amount of delinquent support owed within twenty days of mailing of the notice pursuant to section 252J.3, child support services shall issue a certificate of noncompliance.

95 Acts, ch 115, §4; 95 Acts, ch 209, §23; 97 Acts, ch 175, §116; 2005 Acts, ch 112, §16; 2011 Acts, ch 67, §4; 2023 Acts, ch 19, §962
Referred to in §252J.6

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252J.5 Written agreement.

1. If an obligor is subject to this chapter as established in section 252J.2, subsection 2, paragraph *"a"*, the obligor and child support services may enter into a written agreement for payment of support and compliance which takes into consideration the obligor's ability to pay and other criteria established by rule of the department. The written agreement shall include all of the following:

a. The method, amount, and dates of support payments by the obligor.

b. A statement that upon breach of the written agreement by the obligor, child support services shall issue a certificate of noncompliance to any appropriate licensing authority.

2. A written agreement entered into pursuant to this section does not preclude any other remedy provided by law and shall not modify or affect an existing support order.

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written agreement with child support services, child support services shall issue a withdrawal of the certificate of noncompliance to any appropriate licensing authority and shall forward a copy of the withdrawal by regular mail to the obligor.

95 Acts, ch 115, §5; 97 Acts, ch 175, §117; 2004 Acts, ch 1116, §24; 2023 Acts, ch 19, §963
Referred to in §252J.6

252J.6 Decision of child support services.

1. If an obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant pursuant to section 252J.2, child support services mails a notice to the individual pursuant to section 252J.3, and the individual requests a conference pursuant to section 252J.4, child support services shall issue a written decision if any of the following conditions exists:

a. The individual fails to appear at a scheduled conference under section 252J.4.

b. A conference is held under section 252J.4.

c. The obligor fails to comply with a written agreement entered into by the obligor and child support services under section 252J.5.

2. Child support services shall send a copy of the written decision to the individual by regular mail at the individual's most recent address of record. If the decision is made to issue a certificate of noncompliance or to withdraw the certificate of noncompliance, a copy of the certificate of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from child support services.

c. That in order to obtain a withdrawal of a certificate of noncompliance from child support services, the obligor shall enter into a written agreement with child support services, comply with an existing written agreement with child support services, or pay the total amount of delinquent support owed or the individual shall comply with a subpoena or warrant.

d. That if child support services issues a written decision which includes a certificate of noncompliance, all of the following apply:

(1) The individual may request a hearing as provided in section 252J.9, before the district court as follows:

(a) If the action is a result of section 252J.2, subsection 2, paragraph *"a"*, in the county in which the underlying support order is filed, by filing a written application to the court challenging the issuance of the certificate of noncompliance by child support services and sending a copy of the application to child support services within the time period specified in section 252J.9.

(b) If the action is a result of section 252J.2, subsection 2, paragraph *"b"*, and the individual is not an obligor, in the county in which the dependent child or children reside if the child or

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children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in another state or foreign country.

(2) The individual may retain an attorney at the individual's own expense to represent the individual at the hearing.

(3) The scope of review of the district court shall be limited to demonstration of a mistake of fact related to the delinquency of the obligor or the compliance of the individual with a subpoena or warrant.

3. If child support services issues a certificate of noncompliance, child support services shall only issue a withdrawal of the certificate of noncompliance if any of the following applies:

a. Child support services or the court finds a mistake in the identity of the individual.

b. Child support services finds a mistake in determining compliance with a subpoena or warrant.

c. Child support services or the court finds a mistake in determining that the amount of delinquent support due is equal to or greater than three months.

d. The obligor enters a written agreement with child support services to comply with a support order, the obligor complies with an existing written agreement to comply with a support order, or the obligor pays the total amount of delinquent support owed.

e. The individual complies with the subpoena or warrant.

f. Issuance of a withdrawal of the certificate of noncompliance is appropriate under other criteria in accordance with rules adopted by the department pursuant to chapter 17A.

95 Acts, ch 115, §6; 95 Acts, ch 209, §24; 97 Acts, ch 175, §118; 2004 Acts, ch 1116, §25; 2005 Acts, ch 112, §17; 2015 Acts, ch 110, §109; 2023 Acts, ch 19, §964

Referred to in §252J.7, 252J.9

252J.7 Certificate of noncompliance — certification to licensing authority.

1. If the individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or child support services issues a written decision under section 252J.6 which states that the individual is not in compliance, child support services shall issue a certificate of noncompliance to any appropriate licensing authority.

2. The certificate of noncompliance shall contain the individual's name and social security number.

3. The certificate of noncompliance shall require all of the following:

a. That the licensing authority initiate procedures for the revocation or suspension of the individual's license, or for the denial of the issuance or renewal of a license using the licensing authority's procedures.

b. That the licensing authority provide notice to the individual, as provided in section 252J.8, of the intent to suspend, revoke, deny issuance, or deny renewal of a license including the effective date of the action. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the individual.

95 Acts, ch 115, §7; 97 Acts, ch 175, §119; 2004 Acts, ch 1116, §26; 2023 Acts, ch 19, §965

252J.8 Requirements and procedures of licensing authority.

1. A licensing authority shall maintain records of licensees by name, current known address, and social security number.

2. In addition to other grounds for suspension, revocation, or denial of issuance or renewal of a license, a licensing authority shall include in rules adopted by the licensing authority as grounds for suspension, revocation, or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from child support services.

3. The supreme court shall prescribe rules for admission of persons to practice as attorneys and counselors pursuant to chapter 602, article 10, which include provisions, as specified in this chapter, for the denial, suspension, or revocation of the admission for failure to comply with a child support order or a subpoena or warrant.

4. *a.* A licensing authority that is issued a certificate of noncompliance shall initiate

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procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

b. In addition, the licensing authority shall provide notice to the individual of the licensing authority's intent to suspend, revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the individual.

c. The notice shall state all of the following:

(1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of an individual's license due to the receipt of a certificate of noncompliance from child support services.

(2) The individual must contact child support services to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

(3) Unless child support services furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the individual's license will be revoked, suspended, or denied.

(4) If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply.

(5) Notwithstanding section 17A.18, the individual does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 252J.9 within thirty days of the provision of notice under this subsection.

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from child support services, the licensing authority shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements established by the licensing authority.

95 Acts, ch 115, §8; 97 Acts, ch 175, §120; 2009 Acts, ch 41, §245; 2023 Acts, ch 19, §966 – 968

Referred to in §252J.7, 252J.9, 321.16A, 321.218

252J.9 District court hearing.

1. Following the issuance of a written decision by child support services under section 252J.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the individual by a licensing authority pursuant to section 252J.8, an individual may seek review of the decision and request a hearing before the district court as follows:

a. If the action is a result of section 252J.2, subsection 2, paragraph *"a"*, in the county in which the underlying support order is filed, by filing an application with the district court, and sending a copy of the application to child support services.

b. If the action is a result of section 252J.2, subsection 2, paragraph *"b"*, and the individual is not an obligor, in a county in which the dependent child or children reside if the child or children reside in Iowa; in the county in which the dependent child or children last received public assistance if the child or children received public assistance in Iowa; or in the county in which the individual resides if the action is the result of a request from a child support agency in another state or foreign country.

2. An application shall be filed to seek review of the decision by child support services or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 252J.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the individual and child support services and shall also mail a copy of the order to the licensing authority, if applicable. Child support services shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 252J.8, to the court prior to the hearing.

3. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 252J.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the

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individual fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 252J.8.

4. The scope of review by the district court shall be limited to demonstration of a mistake of fact relating to the delinquency of the obligor or the noncompliance of the individual with a subpoena or warrant. Issues related to visitation, custody, or other provisions not related to the support provisions of a support order are not grounds for a hearing under this chapter.

5. Support orders shall not be modified by the court in a hearing under this chapter.

6. If the court finds that child support services was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, child support services shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

95 Acts, ch 115, §9; 97 Acts, ch 175, §121; 2009 Acts, ch 41, §246; 2015 Acts, ch 110, §110; 2023 Acts, ch 19, §969 – 971

Referred to in §252J.6, 252J.8, 522C.16, 522F.23

CHAPTER 252K

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Referred to in §252A.18, 252B.4, 252B.9, 252B.14, 252B.20, 252B.26, 252D.1, 252D.16A, 252D.17, 252D.24, 252D.31, 252E.1, 252H.2, 598.21C, 598.21E, 598.22, 598.22B, 598.23A, 598C.309, 600B.41A, 602.6111, 602.8102(47)

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ARTICLE 1

GENERAL PROVISIONS

Referred to in §252K.613, 252K.702

252K.101 Title.

This chapter shall be known and may be cited as the *"Uniform Interstate Family Support Act"*.

2015 Acts, ch 110, §1
C2016, §252K.101
Former §252K.101 transferred to §252K.102

252K.102 Definitions.

In this chapter:

1. *"Child"* means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. *"Child support order"* means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

3. *"Convention"* means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007.

4. *"Duty of support"* means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

5. *"Foreign country"* means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which meets any of the following conditions:

a. Has been declared under the law of the United States to be a foreign reciprocating country.

b. Has established a reciprocal arrangement for child support with this state as provided in section 252K.308.

c. Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

d. In which the convention is in force with respect to the United States.

6. *"Foreign support order"* means a support order of a foreign tribunal.

7. *"Foreign tribunal"* means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

8. *"Home state"* means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

9. *"Income"* includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

10. *"Income withholding order"* means an order or other legal process directed to an obligor's employer or other payor of income, as defined by the income withholding law of this state, to withhold support from the income of the obligor.

11. *"Initiating tribunal"* means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed or forwarded to another state or foreign country.

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12. *"Issuing foreign country"* means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

13. *"Issuing state"* means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

14. *"Issuing tribunal"* means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

15. *"Law"* includes decisional and statutory law and rules and regulations having the force of law.

16. *"Obligee"* means any of the following:

a. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued.

b. A foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support.

c. An individual seeking a judgment determining parentage of the individual's child.

d. A person that is a creditor in a proceeding under article 7.

17. *"Obligor"* means an individual, or the estate of a decedent, to which any of the following applies:

a. Who owes or is alleged to owe a duty of support.

b. Who is alleged but has not been adjudicated to be a parent of a child.

c. Who is liable under a support order.

d. Who is a debtor in a proceeding under article 7.

18. *"Outside this state"* means a location in another state or a country other than the United States, whether or not the country is a foreign country.

19. *"Person"* means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

20. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

21. *"Register"* means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or foreign country.

22. *"Registering tribunal"* means a tribunal in which a support order or judgment determining parentage of a child is registered.

23. *"Responding state"* means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country.

24. *"Responding tribunal"* means the authorized tribunal in a responding state or foreign country.

25. *"Spousal support order"* means a support order for a spouse or former spouse of the obligor.

26. *"State"* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

27. *"Support enforcement agency"* means a public official, government entity, or private agency authorized to do any of the following:

a. Seek enforcement of support orders or laws relating to the duty of support.

b. Seek establishment or modification of child support.

c. Request determination of parentage of a child.

d. Attempt to locate obligors or their assets.

e. Request determination of the controlling child support order.

28. *"Support order"* means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees,

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interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

29. *"Tribunal"* means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

97 Acts, ch 175, §122
CS97, §252K.101
2015 Acts, ch 110, §2
C2016, §252K.102
Referred to in §252K.307, 252K.701
Former §252K.102 transferred to §252K.103

252K.103 State tribunal and support enforcement agency.

1. Child support services when child support services establishes or modifies an order, upon ratification by the court, and the court, are the tribunals of this state.

2. Child support services created in section 252B.2 is the support enforcement agency of this state.

97 Acts, ch 175, §123
CS97, §252K.102
2015 Acts, ch 110, §3
C2016, §252K.103
2023 Acts, ch 19, §972
Former §252K.103 transferred to §252K.104

252K.104 Remedies cumulative.

1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

2. This chapter does not do either of the following:

a. Provide the exclusive method of establishing or enforcing a support order under the law of this state.

b. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

97 Acts, ch 175, §124
CS97, §252K.103
2015 Acts, ch 110, §4
C2016, §252K.104

252K.105 Application of chapter to resident of foreign country and foreign support proceeding.

1. A tribunal of this state shall apply articles 1 through 6 and, as applicable, article 7, to a support proceeding involving any of the following:

a. A foreign support order.

b. A foreign tribunal.

c. An obligee, obligor, or child residing in a foreign country.

2. A tribunal of this state that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of articles 1 through 6.

3. Article 7 applies only to a support proceeding under the convention. In such a proceeding, if a provision of article 7 is inconsistent with articles 1 through 6, article 7 controls.

2015 Acts, ch 110, §5

ARTICLE 2

JURISDICTION

Referred to in §252K.105, 252K.613, 252K.702

252K.201 Bases for jurisdiction over nonresident.

1. In a proceeding to establish or enforce a support order or to determine parentage of a

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child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following applies:

a. The individual is personally served with notice within this state.

b. The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

c. The individual resided with the child in this state.

d. The individual resided in this state and provided prenatal expenses or support for the child.

e. The child resides in this state as a result of the acts or directives of the individual.

f. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

g. The individual asserted parentage of a child in the declaration of paternity registry maintained in this state by the department of health and human services pursuant to section 144.12A or established paternity by affidavit under section 252A.3A.

h. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

2. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 252K.611 are met, or, in the case of a foreign support order, unless the requirements of section 252K.615 are met.

97 Acts, ch 175, §125; 2015 Acts, ch 110, §6; 2023 Acts, ch 19, §973

Referred to in §252A.5, 252B.12, 252K.611, 252K.708

252K.202 Duration of personal jurisdiction.

Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided in sections 252K.205, 252K.206, and 252K.211.

97 Acts, ch 175, §126; 2015 Acts, ch 110, §7

252K.203 Initiating and responding tribunal of this state.

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or foreign country.

97 Acts, ch 175, §127; 2015 Acts, ch 110, §8

252K.204 Simultaneous proceedings.

1. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

a. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

b. The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

c. If relevant, this state is the home state of the child.

2. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

a. The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

b. The contesting party timely challenges the exercise of jurisdiction in this state.

c. If relevant, the other state or foreign country is the home state of the child.

97 Acts, ch 175, §128; 2015 Acts, ch 110, §9

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252K.205 Continuing, exclusive jurisdiction to modify child support order.

1. A tribunal of this state that has issued a child support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is controlling and any of the following applies:

a. At the time of the filing of a request for modification this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

b. Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

2. A tribunal of this state that has issued a child support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to modify the order if any of the following applies:

a. All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction.

b. Its order is not the controlling order.

3. If a tribunal of another state has issued a child support order pursuant to the uniform interstate family support Act or a law substantially similar to that Act which modifies a child support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

4. A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

5. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

97 Acts, ch 175, §129; 2015 Acts, ch 110, §10
Referred to in §252K.202, 252K.207

252K.206 Continuing jurisdiction to enforce child support order.

1. A tribunal of this state that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce any of the following:

a. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the uniform interstate family support Act.

b. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

2. A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

97 Acts, ch 175, §130; 2015 Acts, ch 110, §11
Referred to in §252K.202, 252K.207

252K.207 Determination of controlling child support order.

1. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be recognized.

2. If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of this state, another state, or a foreign country with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:

a. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls.

b. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, one of the following shall apply:

(1) An order issued by a tribunal in the current home state of the child controls.

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(2) If an order has not been issued in the current home state of the child, the order most recently issued controls.

c. If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state shall issue a child support order, which controls.

3. If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection 2. The request may be filed with a registration for enforcement or registration for modification pursuant to article 6, or may be filed as a separate proceeding.

4. A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

5. The tribunal that issued the controlling order under subsection 1, 2, or 3 has continuing jurisdiction to the extent provided in section 252K.205 or 252K.206.

6. A tribunal of this state that determines by order which is the controlling order under subsection 2, paragraph *"a"* or *"b"*, or subsection 3, or that issues a new controlling order under subsection 2, paragraph *"c"*, shall state in that order:

a. The basis upon which the tribunal made its determination.

b. The amount of prospective support, if any.

c. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided in section 252K.209.

7. Within thirty days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

8. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.

97 Acts, ch 175, §131; 2015 Acts, ch 110, §12
Referred to in §252H.2, 252K.611

252K.208 Child support orders for two or more obligees.

In responding to registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

97 Acts, ch 175, §132; 2015 Acts, ch 110, §13

252K.209 Credit for payments.

A tribunal of this state shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, another state, or a foreign country.

97 Acts, ch 175, §133; 2015 Acts, ch 110, §14
Referred to in §252K.207

252K.210 Application of chapter to nonresident subject to personal jurisdiction.

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of this state relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to section 252K.316, communicate with a tribunal outside this state pursuant to section 252K.317, and obtain discovery through a tribunal outside this state pursuant to section 252K.318. In all

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other respects, articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this state.

2015 Acts, ch 110, §15

252K.211 Continuing, exclusive jurisdiction to modify spousal support order.

1. A tribunal of this state issuing a spousal support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

2. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

3. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as any of the following:

a. An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state.

b. A responding tribunal to enforce or modify its own spousal support order.

2015 Acts, ch 110, §16

Referred to in §252K.202

ARTICLE 3

CIVIL PROVISIONS OF GENERAL APPLICATION

Referred to in §252K.105, 252K.210, 252K.613, 252K.702

252K.301 Proceedings under this chapter.

1. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

2. An individual movant or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition or a comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent or nonmoving party.

97 Acts, ch 175, §134; 2015 Acts, ch 110, §17

Referred to in §252K.305

252K.302 Proceeding by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

97 Acts, ch 175, §135; 2015 Acts, ch 110, §18

252K.303 Application of law of this state.

Except as otherwise provided by this chapter, a responding tribunal of this state shall do all of the following:

1. Apply the procedural and substantive law generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings.

2. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

97 Acts, ch 175, §136; 2015 Acts, ch 110, §19

252K.304 Duties of initiating tribunal.

1. Upon the filing of a petition or comparable pleading authorized by this chapter, an initiating tribunal of this state shall forward the petition or comparable pleading and its accompanying documents:

a. To the responding tribunal or appropriate support enforcement agency in the responding state.

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b. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rates as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

97 Acts, ch 175, §137; 2015 Acts, ch 110, §20

252K.305 Duties and powers of responding tribunal.

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 252K.301, subsection 2, it shall cause the petition or pleading to be filed and notify the movant where and when it was filed.

2. A responding tribunal of this state, to the extent not prohibited by other law, may do one or more of the following:

a. Establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of a child.

b. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

c. Order income withholding.

d. Determine the amount of any arrearages, and specify a method of payment.

e. Enforce orders by civil or criminal contempt, or both.

f. Set aside property for satisfaction of the support order.

g. Place liens and order execution on the obligor's property.

h. Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment.

i. Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants.

j. Order the obligor to seek appropriate employment by specified methods.

k. Award reasonable attorney's fees and other fees and costs.

l. Grant any other available remedy.

3. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

4. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

5. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the movant and the respondent and to the initiating tribunal, if any.

6. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

97 Acts, ch 175, §138; 2015 Acts, ch 110, §21

Referred to in §252K.401

252K.306 Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal of this state or another state and notify the movant where and when the pleading was sent.

97 Acts, ch 175, §139; 2015 Acts, ch 110, §22

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252K.307 Duties of support enforcement agency.

1. In a proceeding under this chapter, a support enforcement agency of this state, upon request:

a. Shall provide services to a movant residing in a state.

b. Shall provide services to a movant requesting services through a central authority of a foreign country as described in section 252K.102, subsection 5, paragraph *"a"* or *"d"*.

c. May provide services to a movant who is an individual not residing in a state.

2. A support enforcement agency of this state that is providing services to the movant shall:

a. Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent.

b. Request an appropriate tribunal to set a date, time, and place for a hearing.

c. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

d. Within ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the movant.

e. Within ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the movant.

f. Notify the movant if jurisdiction over the respondent cannot be obtained.

3. A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to do either of the following:

a. To ensure that the order to be registered is the controlling order.

b. If two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such determination is made in a tribunal having jurisdiction to do so.

4. A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

5. A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 252K.319.

6. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

97 Acts, ch 175, §140; 2015 Acts, ch 110, §23
Referred to in §252B.16

252K.308 Duty of attorney general.

1. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

2. The attorney general may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

97 Acts, ch 175, §141; 2015 Acts, ch 110, §24
Referred to in §252K.102

252K.309 Private counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

97 Acts, ch 175, §142

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252K.310 Duties of state information agency.

1. Child support services is the state information agency under this chapter.

2. The state information agency shall:

a. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

b. Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states.

c. Forward to the appropriate tribunal in the place in this state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from another state or a foreign country.

d. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

97 Acts, ch 175, §143; 2015 Acts, ch 110, §25; 2023 Acts, ch 19, §974

252K.311 Pleadings and accompanying documents.

1. In a proceeding under this chapter, a movant seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition or comparable pleading. Unless otherwise ordered under section 252K.312, the petition, comparable pleading, or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition or comparable pleading must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition or comparable pleading may include any other information that may assist in locating or identifying the respondent.

2. The petition or comparable pleading must specify the relief sought. The petition or comparable pleading and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

97 Acts, ch 175, §144; 2015 Acts, ch 110, §26

Referred to in §252K.706

252K.312 Nondisclosure of information in exceptional circumstances.

If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

97 Acts, ch 175, §145; 2015 Acts, ch 110, §27

Referred to in §252K.311, 252K.602

252K.313 Costs and fees.

1. The movant may not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney

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fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

97 Acts, ch 175, §146; 2015 Acts, ch 110, §28

252K.314 Limited immunity of movant.

1. Participation by a movant in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the movant in another proceeding.

2. A movant is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

3. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

97 Acts, ch 175, §147; 2015 Acts, ch 110, §29

252K.315 Nonparentage as defense.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

97 Acts, ch 175, §148

252K.316 Special rules of evidence and procedure.

1. The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.

3. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

5. Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

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10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of a child.

97 Acts, ch 175, §149; 2015 Acts, ch 110, §30
Referred to in §252E.6A, 252K.210

252K.317 Communications between tribunals.

A tribunal of this state may communicate with a tribunal outside this state in a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of this state may furnish similar information by similar means to a tribunal outside this state.

97 Acts, ch 175, §150; 2015 Acts, ch 110, §31
Referred to in §252K.210

252K.318 Assistance with discovery.

A tribunal of this state may:

1. Request a tribunal outside this state to assist in obtaining discovery.
2. Upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this state.

97 Acts, ch 175, §151; 2015 Acts, ch 110, §32
Referred to in §252K.210

252K.319 Receipt and disbursement of payments.

1. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or a tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.
2. If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, child support services or a tribunal of this state shall:

a. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

b. Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

3. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection 2 shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

97 Acts, ch 175, §152; 2015 Acts, ch 110, §33; 2023 Acts, ch 19, §975
Referred to in §252B.16, 252K.307

ARTICLE 4

ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE

Referred to in §252K.105, 252K.210, 252K.613, 252K.702

252K.401 Establishment of support order.

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if any of the following applies:

a. The individual seeking the order resides outside this state.

b. The support enforcement agency seeking the order is located outside this state.

2. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following:

a. A presumed father of the child.

b. Petitioning to have his paternity adjudicated.

c. Identified as the father of the child through genetic testing.

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d. An alleged father who has declined to submit to genetic testing.

e. Shown by clear and convincing evidence to be the father of the child.

f. An acknowledged father as provided by section 252A.3A.

g. The mother of the child.

h. An individual who has been ordered to pay child support in a previous proceeding and the order has been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 252K.305.

97 Acts, ch 175, §153; 2015 Acts, ch 110, §34

252K.402 Proceeding to determine parentage.

A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

2015 Acts, ch 110, §35

ARTICLE 5

ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

Referred to in §252K.105, 252K.210, 252K.613, 252K.702

252K.501 Employer's receipt of income withholding order of another state.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer under the income withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

97 Acts, ch 175, §154; 2015 Acts, ch 110, §36

252K.502 Employer's compliance with income withholding order of another state.

1. Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

2. The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

3. Except as otherwise provided in subsection 4 and section 252K.503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

a. The duration and amount of periodic payments of current child support, stated as a sum certain.

b. The person designated to receive payments and the address to which the payments are to be forwarded.

c. Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment.

d. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain.

e. The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

4. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

a. The employer's fee for processing an income withholding order.

b. The maximum amount permitted to be withheld from the obligor's income.

c. The times within which the employer must implement the withholding order and forward the child support payment.

97 Acts, ch 175, §155; 2015 Acts, ch 110, §37

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252K.503 Employer's compliance with two or more income withholding orders.

If an obligor's employer receives two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees.

97 Acts, ch 175, §156; 2015 Acts, ch 110, §38

Referred to in §252K.502

252K.504 Immunity from civil liability.

An employer that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

97 Acts, ch 175, §157; 2015 Acts, ch 110, §39

252K.505 Penalties for noncompliance.

An employer that willfully fails to comply with an income withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

97 Acts, ch 175, §158; 2015 Acts, ch 110, §40

252K.506 Contest by obligor.

1. An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in article 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

2. The obligor shall give notice of the contest to:

a. A support enforcement agency providing services to the obligee.

b. Each employer that has directly received an income withholding order relating to the obligor.

c. The person designated to receive payments in the income withholding order, or if no person is designated, to the obligee.

97 Acts, ch 175, §159; 2015 Acts, ch 110, §41

252K.507 Administrative enforcement of orders.

1. A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

2. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

97 Acts, ch 175, §160; 2015 Acts, ch 110, §42

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ARTICLE 6

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER

Referred to in §252K.105, 252K.207, 252K.210, 252K.313, 252K.506, 252K.702, 252K.706

PART 1

REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

252K.601 Registration of order for enforcement.

A support order or income withholding order issued in another state or a foreign support order may be registered in this state for enforcement.

97 Acts, ch 175, §161; 2015 Acts, ch 110, §43
Referred to in §252K.609, 252K.616

252K.602 Procedure to register order for enforcement.

1. Except as otherwise provided in section 252K.706, a support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following records to the appropriate tribunal in this state:

a. A letter of transmittal to the tribunal requesting registration and enforcement.

b. Two copies, including one certified copy, of the order to be registered, including any modification of the order.

c. A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage.

d. The name of the obligor and, if known:

(1) The obligor's address and social security number.

(2) The name and address of the obligor's employer and any other source of income of the obligor.

(3) A description and the location of property of the obligor in this state not exempt from execution.

e. Except as otherwise provided in section 252K.312, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:

a. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.

b. Specify the order alleged to be the controlling order, if any.

c. Specify the amount of consolidated arrears, if any.

5. A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

97 Acts, ch 175, §162; 2015 Acts, ch 110, §44
Referred to in §252K.609, 252K.616, 252K.706

252K.603 Effect of registration for enforcement.

1. A support order or income withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

2. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

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3. Except as otherwise provided in this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

97 Acts, ch 175, §163; 2015 Acts, ch 110, §45
Referred to in §252K.609, 252K.616

252K.604 Choice of law.

1. Except as otherwise provided in subsection 4, the law of the issuing state or foreign country governs:

a. The nature, extent, amount, and duration of current payments under a registered support order.

b. The computation and payment of arrearages and accrual of interest on the arrearages under the support order.

c. The existence and satisfaction of other obligations under the support order.

2. In a proceeding for arrears under a registered support order, the statute of limitation of this state or of the issuing state or foreign country, whichever is longer, applies.

3. A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.

4. After a tribunal of this state or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

97 Acts, ch 175, §164; 2015 Acts, ch 110, §46
Referred to in §252K.607, 252K.609, 252K.616, 598.2A
See §252A.5A relating to statute of limitation in this state

PART 2

CONTEST OF VALIDITY OR ENFORCEMENT

252K.605 Notice of registration of order.

1. When a support order or income withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2. A notice must inform the nonregistering party:

a. That a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

b. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after notice unless the registered order is contested under section 252K.707.

c. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages.

d. Of the amount of any alleged arrearages.

3. If the registering party asserts that two or more orders are in effect, a notice must also:

a. Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any.

b. Notify the nonregistering party of the right to a determination of which is the controlling order.

c. State that the procedures provided in subsection 2 apply to the determination of which is the controlling order.

d. State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

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4. Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the income withholding law of this state.

97 Acts, ch 175, §165; 2015 Acts, ch 110, §47
Referred to in §252K.606, 252K.609, 252K.616, 252K.707

252K.606 Procedure to contest validity or enforcement of registered support order.

1. A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by section 252K.605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 252K.607.

2. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

97 Acts, ch 175, §166; 2015 Acts, ch 110, §48
Referred to in §252K.609, 252K.616, 252K.707

252K.607 Contest of registration or enforcement.

1. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

a. The issuing tribunal lacked personal jurisdiction over the contesting party.

b. The order was obtained by fraud.

c. The order has been vacated, suspended, or modified by a later order.

d. The issuing tribunal has stayed the order pending appeal.

e. There is a defense under the law of this state to the remedy sought.

f. Full or partial payment has been made.

g. The statute of limitation under section 252K.604 precludes enforcement of some or all of the alleged arrearages.

h. The alleged controlling order is not the controlling order.

2. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

97 Acts, ch 175, §167; 2015 Acts, ch 110, §49
Referred to in §252K.606, 252K.609, 252K.616, 252K.707

252K.608 Confirmed order.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

97 Acts, ch 175, §168; 2015 Acts, ch 110, §50
Referred to in §252K.609, 252K.616, 252K.707

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PART 3

REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE

252K.609 Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

97 Acts, ch 175, §169; 2015 Acts, ch 110, §51

252K.610 Effect of registration for modification.

A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 252K.611 or 252K.613 have been met.

97 Acts, ch 175, §170; 2015 Acts, ch 110, §52

252K.611 Modification of child support order of another state.

1. If section 252K.613 does not apply, upon petition or comparable pleading, a tribunal of this state may modify a child support order issued in another state which is registered in this state if after notice and hearing the tribunal finds that paragraph *"a"* or *"b"* applies:

a. The following requirements are met:

(1) Neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state.

(2) A movant who is a nonresident of this state seeks modification.

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state.

b. This state is the state of residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

2. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

3. A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under section 252K.207 establishes the aspects of the support order which are nonmodifiable.

4. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

5. On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

6. Notwithstanding subsections 1 through 5 and section 252K.201, subsection 2, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if both of the following apply:

a. One party resides in another state.

b. The other party resides outside the United States.

97 Acts, ch 175, §171; 2015 Acts, ch 110, §53

Referred to in §252K.201, 252K.610, 252K.615

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252K.612 Recognition of order modified in another state.

If a child support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to this chapter, a tribunal of this state:

1. May enforce its order that was modified only as to arrears and interest accruing before the modification.

2. May provide appropriate relief for violations of its order which occurred before the effective date of the modification.

3. Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

97 Acts, ch 175, §172; 2015 Acts, ch 110, §54

252K.613 Jurisdiction to modify child support order of another state when individual parties reside in this state.

1. If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

2. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 do not apply.

97 Acts, ch 175, §173
Referred to in §252K.610, 252K.611

252K.614 Notice to issuing tribunal of modification.

Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

97 Acts, ch 175, §174

PART 4

REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER

252K.615 Jurisdiction to modify child support order of foreign country.

1. Except as otherwise provided in section 252K.711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 252K.611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.

2. An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

2015 Acts, ch 110, §55
Referred to in §252K.201

252K.616 Procedures to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under sections 252K.601 through 252K.608 if the order has not been registered. A petition or comparable pleading for modification may be filed at the same time as a request for registration, or at another time. The pleading must specify the grounds for modification.

2015 Acts, ch 110, §56

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ARTICLE 7

SUPPORT PROCEEDING UNDER CONVENTION

Referred to in §252K.102, 252K.105, 252K.613

252K.701 Definitions.

In this article:

1. *"Application"* means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

2. *"Central authority"* means the entity designated by the United States or a foreign country described in section 252K.102, subsection 5, paragraph *"d"*, to perform the functions specified in the convention.

3. *"Convention support order"* means a support order of a tribunal of a foreign country described in section 252K.102, subsection 5, paragraph *"d"*.

4. *"Direct request"* means a petition for support filed by an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or a child residing outside the United States.

5. *"Foreign central authority"* means the entity designated by a foreign country described in section 252K.102, subsection 5, paragraph *"d"*, to perform the functions specified in the convention.

6. *"Foreign support agreement"*:

a. Means an agreement for support in a record that:

(1) Is enforceable as a support order in the country of origin.

(2) Has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with a foreign tribunal.

(3) May be reviewed and modified by a foreign tribunal.

b. *"Foreign support agreement"* includes a maintenance arrangement or authentic instrument under the convention.

7. *"United States central authority"* means the secretary of the United States department of health and human services.

97 Acts, ch 175, §175; 2015 Acts, ch 110, §57

252K.702 Applicability.

This article applies only to a support proceeding under the convention. In such a proceeding, if a provision of this article is inconsistent with articles 1 through 6, this article controls.

2015 Acts, ch 110, §58

252K.703 Relationship of child support services to United States central authority.

Child support services of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

2015 Acts, ch 110, §59; 2023 Acts, ch 19, §976

252K.704 Initiation by child support services of support proceeding under convention.

1. In a support proceeding under this article, child support services of this state shall:

a. Transmit and receive applications.

b. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

2. The following support proceedings are available to an obligee under the convention:

a. Recognition or recognition and enforcement of a foreign support order.

b. Enforcement of a support order issued or recognized in this state.

c. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child.

d. Establishment of a support order if recognition of a foreign support order is refused under section 252K.708, subsection 2, paragraph *"b"*, *"d"*, or *"i"*.

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e. Modification of a support order of a tribunal of this state.

f. Modification of a support order of a tribunal of another state or a foreign country.

3. The following support proceedings are available under the convention to an obligor against which there is an existing support order:

a. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state.

b. Modification of a support order of a tribunal of this state.

c. Modification of a support order of a tribunal of another state or a foreign country.

4. A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

2015 Acts, ch 110, §60; 2023 Acts, ch 19, §977
Referred to in §252K.708

252K.705 Direct request.

1. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.

2. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 252K.706 through 252K.713 apply.

3. In a direct request for recognition and enforcement of a convention support order or foreign support agreement:

a. A security, bond, or deposit is not required to guarantee the payment of costs and expenses.

b. An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

4. A petitioner filing a direct request is not entitled to assistance from child support services.

5. This article does not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

2015 Acts, ch 110, §61; 2023 Acts, ch 19, §978

252K.706 Registration of convention support order.

1. Except as otherwise provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in article 6.

2. Notwithstanding section 252K.311 and section 252K.602, subsection 1, a request for registration of a convention support order must be accompanied by:

a. A complete text of the support order.

b. A record stating that the support order is enforceable in the issuing country.

c. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

d. A record showing the amount of arrears, if any, and the date the amount was calculated.

e. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations.

f. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

3. A request for registration of a convention support order may seek recognition and partial enforcement of the order.

4. A tribunal of this state may vacate the registration of a convention support order without the filing of a contest under section 252K.707 only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

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5. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

2015 Acts, ch 110, §62
Referred to in §252K.602, 252K.705, 252K.708

252K.707 Contest of registered convention support order.

1. Except as otherwise provided in this article, sections 252K.605 through 252K.608 apply to a contest of a registered convention support order.

2. A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration.

3. If the nonregistering party fails to contest the registered convention support order by the time specified in subsection 2, the order is enforceable.

4. A contest of a registered convention support order may be based only on grounds set forth in section 252K.708. The contesting party bears the burden of proof.

5. In a contest of a registered convention support order, a tribunal of this state:

a. Is bound by the findings of fact on which the foreign tribunal based its jurisdiction.

b. May not review the merits of the order.

6. A tribunal of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

7. A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

2015 Acts, ch 110, §63
Referred to in §252K.605, 252K.705, 252K.706

252K.708 Recognition and enforcement of registered convention support order.

1. Except as otherwise provided in subsection 2, a tribunal of this state shall recognize and enforce a registered convention support order.

2. The following grounds are the only grounds on which a tribunal of this state may refuse recognition and enforcement of a registered convention support order:

a. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard.

b. The issuing tribunal lacked personal jurisdiction consistent with section 252K.201.

c. The order is not enforceable in the issuing country.

d. The order was obtained by fraud in connection with a matter of procedure.

e. A record transmitted in accordance with section 252K.706 lacks authenticity or integrity.

f. A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.

g. The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.

h. Payment, to the extent alleged arrears have been paid in whole or in part.

i. In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country, any of the following is applicable:

(1) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.

(2) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.

j. The order was made in violation of section 252K.711.

3. If a tribunal of this state does not recognize a convention support order under subsection 2, paragraph "*b*", "*d*", or "*i*":

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a. The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order.

b. Child support services shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 252K.704.

2015 Acts, ch 110, §64; 2023 Acts, ch 19, §979
Referred to in §252K.704, 252K.705, 252K.707, 252K.711

252K.709 Partial enforcement.

If a tribunal of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

2015 Acts, ch 110, §65
Referred to in §252K.705

252K.710 Foreign support agreement.

1. Except as otherwise provided in subsections 3 and 4, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

2. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

a. A complete text of the foreign support agreement.

b. A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

3. A tribunal of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

4. In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds any of the following:

a. Recognition and enforcement of the agreement is manifestly incompatible with public policy.

b. The agreement was obtained by fraud or falsification.

c. The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this state.

d. The record submitted under subsection 2 lacks authenticity or integrity.

5. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

2015 Acts, ch 110, §66
Referred to in §252K.705

252K.711 Modification of convention child support order.

1. A tribunal of this state may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless any of the following applies:

a. The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity.

b. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

2. If a tribunal of this state does not modify a convention child support order because the order is not recognized in this state, section 252K.708, subsection 3, applies.

2015 Acts, ch 110, §67
Referred to in §252K.615, 252K.705, 252K.708

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252K.712 Personal information — limit on use.

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

2015 Acts, ch 110, §68

Referred to in §252K.705

252K.713 Record in original language — English translation.

A record filed with a tribunal of this state under this article must be in the original language and, if not in English, must be accompanied by an English translation.

2015 Acts, ch 110, §69

Referred to in §252K.705

ARTICLE 8

INTERSTATE RENDITION

Referred to in §252K.613

252K.801 Grounds for rendition.

1. For purposes of this article, *"governor"* includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

2. The governor of this state may:

a. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee.

b. On the demand of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

3. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

97 Acts, ch 175, §176; 2015 Acts, ch 110, §70

252K.802 Conditions of rendition.

1. Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under this chapter, or a law substantially similar to this chapter, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the movant prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

97 Acts, ch 175, §177; 2015 Acts, ch 110, §71

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ARTICLE 9

MISCELLANEOUS PROVISIONS

252K.901 Uniformity of application and construction.

In applying and construing this uniform Act, consideration must be given to the need to promote uniformity of the law with respect to the subject matter among states that enact it.

97 Acts, ch 175, §178; 2015 Acts, ch 110, §72

252K.902 Short title. Repealed by 2015 Acts, ch 110, §75. See §252K.101.

252K.903 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

97 Acts, ch 175, §180; 2015 Acts, ch 110, §73

252K.904 Effective date — pending matters.

1. This chapter takes effect July 1, 2015.

2. A tribunal of this state shall apply this chapter beginning July 1, 2015, with the following conditions:

a. Matters pending on July 1, 2015, shall be governed by this chapter.

b. Pleadings and accompanying documents on pending matters are sufficient if the documents substantially comply with the requirements of this chapter in effect on June 30, 2015.

97 Acts, ch 175, §181; 2015 Acts, ch 110, §74

CHAPTERS 253 and 254

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CHAPTER 255

MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS

Repealed by 2005 Acts, ch 167, §59, 66; see §263.18 – 263.23

CHAPTER 255A

OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE

Repealed by 2005 Acts, ch 167, §59, 66; see §135.152

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TITLE VII

EDUCATION, HISTORY, AND CULTURE

SUBTITLE 1

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER 256

DEPARTMENT OF EDUCATION

Referred to in §84A.1B, 97B.52A, 235A.15, 235B.6, 257.10, 284.15, 284.16, 284.17

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SUBCHAPTER I

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256.1 Department established.

1. The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

a. Public elementary and secondary schools.

b. Community colleges.

c. Area education agencies.

d. Educational supervision over the elementary and secondary schools under the control of the department of health and human services.

e. Nonpublic schools to the extent necessary for compliance with Iowa school laws.

f. The Iowa educational services for the blind and visually impaired program.

g. The Iowa school for the deaf.

h. The science, technology, engineering, and mathematics collaborative initiative within the innovation division of the department.

i. The college student aid commission within the higher education division of the department.

j. The board of educational examiners within the higher education division of the department.

k. Career and technical education programs offered by school districts or community colleges.

2. The department shall stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

3. The department shall meet the informational needs of the three branches of state government.

4. The department shall act as an administrative, supervisory, and consultative state agency.

86 Acts, ch 1245, §1401; 93 Acts, ch 48, §12; 94 Acts, ch 1023, §92; 2023 Acts, ch 19, §980, 1361, 2238, 2518

Referred to in §7E.5, 292.1

256.2 Definitions.

As used in this chapter:

1. *"Department"* means the department of education.
2. *"Director"* means the director of the department of education.
3. *"Online learning"* and *"online coursework"* mean educational instruction and content which are delivered primarily over the internet. *"Online learning"* and *"online coursework"* do not include print-based correspondence education, broadcast television or radio, videocassettes, or stand-alone educational software programs that do not have a significant internet-based instructional component.
4. *"State board"* means the state board of education.
5. *"Telecommunications"* means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. *"Telecommunications"* does not include online learning.

86 Acts, ch 1245, §1402; 2012 Acts, ch 1119, §13; 2015 Acts, ch 30, §86

256.3 State board established.

1. The state board of education is established for the department. The state board consists of nine members: seven voting members, one nonvoting student member, and the director of the department of workforce development, who shall serve as a nonvoting member. The voting members shall be appointed by the governor subject to senate confirmation. The nonvoting student member shall be appointed as provided in section 256.5A.
2. The voting members shall be registered voters of the state and hold no other elective or appointive state office. Not more than five voting members shall be of the same political party. The voting members shall be members of the general public. A voting member shall not be engaged in professional education for a major portion of the member's time nor shall the member derive a major portion of income from any business or activity connected with education.
3. The terms of office for voting members are for six years beginning and ending as provided in section 69.19.

86 Acts, ch 1245, §1403; 90 Acts, ch 1253, §4; 95 Acts, ch 49, §4; 2002 Acts, ch 1140, §1; 2016 Acts, ch 1011, §42; 2024 Acts, ch 1170, §283

Confirmation, see §2.32

256.4 Oath — vacancies.

The members of the state board shall qualify by taking the regular oath of office as prescribed by law for state officers. Vacancies in the voting membership shall be filled in the same manner in which regular appointments are required to be made.

86 Acts, ch 1245, §1404; 2002 Acts, ch 1140, §2

256.5 Compensation and expenses.

The members of the state board shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties. Members of the state board may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to the members shall be paid from funds appropriated to the department.

86 Acts, ch 1245, §1405

256.5A Nonvoting member.

1. *a.* The governor shall appoint the one nonvoting student member of the state board for a term of one year if the student is enrolled in grade eleven or for a term of two years if the student is enrolled in grade ten. The term shall begin and end as provided in section 69.19. The nonvoting student member shall be appointed from a list of names submitted by the state board of education. Students enrolled in either grade ten or eleven in a public school may apply to the state board to serve as a nonvoting student member.

b. The department shall develop an application process that requires the consent of the student's parent or guardian if the student is a minor, initial application approval by the school

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district in which the student applicant is enrolled, and submission of approved applications by a school district to the department.

2. The nonvoting student member's school district of enrollment shall notify the student's parents if the student's grade point average falls during the period in which the student is a member of the state board.

3. The state board shall adopt rules under chapter 17A specifying criteria for the selection of applicants whose names shall be submitted to the governor. Criteria shall include but are not limited to academic excellence, participation in extracurricular and community activities, and interest in serving on the board. Rules adopted by the state board shall also require, if the student is a minor, supervision of the student by the student's parent or guardian while the student is engaged in authorized state board business at a location other than the community in which the student resides, unless the student's parent or guardian submits to the state board a signed release indicating the parent or guardian has determined that supervision of the student by the parent or guardian is unnecessary.

4. The nonvoting student member appointment is not subject to section 4A.12.

5. The nonvoting student member shall have been enrolled in a public school in Iowa for at least one year prior to the member's appointment.

6. A nonvoting student member shall be paid a per diem as provided in section 7E.6 and the student and the student's parent or guardian shall be reimbursed for actual and necessary expenses incurred in the performance of the student's duties as a nonvoting member of the state board.

7. A vacancy in the membership of the nonvoting student member shall not be filled until the expiration of the term.

2002 Acts, ch 1140, §3; 2003 Acts, ch 180, §1; 2013 Acts, ch 88, §1; 2024 Acts, ch 1004, §31
Referred to in §256.3

256.6 Regular and special meetings.

The state board shall meet in May of each year for purposes of organization and shall hold at least five additional regular meetings during the twelve-month period ending April 30. Special meetings of the state board may be called by the president or by any five members of the board on five days' notice given to each member.

86 Acts, ch 1245, §1406; 88 Acts, ch 1013, §1

256.7 Duties of state board.

Except for the higher education division; the bureaus, boards, and commissions within the higher education division; and the public broadcasting board and division, the state board shall:

1. Adopt and establish policy for programs and services of the department pursuant to law.

2. Constitute the state board for career and technical education under subchapter VII, part 2.

3. *a.* Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs offered in this state by practitioner preparation institutions located within or outside this state and by area education agencies.

b. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and shall not include a procedure for the waiving of any of the standards prescribed.

c. By July 1, 2022, the board, in collaboration with the Iowa reading research center, shall adopt rules under chapter 17A prescribing standards and procedures for the approval of practitioner preparation programs that are affiliated with the Iowa reading research center and that offer practitioner preparation for the advanced dyslexia specialist endorsement issued by the board of educational examiners pursuant to section 256.146, subsection 21. The department shall not approve programs that prepare practitioners for such an endorsement if the programs are not approved by the Iowa reading research center.

d. The board may establish by rule and collect from practitioner preparation institutions located outside this state an amount equivalent to the department's necessary travel and

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actual expenses incurred while engaged in the program approval process for the institution located outside this state. Amounts collected under this subsection shall be deposited in the general fund of the state.

4. Adopt, and update annually, a five-year plan for the achievement of educational goals in Iowa.

5. Adopt rules under chapter 17A for carrying out the responsibilities of the department.

6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law in a manner consistent with chapter 17A. The state board may review the record and shall review the proposed decision of the director of the department of education or the administrative law judge employed by the division of administrative hearings created by section 10A.801 and designated for any appeals heard and decided by the director under chapter 290 pursuant to section 17A.15, subsection 3, and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

7. Adopt rules under chapter 17A for the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade twelve and served by local school districts, accredited or approved nonpublic schools, area education agencies, community colleges, institutions of higher education under the state board of regents, and independent colleges and universities in elementary and secondary school classes and courses. The rules shall include but need not be limited to rules relating to programs, educational policy, instructional practices, staff development, use of pilot projects, curriculum monitoring, and the accessibility of licensed teachers.

a. When curriculum is provided by means of telecommunications, it shall be taught by an appropriately licensed teacher. The teacher shall either be present in the classroom, or be present at the location at which the curriculum delivered by means of telecommunications originates.

b. The rules shall provide that when the curriculum is taught by an appropriately licensed teacher at the location at which the telecommunications originates, the curriculum received at a remote site shall be under the supervision of a licensed teacher. The licensed teacher at the originating site may provide supervision of students at a remote site or the school district in which the remote site is located may provide for supervision at the remote site if the school district deems it necessary or if requested to do so by the licensed teacher at the originating site. For the purposes of this subsection, *"supervision"* means that the curriculum is monitored by a licensed teacher and the teacher is accessible to the students receiving the curriculum by means of telecommunications.

8. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for accreditation.

9. Develop evaluation procedures that will measure the effects of instruction by means of telecommunications on student achievement, socialization, intellectual growth, motivation, and other related factors deemed relevant by the state board, for the development of an educational database. The state board shall consult with the state board of regents and the practitioner preparation departments at its institutions, other practitioner preparation departments located within private colleges and universities, educational research agencies or facilities, and other agencies deemed appropriate by the state board, in developing these procedures.

10. Adopt rules pursuant to chapter 17A relating to educational programs and budget limitations for educational programs pursuant to sections 282.29, 282.30, 282.31, and 282.33.

11. Prescribe guidelines for facility standards, maximum class sizes, and maximum in classroom pupil-teacher and teacher-aide ratios for grades kindergarten through three and before and after school and summer child care programs provided under the direction of the school district. The department also shall indicate modifications to such guidelines necessary to address the needs of at-risk children.

12. Elect to a two-year term, from its members in each even-numbered year, a president of the state board, who shall serve until a successor is elected and qualified.

13. Adopt rules and a procedure for accrediting all apprenticeship programs in the

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state which receive state or federal funding. In developing the rules, the state board shall consult with schools and labor or trade organizations affected by or currently operating apprenticeship or training programs. Rules adopted shall be the same or similar to criteria established for the operation of apprenticeship programs at community colleges.

14. Require each community college which establishes a new jobs training project or projects and receives funds derived from or associated with the project or projects to establish a separate account to act as a repository for any funds received.

15. Adopt rules under chapter 17A that require school districts, accredited nonpublic schools, and charter schools to include information regarding the exemptions and requirements for an exemption described in section 139A.8, subsection 4, in any communication to the parent or guardian of a student that is related to the immunizations required under section 139A.8.

16. Adopt rules that set standards for approval of family support preservice and in-service training programs, offered by area education agencies and practitioner preparation institutions, and family support programs offered by or through local school districts.

17. Reserved.

18. Adopt rules that include children who retain some sight but who have a medically diagnosed expectation of visual deterioration within the definition of children requiring special education pursuant to section 256B.2, subsection 1. Rules adopted pursuant to this subsection shall provide for or include, but are not limited to, the following:

a. A presumption that proficiency in braille reading and writing is essential for satisfactory educational progress for a visually impaired student who is not able to communicate in print with the same level of proficiency as a student of otherwise comparable ability at the same grade level. This presumption includes a student as defined in paragraph *"b"*. A student for whom braille services are appropriate, as defined in this subsection, is entitled to instruction in braille reading and writing that is sufficient to enable the pupil to communicate with the same level of proficiency as a pupil of otherwise comparable ability at the same grade level.

b. A pupil who retains some sight but who has a medically diagnosed expectation of visual deterioration in adolescence or early adulthood may qualify for instruction in braille reading and writing.

c. Instruction in braille reading and writing may be used in combination with other special education services appropriate to a pupil's educational needs.

d. The annual review of a pupil's individual education plan shall include discussion of instruction in braille reading and writing and a written explanation of the reasons why the pupil is using a given reading and writing medium or media. If the reasons have not changed since the previous year, the written explanation for the current year may refer to the fuller explanation from the previous year.

e. A pupil as defined in paragraph *"b"* whose primary learning medium is expected to change may begin instruction in the new medium before it is the only medium the pupil can effectively use.

f. A pupil who receives instruction in braille reading and writing pursuant to this subsection shall be taught by a teacher licensed to teach students with visual impairments.

19. For a school or school district with a school calendar measuring instructional time in days pursuant to section 279.10, subsection 1, define the minimum school day as a day consisting of six hours of instructional time for grades one through twelve. The minimum hours shall be exclusive of the lunch period, but may include passing time between classes. Time spent on parent-teacher conferences shall be considered instructional time. A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:

a. If emergency health or safety factors require the late arrival or early dismissal of students on a specific day.

b. If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of thirty hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional

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time for the first four consecutive days equal at least thirty hours because parent-teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.

20. Adopt rules that require the board of directors of a school district to waive school fees for indigent families.

21. Develop and adopt rules incorporating accountability for, and reporting of, student achievement into the standards and accreditation process described in section 256.11. The rules shall provide for all of the following:

a. Requirements that all school districts and accredited nonpublic schools develop, implement, and file with the department a report that includes information necessary for the department of education to submit to the United States secretary of education the plan required pursuant to the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.

b. A set of core academic indicators in mathematics and reading in grades four, eight, and eleven, a set of core academic indicators in science and social studies in grades eight and ten, and another set of core indicators that includes but is not limited to graduation rate, postsecondary education, and successful employment in Iowa. Annually, the department shall report state data for each indicator in the condition of education report.

(1) Rules adopted pursuant to this subsection shall specify that the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators shall be the summative assessment developed by the Iowa testing program within the university of Iowa college of education and administered by the Iowa testing program's designee.

(2) The rules shall also require all of the following:

(a) That all students enrolled in school districts be administered the following assessments during the last quarter of the school year:

(i) In grades three through eleven, an assessment in mathematics and English language arts, including reading and writing.

(ii) In grades five, eight, and eleven, an assessment in science.

(iii) In grades eight and eleven, an assessment in social studies.

(b) That the assessment, at a minimum, assess the core academic indicators identified in this paragraph *"b"*; be aligned with the Iowa standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95, if applicable.

(c) That the assessment be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, social studies, and English language arts, including reading and writing.

(d) That the assessment be peer-reviewed by an independent, third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95, if applicable. The assessment developed by the Iowa testing program within the university of Iowa college of education shall be adjusted as necessary to meet the requirements of this subparagraph (2) as determined by the peer review.

(e) That any school district, accredited nonpublic school, or charter school providing instruction delivered primarily over the internet pursuant to subsection 32 may administer any state assessment required pursuant to this subsection in an online setting that is similar to the student's regular academic instruction, if all of the following conditions are satisfied:

(i) The student takes the assessment at a date and time that are assigned by personnel designated by the school district, accredited nonpublic school, or charter school.

(ii) The student participates in a synchronous assessment session that is initiated and managed by personnel designated by the school district, accredited nonpublic school, or charter school.

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(iii) (A) The student takes the assessment using a device and an assessment platform that allow an assessment proctor to monitor the student for the duration of the assessment through a video feed that allows the assessment proctor to view the student taking the assessment and the student's background.

(B) If the device or assessment platform does not allow an assessment proctor to monitor the student for the duration of the assessment through a video feed in accordance with subparagraph part (A), the requirements of this subparagraph subdivision shall be satisfied if an assessment proctor is able to, through the use of a second device, monitor the student for the duration of the assessment through a video feed that allows the assessment proctor to view the student taking the assessment and the student's background.

(iv) The school district, accredited nonpublic school, or charter school maintains a ratio of students taking the assessment to assessment proctors of not greater than ten to one.

(v) The student does not exit the assessment session until instructed to do so by the assessment proctor.

(vi) An assessment administrator employed or designated by the school district, accredited nonpublic school, or charter school verifies student submission of the assessment.

22. Adopt rules and a procedure for the approval of para-educator preparation programs offered by a public school district, area education agency, community college, institution of higher education under the state board of regents, or an accredited private institution as defined in section 256.183, subsection 1. The programs shall train and recommend individuals for para-educator certification under section 256.157.

23. Adopt rules directing the community colleges to annually and uniformly submit data, including individual-level data, from the most recent fiscal year to the department, using criteria determined and prescribed by the department via the management information system.

a. Financial data submitted to the department by a community college shall be broken down by fund.

b. Community colleges shall provide data to the department by a deadline set by the department. The deadline shall be set for a date that permits the department to include the data in a report submitted to the state board and the general assembly for review by March 15 of each year.

c. The department shall submit an annual condition of community colleges report to the state board and the general assembly for review by March 15 of each year. The report must include community college program level educational and employment outcomes reports upon availability of all underlying data.

24. Adopt rules on or before January 1, 2001, to require school districts and accredited nonpublic schools to adopt local policies relating to health services, media services programs, and guidance programs, as part of the general accreditation standards applicable to school districts pursuant to section 256.11. This subsection shall be applicable strictly for reporting purposes and shall not be interpreted to require school districts and accredited nonpublic schools to provide or offer health services, media services programs, or guidance programs.

25. Adopt rules establishing standards for school district and area education agency professional development programs and for individual teacher professional development plans in accordance with section 284.6.

26. *a.* Adopt a core curriculum and adopt rules that establish high school graduation requirements for all students in school districts and accredited nonpublic schools that include at a minimum satisfactory completion of four years of English and language arts, three years of mathematics, three years of science, and three years of social studies.

(1) The rules establishing high school graduation requirements shall provide that any student, at any grade level, who satisfactorily completes a high school-level unit of instruction at a school accredited under section 256.11 has satisfactorily completed a unit of the high school graduation requirements for that area of instruction and the school district or accredited nonpublic school of enrollment shall issue high school credit for the unit to the student unless the student is unable to demonstrate proficiency or the school district or accredited nonpublic school determines that the course unit completed by the student does not meet the school district's or accredited nonpublic school's standards, as appropriate. If a

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student is denied credit under this subparagraph, the school district or accredited nonpublic school denying credit shall provide to the student's parent or guardian in writing the reason for the denial.

(2) The rules shall allow a school district or accredited nonpublic school to award high school credit to an enrolled student upon the demonstration of required competencies for a course or content area, as approved by a teacher licensed under subchapter VII, part 3. The school district or accredited nonpublic school shall determine the assessment methods by which a student demonstrates sufficient evidence of the required competencies.

(3) The core curriculum shall address the core content standards in subsection 28 and the skills and knowledge students need to be successful in the twenty-first century. The core curriculum shall include social studies and twenty-first century learning skills which include but are not limited to civic literacy, health literacy, financial literacy, family life and consumer sciences, and employability skills; and shall address the curricular needs of students in kindergarten through grade twelve in those areas. The state board shall further define the twenty-first century learning skills components.

(4) The rules shall provide for the establishment of high-quality standards for computer science education taught by elementary, middle, and high schools, in accordance with the goal established under section 284.6A, subsection 1, setting a foundation for personal and professional success in a high-technology, knowledge-based Iowa economy.

b. Continue the inclusive process begun during the initial development of a core curriculum for grades nine through twelve including stakeholder involvement, including but not limited to representatives from the private sector and the business community, and alignment of the core curriculum to other recognized sets of national and international standards. The state board shall also recommend quality assessments to school districts and accredited nonpublic schools to measure the core curriculum.

c. Neither the state board nor the department shall require school districts or accredited nonpublic schools to adopt a specific textbook, textbook series, or specific instructional methodology, or acquire specific textbooks, curriculum materials, or educational products from a specific vendor in order to meet the core curriculum requirements of this subsection or the core content standards adopted pursuant to subsection 28.

27. Adopt by rule the Iowa standards for school administrators, including the knowledge and skill criteria developed by the director in accordance with section 256.9, subsection 47.

28. Adopt a set of core content standards applicable to all students in kindergarten through grade twelve in every school district and accredited nonpublic school. For purposes of this subsection, *"core content standards"* includes reading, mathematics, and science. School districts and accredited nonpublic schools shall include, at a minimum, the core content standards adopted pursuant to this subsection in any set of locally developed content standards. School districts and accredited nonpublic schools are strongly encouraged to set higher expectations in local standards. As changes in federal law or regulation occur, the state board is authorized to amend the core content standards as appropriate.

29. Adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited nonpublic school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary guidelines for Americans issued by the United States department of agriculture food and nutrition service.

30. Set standards and procedures for the approval of training programs for individuals who seek an authorization issued by the board of educational examiners for the following:

a. Employment as a school business official responsible for the financial operations of a school district.

b. Employment as a school administration manager responsible for assisting a school principal in performing noninstructional duties.

31. *a.* Adopt by rule guidelines for school district implementation of section 279.68, including but not limited to basic levels of reading proficiency on approved locally

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determined or statewide assessments and identification of tools that school districts may use in evaluating and reevaluating any student who may not be or who is determined not to be reading proficiently and is persistently at risk in reading, including but not limited to initial assessments and subsequent assessments, alternative assessments, and portfolio reviews. The state board shall adopt standards that provide a reasonable expectation that a student's progress toward reading proficiency under section 279.68 is sufficient to master appropriate grade four level reading skills prior to the student's promotion to grade four.

b. Adopt rules for the Iowa reading research center and for implementation of the intensive summer literacy program developed and administered pursuant to section 256.9, subsection 49.

c. Adopt rules to establish standards for the identification, selection, and use of research-based educational and instructional models for students identified as English learners, and standards for the professional development of the instructional staff responsible for implementation of those models.

32. *a.* Adopt rules for online learning in accordance with section 256.11, subsection 17, and section 256.43, and criteria for waivers granted pursuant to section 256.11, subsection 17.

b. (1) Adopt rules which require that educational instruction and course content delivered primarily over the internet be aligned with the Iowa core content standards as applicable. Under such rules, a school district may develop and offer to students enrolled in the district educational instruction and course content for delivery primarily over the internet. A school district providing educational instruction and course content that are delivered primarily over the internet shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to the following:

(a) Student achievement and demographic characteristics.

(b) Retention rates.

(c) The percentage of enrolled students' active participation in extracurricular activities.

(d) Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.

(e) Academic growth measures, which shall include either of the following:

(i) Entry and exit assessments in, at a minimum, math and English for elementary and middle school students, and additional subjects, including science, for high school students.

(ii) State-required assessments that track year-over-year improvements in academic proficiency.

(f) Academic mobility. To facilitate the tracking of academic mobility, school districts shall request the following information from the parent or guardian of a student enrolled in educational instruction and course content that are delivered primarily over the internet:

(i) For a student newly enrolling, the reasons for choosing such enrollment.

(ii) For a student terminating enrollment, the reasons for terminating such enrollment.

(g) Student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the internet, and shall be consistent with evidence-based best practices.

(2) The department shall compile and review the data collected pursuant to this paragraph "*b*" and shall submit its findings and recommendations for the continued delivery of educational instruction and course content by school districts delivered primarily over the internet, in a report to the general assembly by January 15 annually.

c. Rules adopted pursuant to this subsection shall require that online learning coursework offered by school districts, accredited nonpublic schools, and area education agencies be rigorous, high-quality, aligned with the Iowa core and core content requirements and standards and the national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and taught by a teacher licensed under subchapter VII, part 3, who has specialized training or experience in online learning, including but not limited to an

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online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework.

33. *a.* For purposes of this subsection:

(1) *"Adverse childhood experience"* means the same as defined in section 279.70.

(2) *"Postvention"* means the same as defined in section 279.70.

b. Adopt rules to require school districts to adopt protocols for suicide prevention and postvention. The protocols shall be based on nationally recognized best practices.

34. Adopt rules under chapter 17A establishing a process by which the department shall approve state-recognized work-based learning programs consisting of structured educational and training programs that include authentic worksite training, such as registered apprenticeship programs, for purposes of eligible institutions under section 256.228.

35. Establish and utilize such ad hoc advisory committees as determined necessary by the state board. The state board shall establish appointment provisions, membership terms, operating guidelines, and any other operational requirements for committees established pursuant to this subsection. Members of committees established pursuant to this subsection shall serve without compensation but may be reimbursed for actual expenses.

36. Adopt rules allowing students enrolled in grade eight to participate in any extracurricular interscholastic athletic contest or competition that is provided by a school district, nonpublic school, or charter school on the same basis as students who are enrolled in grades nine through twelve.

86 Acts, ch 1245, §1407; 87 Acts, ch 207, §1; 87 Acts, ch 211, §2; 87 Acts, ch 224, §24, 25; 87 Acts, ch 233, §449; 88 Acts, ch 1266, §1; 89 Acts, ch 8, §1; 89 Acts, ch 206, §5; 89 Acts, ch 210, §1 – 3; 89 Acts, ch 265, §19 – 22; 90 Acts, ch 1249, §2, 3; 90 Acts, ch 1253, §5, 122; 90 Acts, ch 1272, §37; 91 Acts, ch 84, §1; 92 Acts, ch 1158, §2; 92 Acts, ch 1246, §26; 93 Acts, ch 48, §13; 93 Acts, ch 59, §1; 93 Acts, ch 82, §1; 94 Acts, ch 1043, §1; 94 Acts, ch 1091, §1 – 3; 94 Acts, ch 1193, §17; 96 Acts, ch 1007, §1; 96 Acts, ch 1127, §2; 98 Acts, ch 1176, §1; 98 Acts, ch 1202, §39, 46; 2000 Acts, ch 1098, §1; 2000 Acts, ch 1167, §1; 2000 Acts, ch 1170, §1; 2001 Acts, ch 24, §66, 74; 2001 Acts, ch 26, §1; 2002 Acts, ch 1140, §4; 2002 Acts, ch 1152, §1; 2003 Acts, ch 178, §56; 2003 Acts, ch 180, §2; 2004 Acts, ch 1145, §1; 2005 Acts, ch 149, §1, 2; 2006 Acts, ch 1152, §3, 4; 2007 Acts, ch 108, §1, 2; 2007 Acts, ch 214, §16, 17; 2008 Acts, ch 1127, §1; 2008 Acts, ch 1187, §140; 2008 Acts, ch 1191, §155; 2009 Acts, ch 54, §1; 2010 Acts, ch 1099, §1; 2011 Acts, ch 20, §4, 5; 2011 Acts, ch 71, §1; 2011 Acts, ch 131, §58, 158; 2011 Acts, ch 132, §41, 42, 106; 2012 Acts, ch 1119, §1, 3, 4, 14, 15, 24, 31; 2013 Acts, ch 121, §47, 79, 85; 2014 Acts, ch 1003, §1; 2014 Acts, ch 1013, §1, 2; 2014 Acts, ch 1092, §56; 2014 Acts, ch 1135, §7; 2015 Acts, ch 30, §87; 2015 Acts, ch 138, §99 – 101; 2016 Acts, ch 1036, §1; 2016 Acts, ch 1108, §24, 25; 2016 Acts, ch 1123, §1; 2016 Acts, ch 1132, §6; 2016 Acts, ch 1138, §13; 2017 Acts, ch 106, §1; 2017 Acts, ch 128, §1, 2, 4; 2018 Acts, ch 1037, §1, 2; 2018 Acts, ch 1051, §1; 2018 Acts, ch 1057, §1 – 3; 2018 Acts, ch 1119, §1 – 3; 2018 Acts, ch 1121, §1; 2018 Acts, ch 1172, §22; 2019 Acts, ch 30, §1; 2020 Acts, ch 1048, §1; 2020 Acts, ch 1063, §100; 2020 Acts, ch 1107, §1 – 3; 2020 Acts, ch 1117, §7, 14, 15; 2022 Acts, ch 1011, §1; 2022 Acts, ch 1103, §1, 9, 10; 2023 Acts, ch 19, §1362, 1716, 2519, 2523, 2542, 2543; 2023 Acts, ch 90, §1, 15; 2024 Acts, ch 1043, §74, 75; 2024 Acts, ch 1159, §3, 4; 2024 Acts, ch 1169, §27; 2024 Acts, ch 1170, §73, 284; 2025 Acts, ch 106, §3; 2025 Acts, ch 145, §1; 2025 Acts, ch 161, §1, 2; 2026 Acts, ch 1086, §3, 101; 2026 Acts, ch 1157, §1; 2026 Acts, ch 1178, §1, 5; 2026 Acts, ch 1183, §1 – 3, 20; 2026 Acts, ch 1200, §98 – 100

Referred to in §256.9, 256.11, 256.16, 256.28, 256.43, 256.165, 256.218, 256.228, 256E.7, 256E.23, 256E.24, 257.11, 257.31, 257.43, 260C.4, 260C.14, 261B.3A, 261E.3, 261E.9, 273.2, 273.16, 279.10, 279.47, 279.61, 279.68, 280.3, 280.9, 282.18, 282.31, 282.33, 284.6, 284A.2, 284A.3, 284A.5, 284A.6, 284A.7, 290.5, 299A.6

2026 amendment to subsection 21, paragraph b, subparagraph (2) relating to the administration of assessments in social studies applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1183, §20

Subsection 36 effective August 1, 2026; 2026 Acts, ch 1178, §5; 2026 Acts, ch 1200, §98 – 100

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

Subsection 15 amended

Subsection 21, paragraph b, unnumbered paragraph 1 amended

Subsection 21, paragraph b, subparagraph (2), subparagraph divisions (a) – (d) amended

Subsection 33, paragraph b amended

NEW subsection 36

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256.8 Director of department of education.

The governor shall appoint a director of the department of education subject to confirmation by the senate. The director shall possess a background in education and administrative experience and shall serve at the pleasure of the governor.

86 Acts, ch 1245, §1408
Confirmation, see §2.32

256.9 Duties of director.

Except for the public broadcasting board and division, the director shall:

1. Carry out programs and policies as determined by the state board.
2. Recommend to the state board rules necessary to implement programs and services of the department.
3. Establish divisions of the department and assign subject matter duties to divisions of the department in a manner determined by the director as necessary or desirable in addition to divisions required by law, unless a provision of law requires a particular departmental unit or subject matter to be assigned to a specific division of the department. The organization of the department shall promote coordination of functions and services relating to administration, supervision, and improvement of instruction. The director may also reassign within the department the boards, commissions, bureaus, and duties specified in sections 256.111 and 256.121.
4. Employ personnel and assign duties and responsibilities of the department. The director shall appoint a deputy director and division administrators deemed necessary. They shall be appointed on the basis of their professional qualifications, experience in administration, and background.
5. Transmit to the department of management information about the distribution of state and federal funds pursuant to state law and rules of the department.
6. Develop a budget and transmit to the department of management estimates of expenditure requirements for all functions and services of the department.
7. Accept and administer federal funds apportioned to the state for educational and rehabilitation purposes and accept surplus commodities for distribution when made available by a governmental agency. The director may also accept grants and gifts on behalf of the department.
8. Cooperate with other governmental agencies and political subdivisions in the development of rules and enforcement of laws relating to education.
9. Conduct research on education matters.
10. Submit to each regular session of the general assembly recommendations relating to revisions or amendments to the school laws.
11. Approve, coordinate, and supervise the use of electronic data processing by school districts, area education agencies, and merged areas.
12. Act as the executive officer of the state board.
13. Act as custodian of a seal for the director's office and authenticate all true copies of decisions or documents.
14. Appoint advisory committees, in addition to those required by law, to advise in carrying out the programs, services, and functions of the department.
15. Provide the same educational supervision for the schools maintained by the director of health and human services as is provided for the public schools of the state and make recommendations to the director of health and human services for the improvement of the educational program in those institutions.
16. Interpret the school laws and rules relating to the school laws.
17. Hear and decide appeals arising from the school laws not otherwise specifically granted to the state board. If a school district, accredited nonpublic school, or area education agency requests that the director review information contained in a basic education data survey submission and the director finds that an error in the basic education data survey submission resulted in an incorrect determination by the board of educational examiners or the executive director of the board of educational examiners relating to licensure of

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a practitioner, the director shall notify the executive director of the board of educational examiners of the director's findings.

18. Prepare forms and procedures as necessary to be used by area education agency boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the area education agency board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed. The director shall include, on any report for which the department prescribes the form and manner of its submission, a reference to any state or federal statute, rule, or regulation that requires the inclusion of certain information in the report.

19. The department shall compile the financial information related to chapters 423E* and 423F from the certified annual reports of each school district received pursuant to section 291.10, subsection 2, and shall submit the information to the general assembly in an annual report each February 1.

20. Determine by inspection, supervision, or otherwise, the condition, needs, and progress of the schools under the supervision of the department, make recommendations to the proper authorities for the correction of deficiencies and the educational and physical improvement of the schools, and request a state audit of the accounts of a school district, area education agency, school official, or school employee handling school funds when it is apparent that an audit should be made.

21. Preserve reports, documents, and correspondence that may be of a permanent value, which shall be open for inspection under reasonable conditions.

22. Keep a record of the business transacted by the director.

23. Endeavor to promote among the people of the state an interest in education.

24. Classify and define the various schools under the supervision of the department, formulate suitable courses of study, and publish and distribute the classifications and courses of study and promote their use.

25. Direct area education agency administrators to arrange for professional teachers' meetings, demonstration teaching, or other field work for the improvement of instruction as best fits the needs of the public schools in each area.

26. Approve the salaries of area education agency administrators.

27. Develop criteria and procedures to assist in the identification of at-risk children and their developmental needs.

28. Develop, in conjunction with the child development coordinating council or other similar agency, child-to-staff ratio recommendations and standards for at-risk programs based on national literature and test results and Iowa longitudinal test results.

29. Develop programs in conjunction with the center for early development education to be made available to the school districts to assist them in identification of at-risk children and their developmental needs.

30. *a.* Conduct or direct the area education agency to conduct feasibility surveys and studies, if requested under section 282.11, of the school districts within the area education agency service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole grade sharing agreements requested under section 282.7 and section 282.10, subsections 1 and 4. The surveys and studies shall be revised periodically to reflect reorganizations which may have taken place in the area education agency, adjacent territory, and contiguous districts in other states. The surveys and studies shall include a cover page containing recommendations and a short explanation of the recommendations. The factors to be used in determining the recommendations include but are not limited to:

(1) The possibility of long-term survival of the proposed alliance.

(2) The adequacy of the proposed educational programs versus the educational opportunities offered through a different alliance.

(3) The financial strength of the new alliance.

(4) Geographical factors.

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(5) The impact of the alliance on surrounding schools.

b. Copies of the completed surveys and studies shall be transmitted to the affected districts' school boards.

31. *a.* Develop standards and instructional materials to do all of the following:

(1) Assist school districts in developing appropriate before and after school programs for elementary school children.

(2) Assist school districts in the development of child care services and programs to complement half-day and all-day kindergarten programs.

(3) Assist school districts in the development of appropriate curricula for all-day, everyday kindergarten programs.

(4) Assist school districts in the development of appropriate curricula for the early elementary grades one through three.

(5) Assist prekindergarten instructors in the development of appropriate curricula and teaching practices.

b. Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the department of health and human services, the state board of regents center for early developmental education, the area education agencies, the department of human development and family studies in the college of human sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

c. For purposes of this subsection, "*substantial parental involvement*" means the physical presence of parents in the classroom, learning experiences designed to enhance the skills of parents in parenting and in providing for their children's learning and development, or educational materials which may be borrowed for home use.

32. Develop, or direct the area education agencies to develop, a statewide technical assistance support network to provide school districts or district subcontractors under section 279.49 with assistance in creating developmentally appropriate programs under section 279.49.

33. Administer and approve grants to school districts which provide innovative in-school programming for at-risk children in grades kindergarten through three, in addition to regular school curricula for children participating in the program, with the funds for the grants being appropriated for at-risk children by the general assembly. Grants approved shall be for programs in schools with a high percentage of at-risk children. Preference shall be given to programs which integrate at-risk children with the rest of the school population, which agree to limit class size and pupil-teacher ratios, which include parental involvement, which demonstrate community support, which cooperate with other community agencies, which provide appropriate guidance counseling services, and which use teachers with an early childhood endorsement. Grant programs shall contain an evaluation component that measures student outcomes.

34. Provide educational resources and technical assistance to schools relating to the implementation of the nutritional guidelines for food and beverages sold on public school grounds or on the grounds of nonpublic schools receiving funds under section 283A.10.

35. Explore, in conjunction with the state board of regents, the need for coordination between school districts, area education agencies, regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and other similar issues. Coordination may include but is not limited to coordination of calendars, programs, schedules, or telecommunications emissions.

36. Develop and distribute to school districts, accredited nonpublic schools, and area education agencies a list of evidence-based professional development services that an area education agency may provide to a public school or accredited nonpublic school pursuant to section 273.2, subsection 3, paragraph "*b*".

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37. Develop in-service and preservice training programs through the area education agencies and practitioner preparation institutions and guidelines for school districts for the establishment of family support programs. Guidelines developed shall describe barriers to learning and development which can affect children served by family support programs.

38. Serve as an ex officio member of the commission of libraries.

39. *a.* Grant annual exemptions from one or more of the minimum education standards contained in section 256.11 and rules adopted by the state board of education to nonpublic schools or public school districts who are engaging in comprehensive school transformation efforts that are broadly consistent with the current standards, but require exemption from one or more standards in order to implement the comprehensive school transformation effort within the nonpublic school or school district. Nonpublic schools or public school districts wishing to be exempted from one or more of the minimum standards contained in section 256.11 and rules adopted by the state board of education shall file a request for an exemption with the department. Requests for exemption shall include all of the following:

(1) A description of the nonpublic school or public school district's school transformation plan, including but not limited to new structures, methodologies, and creative approaches designed to help students achieve at higher levels.

(2) Identification of the standard or standards for which the exemption is being sought, including a statement of the reasons for requesting the exemption from the standard or standards.

(3) Identification of a method for periodic demonstration that student achievement will not be lessened by the granting of the exemption.

b. The director shall develop a procedure for application for exemption and receipt, review, and evaluation of nonpublic school and public school district requests, including but not limited to development of criteria for the granting or denying of requests for exemptions and a timeline for the submission, review, and granting or denying of requests for exemption from one or more standards.

40. Develop and administer, with the cooperation of the department of veterans affairs, a program which shall be known as operation recognition. The purpose of the program is to award high school diplomas to veterans of World War I, World War II, and the Korean and Vietnam conflicts who left high school prior to graduation to enter United States military service. The department of education and the department of veterans affairs shall jointly develop an application procedure, distribute applications, and publicize the program to school districts, accredited nonpublic schools, county commissions of veteran affairs, veterans organizations, and state, regional, and local media. All honorably discharged veterans who are residents or former residents of the state; who served at any time between April 6, 1917, and November 11, 1918, at any time between September 16, 1940, and December 31, 1946, at any time between June 25, 1950, and January 31, 1955, or at any time between February 28, 1961, and May 5, 1975, all dates inclusive; and who did not return to school and complete their education after the war or conflict shall be eligible to receive a diploma. Diplomas may be issued posthumously. Upon approval of an application, the department shall issue an honorary high school diploma for an eligible veteran. The diploma shall indicate the veteran's school of attendance. The department of education and the department of veterans affairs shall work together to provide school districts, schools, communities, and county commissions of veteran affairs with information about hosting a diploma ceremony on or around Veterans Day. The diploma shall be mailed to the veteran or, if the veteran is deceased, to the veteran's family.

41. Reconcile, with the assistance of the community colleges, audited financial statements and the financial data submitted to the department. The reconciliation shall include an analysis of funding by funding source.

42. Develop core knowledge and skill criteria, based upon the Iowa teaching standards, for the evaluation, the advancement, and for teacher career development purposes pursuant to chapter 284. The criteria shall further define the characteristics of quality teaching as established by the Iowa teaching standards. The director, in consultation with the board of educational examiners, shall also develop a transition plan for implementation of the career development standards developed pursuant to section 256.7, subsection 25, with regard to

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licensure renewal requirements. The plan shall include a requirement that practitioners be allowed credit for career development completed prior to implementation of the career development standards developed pursuant to section 256.7, subsection 25.

43. Disburse, transfer, or receive funds as authorized or required under federal or state law or regulation in a manner that utilizes electronic transfer of the funds whenever possible.

44. Develop and implement a comprehensive management information system designed for the purpose of establishing standardized electronic data collections and reporting protocols that facilitate compliance with state and federal reporting requirements, improve school-to-school and district-to-district information exchanges, and maintain the confidentiality of individual student and staff data. The system shall provide for the electronic transfer of individual student records between schools, districts, postsecondary institutions, and the department. The director may establish, to the extent practicable, a uniform coding and reporting system, including a statewide uniform student identification system.

45. Prepare and submit to the chairpersons and ranking members of the senate and house education committees a report on the state's progress toward closing the achievement gap, including student achievement for minority subgroups, and a comprehensive summary of state agency and local district activities and practices taken in the past year to close the achievement gap.

46. *a.* Develop and make available to school districts, examples of age-appropriate and research-based materials and lists of resources which parents may use to teach their children to recognize unwanted physical and verbal sexual advances, to not make unwanted physical and verbal sexual advances, to effectively reject unwanted sexual advances, that it is wrong to take advantage of or exploit another person, about the dangers of sexual exploitation by means of the internet including specific strategies to help students protect themselves and their personally identifiable information from such exploitation, and about counseling, medical, and legal resources available to survivors of sexual abuse and sexual assault, including resources for escaping violent relationships. The materials and resources shall cover verbal, physical, and visual sexual harassment, including nonconsensual sexual advances, and nonconsensual physical sexual contact. In developing the materials and resource list, the director shall consult with entities that shall include but not be limited to the departments of health and human services and public safety, education stakeholders, and parent-teacher organizations. School districts shall provide age-appropriate and research-based materials and a list of available community and internet-based resources to parents at registration and shall also include the age-appropriate and research-based materials and resource list in the student handbook. School districts are encouraged to work with their communities to provide voluntary parent education sessions to provide parents with the skills and appropriate strategies to teach their children as described in this subsection. School districts shall incorporate the age-appropriate and research-based materials into relevant curricula and shall reinforce the importance of preventive measures when reasonable with parents and students.

b. Make available scientifically based research studies in the area of health and wellness literacy for use by school districts and nonpublic schools in educating students. The content shall include but not be limited to research on instructional materials and teaching strategies that have proven effective in teaching students the knowledge and skills included in paragraph "*a*" and section 256.11. School districts are encouraged to incorporate as much of this material as practical.

47. Develop Iowa standards for school administrators, including knowledge and skill criteria, and develop, based on the Iowa standards for administrators, mentoring and induction, evaluation processes, and professional development plans pursuant to chapter 284A. The criteria shall further define the characteristics of quality administrators as established by the Iowa standards for school administrators.

48. Establish and maintain a process and a procedure, in cooperation with the board of educational examiners, to compare a practitioner's teaching assignment with the license and endorsements held by the practitioner. The director may report noncompliance issues

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identified by this process to the board of educational examiners pursuant to section 256.160, subsection 4.

49. *a.* Develop and distribute, in collaboration with the area education agencies, core curriculum technical assistance and implementation strategies that school districts and accredited nonpublic schools shall utilize, including but not limited to the development and delivery of formative and end-of-course model assessments classroom teachers may use to measure student progress on the core curriculum adopted pursuant to section 256.7, subsection 26. The department shall, in collaboration with the advisory group convened in accordance with paragraph *"b"* and educational assessment providers, identify and make available to school districts end-of-course and additional model end-of-course and additional assessments to align with the expectations included in the Iowa core curriculum.

b. Convene an advisory group comprised of education stakeholders including but not limited to school district and accredited nonpublic school teachers, school administrators, higher education faculty who teach in the subjects for which the curriculum is being adopted, private sector employers, members of the boards of directors of school districts, and individuals representing the educational assessment providers. The task force shall review the national assessment of educational progress standards and assessments used by other states, and shall consider standards identified as best practices in the field of study by recognized experts.

c. Establish, subject to an appropriation of funds by the general assembly, an Iowa reading research center which shall collaborate with the area education agencies in implementing the provisions of this paragraph *"c"*.

(1) The purpose of the center shall be to apply current research on literacy to provide for the development and dissemination of all of the following:

(a) Instructional strategies for prekindergarten through grade twelve to achieve literacy proficiency that includes reading, reading comprehension, and writing for all students.

(b) Strategies for identifying and providing evidence-based interventions for students, beginning in kindergarten, who are at risk of not achieving literacy proficiency.

(c) Models for effective school and community partnerships to improve student literacy.

(d) Reading assessments.

(e) Professional development strategies and materials to support teacher effectiveness in student literacy development. Subject to an appropriation of funds by the general assembly, the center shall collaborate and coordinate with the area education agencies and the department to develop and offer to school districts at no cost professional development services to enhance the skills of elementary teachers in the use of evidence-based strategies to improve the literacy skills of all students.

(f) Data reports on attendance center, school district, and statewide progress toward literacy proficiency in the context of student, attendance center, and school district demographic characteristics.

(g) An intensive summer literacy program. The center shall establish program criteria and guidelines for implementation of the program by school districts, under rules adopted by the state board pursuant to section 256.7, subsection 31.

(2) The first efforts of the center shall focus on kindergarten through grade three. The center shall draw upon national and state expertise in the field of literacy proficiency, including experts from Iowa's institutions of higher education and area education agencies with backgrounds in literacy development. The center shall seek support from the Iowa research community in data report development and analysis of available information from Iowa education data sources. The center shall work with the department to identify additional needs for tools and technical assistance for Iowa schools to help schools achieve literacy proficiency goals and seek public and private partnerships in developing and accessing necessary tools and technical assistance.

(3) The center shall submit a detailed annual financial report, a description of the center's activities for the prior fiscal year, and a statement of its proposed and projected activities to the general assembly by January 15 annually.

50. Convene, in collaboration with the department of health and human services, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance

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with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

a. The Iowa academy of nutrition and dietetics.
b. The school nutrition association of Iowa.
c. The Iowa association of school boards.
d. The school administrators of Iowa.
e. The Iowa chapter of the American academy of pediatrics.
f. A school association representing parents.
g. The Iowa grocery industry association.
h. An accredited nonpublic school.
i. The Iowa state education association.

51. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

52. Develop and implement a plan to provide, at least twice annually to all principals and guidance counselors employed by school districts and accredited nonpublic schools, notice describing how students can find and use the articulation information available on the internet site maintained by the state board of regents. The plan shall include suggested methods for elementary and secondary schools and community colleges to effectively communicate information about the articulation internet site to the following:

a. To all elementary and secondary school students interested in or potentially interested in attending a community college or institution of higher education governed by the state board of regents.

b. To all community college students interested in or potentially interested in admission to a baccalaureate degree program offered by an institution of higher education governed by the state board of regents.

53. Grant to public school districts and accredited nonpublic schools waivers from statutory obligations with which the entities cannot reasonably comply within two years after a disaster as defined in section 29C.2, subsection 4.

54. Provide guidance and standards to area education agencies for federal and state education initiatives which the area education agencies must implement statewide.

55. Develop and maintain a list of approved online providers that provide course content through an online learning platform taught by a teacher licensed under subchapter VII, part 3, who has specialized training or experience in online learning including but not limited to an online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework, and whose online learning coursework meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "*c*". Providers shall apply for approval annually or as determined by the department.

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56. *a.* Develop and implement a coaching and support system for teachers aligned with the framework and comparable systems approved as provided in section 284.15.

b. Develop and implement in collaboration with education stakeholders, a coaching and support system for administrators. The coaching and support system shall be aligned with the beginning administrator mentoring and induction program created pursuant to section 284A.5 and shall also be designed to support administrators in school districts approved to implement the framework and comparable systems set forth pursuant to sections 284.15, 284.16, and 284.17. For the fiscal year beginning July 1, 2017, and each subsequent fiscal year, the coaching and support system for administrators shall be available to any school district whether or not the district has been approved to implement the framework and comparable systems set forth pursuant to sections 284.15, 284.16, and 284.17.

57. Administer the workforce training and economic development funds created pursuant to section 260C.18A.

58. Dedicate at least one-half of one of the department's authorized full-time equivalent positions to maintain a fine arts consultant to provide guidance and assistance, including but not limited to professional development, strategies, and materials, to the department, school districts, and accredited nonpublic schools relating to music, visual art, drama and theater, and other fine and applied arts programs and coursework.

59. *a.* Develop and administer a seal of biliteracy program to recognize students graduating from high school who have demonstrated proficiency in two or more world languages, one of which may be American sign language, though one of which must be English. Participation in the program by a school district, attendance center, or accredited nonpublic school shall be voluntary. The department shall work with stakeholders to identify standardized tests that may be utilized to demonstrate proficiency. The department shall produce a seal of biliteracy, which may include but need not be limited to a sticker that may be affixed to a student's high school transcript or a certificate that may be awarded to the student. A participating school district or school shall notify the department of the names of the students who have qualified for the seal and the department shall provide the school district or school with the appropriate number of seals or other authorized endorsement. The department may charge a nominal fee to cover printing and postage charges related to issuance of the biliteracy seal under this paragraph.

b. Develop and administer a seal of civics excellence program to recognize students graduating from high school who have demonstrated proficiency in civics. The department shall determine the minimum requirements necessary for a student to obtain a civics seal, including knowledge of American government and participation in civic and community activities. The department shall produce a civics seal, which may include a sticker which may be affixed to a student's high school transcript or a certificate awarded to the student. A seal of civics excellence may be affixed to the diploma and noted on the transcript of a student to recognize that the student has achieved excellence in civics. Participation in the program by a school district or accredited nonpublic school shall be voluntary. A participating school district or accredited nonpublic school shall notify the department of the names of students who have qualified for a seal, and the department shall provide the school district or accredited nonpublic school with the appropriate number of seals or other authorized endorsement. The department may charge a nominal fee to cover printing and postal charges related to the issuance of the civics seal under this paragraph.

60. By July 1, 2024, dedicate at least one of the department's authorized full-time equivalent positions to maintain a dyslexia consultant to provide technical guidance and assistance, including but not limited to professional development, strategies, and materials, to the department, area education agencies, school districts, and accredited nonpublic schools relating to the identification of and instruction for students with characteristics of dyslexia. The consultant shall be highly trained in dyslexia and have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.

61. Develop and implement a statewide kindergarten through grade twelve computer science instruction plan by July 1, 2022.

62. Develop, establish, and distribute to all school districts evidence-based standards,

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guidelines, and expectations for the appropriate and inappropriate responses to behavior in the classroom that presents an imminent threat of bodily injury to a student or another person and for the reasonable, necessary, and appropriate physical restraint of a student, consistent with rules adopted by the state board pursuant to section 280.21. The director shall consult with the area education agencies to create comprehensive and consistent standards and guidance for professional development relating to successfully educating individuals in the least restrictive environment, and for evidence-based interventions consistent with the standards established pursuant to this subsection.

63. Develop and make available on the department's internet site general guidance for parents, guardians, and community members who have concerns about school districts or their governing boards.

64. To provide consistency in training statewide, the director shall develop and distribute to school districts a training program on free speech under the first amendment to the Constitution of the United States which shall be used by school districts to provide training pursuant to section 279.75.

65. Adopt rules to establish and maintain a process that requires the boards of directors of school districts to report to the department at least annually regarding student participation in work-based learning programs established by the board of directors of the school district, including registered apprenticeships, quality pre-apprenticeships, internships, on-the-job training, and projects through the Iowa clearinghouse for work-based learning.

66. Adopt rules relating to the administration of, and applications for, the education savings account program pursuant to section 257.11B, including but not limited to application processing timelines and information required to be submitted by a parent or guardian.

67. Develop and distribute to school districts a list of all professional development programs and other training programs in which employees of school districts are required to participate pursuant to federal law or state law, including chapter 284.

68. Develop and distribute to school districts and charter schools model policies that, if adopted by a school district or charter school, would satisfy the school district's or charter school's responsibilities under section 279.65A relating to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

69. On or before May 1, 2025, develop and distribute to school districts, accredited nonpublic schools, and charter schools model policies that, if adopted, would satisfy a school district's responsibilities under section 279.88 relating to policies governing student use of personal electronic devices.

70. *a.* Develop and make available on the department's internet site a list of industry-recognized credentials or certifications that are attainable by students enrolled in grades nine through twelve and that are aligned with career and technical education content areas.

b. Develop and distribute to school districts a seal aligned to the list of industry-recognized credentials or certifications described in paragraph *"a"* to be affixed to high school transcripts or certificates pursuant to section 279.87.

71. Develop and distribute to school districts, accredited nonpublic schools, and charter schools family-centered resources to support student development of mathematics knowledge at home.

72. Provide teachers who are employed by schools most in need of support, as identified by the department, with evidence-based professional development services related to implementing high-quality mathematics instruction. When determining whether a school is in need of support under this subsection, the director shall consider the level of mathematics proficiency attained by students enrolled in the school and the amount of resources available to the department to provide the professional development services.

73. On or before July 1, 2025, develop and distribute to school districts, accredited nonpublic schools, and charter schools a comprehensive state mathematics plan that is designed to increase the level of mathematics proficiency attained by students using systematic and sequential approaches to teaching subitizing, cardinality, object counting, verbal counting, spatial relationships, benchmark numbers, and part-part-whole models.

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74. Develop and publish on the department's internet site a list of valid and reliable mathematics screeners that may be used by teachers to identify students enrolled in kindergarten through grade six who may require additional instruction or support in mathematics.

75. Develop and administer a purple star school initiative that recognizes applicant schools in this state that have demonstrated a commitment to supporting military-connected students and the families of such students with the goal of increasing the amount of support that schools in this state make available to military-connected students and the families of such students.

76. In consultation with the Iowa county attorneys association, develop and distribute to county attorneys, school districts, and accredited nonpublic schools a model policy that county attorneys may reference when determining whether and to what extent to enforce the provisions of chapter 299.

77. Provide educational resources and technical assistance to school districts related to chartering career and technical student organizations that comply with the Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and rules adopted by the state board, including career and technical student organizations related to robotics and robotics teams and competitions.

78. *a.* Develop and distribute to school districts, accredited nonpublic schools, and charter schools a test in multiple-choice format that consists of all of the questions contained in the most recent version of the civics test developed by the United States citizenship and immigration services.

b. On or before the January 31 immediately subsequent to each general election which is a presidential election, update the test described in paragraph "*a*" and distribute the updated test to school districts, accredited nonpublic schools, and charter schools.

79. *a.* Study the relationship between high school graduation rates and the number of students who attain a passing score on the civics test described in section 280.9A, subsection 2, and submit a report that contains the results of the study to the general assembly on or before June 30, 2029.

b. This subsection is repealed July 1, 2029.

80. Develop and distribute to school districts a training program and training materials for members of a student's individualized education program team that is related to the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

81. *a.* Annually distribute the most recent version of the United States department of education's guidance related to constitutionally protected prayer and religious expression in public elementary and secondary schools to all of the following individuals:

(1) Each superintendent employed by each school district.

(2) Each principal employed by each charter school established pursuant to chapter 256E.

b. Each superintendent employed by a school district that receives the electronic communication containing the most recent version of the United States department of education's guidance related to constitutionally protected prayer and religious expression in public elementary and secondary schools shall distribute the guidance to each member of the board of directors of the school district, each principal employed by the school district, and each teacher employed by the school district.

c. Each principal or head of a charter school employed by a charter school established under chapter 256E that receives the electronic communication containing the most recent version of the United States department of education's guidance related to constitutionally protected prayer and religious expression in public elementary and secondary schools shall distribute the guidance to each member of the governing board of the charter school and each teacher employed by the charter school.

d. Publish on the department's internet site a link to the most recent version of the United States department of education's guidance related to constitutionally protected prayer and religious expression in public elementary and secondary schools.

e. Develop and distribute to school districts, charter schools established pursuant to chapter 256E, and charter schools and innovation zone schools established pursuant

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to chapter 256F, Code 2026, a professional development training program regarding constitutionally protected prayer and religious expression in public elementary and secondary schools.

82. Develop and distribute to school districts, charter schools established pursuant to chapter 256E, and charter schools and innovation zone schools established pursuant to chapter 256F, Code 2026, a model policy that, if adopted by a school district, charter school, or innovation zone school, would satisfy the school district's, charter school's, or innovation zone school's responsibilities under section 279.89, subsection 4, paragraph "c", relating to the adoption of policies to ensure compliance with federal religious expression standards.

86 Acts, ch 1245, §1409; 87 Acts, ch 115, §36; 88 Acts, ch 1114, §1; 88 Acts, ch 1158, §54; 88 Acts, ch 1263, §1; 89 Acts, ch 155, §2; 89 Acts, ch 206, §6; 90 Acts, ch 1152, §1; 90 Acts, ch 1253, §6, 122; 90 Acts, ch 1271, §1101; 91 Acts, ch 84, §2; 91 Acts, ch 126, §1; 92 Acts, ch 1158, §3; 92 Acts, ch 1159, §1, 6; 92 Acts, ch 1221, §2; 92 Acts, ch 1246, §27; 93 Acts, ch 48, §14, 15; 94 Acts, ch 1091, §4 – 12; 98 Acts, ch 1215, §23, 63; 99 Acts, ch 192, §30; 2000 Acts, ch 1081, §1; 2000 Acts, ch 1167, §2; 2001 Acts, ch 161, §14; 2001 Acts, ch 181, §12; 2002 Acts, ch 1140, §5; 2002 Acts, ch 1152, §2; 2002 Acts, 2nd Ex, ch 1003, §92, 95; 2003 Acts, ch 145, §222; 2003 Acts, ch 180, §3, 4; 2005 Acts, ch 115, §29, 40; 2005 Acts, ch 169, §18; 2005 Acts, ch 179, §91; 2006 Acts, ch 1152, §18; 2007 Acts, ch 98, §1; 2007 Acts, ch 108, §3; 2007 Acts, ch 214, §18; 2008 Acts, ch 1127, §2, 3; 2008 Acts, ch 1187, §141; 2008 Acts, ch 1191, §156; 2009 Acts, ch 54, §2; 2009 Acts, ch 65, §2, 3; 2009 Acts, ch 168, §1; 2010 Acts, ch 1001, §1; 2010 Acts, ch 1031, §269, 359, 361; 2010 Acts, ch 1193, §118; 2011 Acts, ch 132, §43, 106; 2012 Acts, ch 1119, §16, 32; 2013 Acts, ch 30, §56; 2013 Acts, ch 90, §257; 2013 Acts, ch 121, §102; 2013 Acts, ch 129, §64; 2013 Acts, ch 141, §33; 2014 Acts, ch 1077, §1; 2014 Acts, ch 1135, §8 – 11; 2015 Acts, ch 138, §15, 161, 162; 2016 Acts, ch 1036, §2; 2017 Acts, ch 172, §10; 2018 Acts, ch 1057, §4, 5; 2018 Acts, ch 1071, §1; 2018 Acts, ch 1119, §4, 17; 2018 Acts, ch 1163, §9; 2020 Acts, ch 1048, §2; 2020 Acts, ch 1093, §1, 4; 2020 Acts, ch 1107, §4; 2020 Acts, ch 1108, §1; 2020 Acts, ch 1117, §8; 2021 Acts, ch 170, §27; 2022 Acts, ch 1021, §50; 2022 Acts, ch 1032, §47; 2022 Acts, ch 1134, §3; 2023 Acts, ch 1, §2, 10; 2023 Acts, ch 19, §981 – 984, 2520, 2544, 2644; 2023 Acts, ch 95, §4; 2023 Acts, ch 96, §2; 2024 Acts, ch 1002, §1; 2024 Acts, ch 1079, §6; 2024 Acts, ch 1170, §285; 2024 Acts, ch 1182, §34, 35; 2025 Acts, ch 36, §1, 4; 2025 Acts, ch 45, §1; 2025 Acts, ch 52, §1; 2025 Acts, ch 63, §1; 2025 Acts, ch 102, §1; 2025 Acts, ch 103, §1; 2025 Acts, ch 121, §1, 5; 2025 Acts, ch 159, §11, 20, 21; 2026 Acts, ch 1086, §4, 101; 2026 Acts, ch 1120, §1; 2026 Acts, ch 1137, §1; 2026 Acts, ch 1144, §1; 2026 Acts, ch 1181, §1; 2026 Acts, ch 1183, §4, 5

Referred to in §15H.7, 22.7(1), 256.7, 256.11, 256.32A, 256.43, 256.146, 256E.7, 256E.23, 257.50, 261E.9, 273.2, 273.10, 279.14A, 279.50, 279.66, 279.68A, 279.75, 279.87, 279.88, 279.95, 280.9A, 282.11, 284.3, 284.6, 284.8

Calculation of performance grade in Iowa school performance profiles, 2013 Acts, ch 121, §73; 2025 Acts, ch 110, §1

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

Subsection 49, paragraph b amended

Subsections 59, 64, 69, 71, 73, and 78 amended

Subsection 70, paragraph a amended

NEW subsections 80 – 82

256.9A Limitation on guidance and interpretations.

1. For the purposes of this section, "*guidance*" means a document or statement issued by the department, the state board, or the director that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted.

2. The department, the state board, or the director shall not issue guidance inconsistent with any statute, rule, or other legal authority and shall not issue guidance that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority.

3. This section shall not apply to a rule adopted pursuant to chapter 17A, a declaratory order issued pursuant to section 17A.9, a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

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4. Guidance issued by the department, the state board, or the director in violation of subsection 2 shall not be deemed to be legally binding.

2018 Acts, ch 1112, §1, 16; 2018 Acts, ch 1119, §18, 19

256.10 Director salary — employment of staff.

1. The salary of the director shall be fixed by the governor.

2. Appointments to the staff of the department shall be without reference to political party affiliation, religious affiliation, sex, or marital status, but shall be based solely upon fitness, ability, and proper qualifications for the particular position.

3. The director may employ full-time salaried staff for less than twelve months each year, but such staff shall be employed by the director for at least nine months of each year. Salaries for full-time salaried staff employed as provided in this subsection shall be comparable to other salaried staff, adjusting for time worked. Salaries for salaried staff employed for periods of less than twelve months shall be paid during each month of the year in which they are employed on the same schedule as all other full-time permanent salaried staff. Such staff shall have their salaries paid over twelve months. The director shall provide for and the department shall pay for the employer share of health and dental insurance benefits for twelve months each year for the full-time staff employed as provided in this subsection.

4. The director may employ hourly staff for less than twelve months each year, but such staff shall be employed by the director for at least nine months of each year. Wages for staff employed as provided in this subsection shall be paid during the months the employee is scheduled to work on the same schedule as other employees of the state. The director shall provide for and the department shall pay for the employer share of health and dental insurance benefits for twelve months each year for hourly staff employed as provided in this subsection.

86 Acts, ch 1245, §1410; 97 Acts, ch 212, §21; 2002 Acts, ch 1140, §6; 2023 Acts, ch 19, §2799, 2802; 2024 Acts, ch 1182, §36

256.10A Duties of consultants.

1. Consultants employed by the director and paid from the fund created by section 8.41 from moneys received from Pub. L. No. 97-35, Tit. V, subtit. D, ch. 2, shall assist those employees designated by the department as school improvement specialists in helping school districts to participate in school improvement activities identified as a result of the accreditation process conducted pursuant to section 256.11. The department shall assign consultants to assist school districts that the department determines are most in need of participation in school improvement activities.

2. For the purpose of this section, *"school improvement specialist"* means a consultant employed by the department who is responsible for the accreditation of school districts under section 256.11.

87 Acts, ch 233, §450; 2010 Acts, ch 1061, §180

256.11 Educational standards.

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that an age-appropriate approach is used by schools and school districts. The educational program shall be taught from an age-appropriate approach. The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section. The educational program shall be as follows:

1. *a.* If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall encourage cooperative efforts between home and school and shall focus on community resources. Except as otherwise provided in this subsection, a prekindergarten teacher shall hold a license certifying that the holder is qualified to teach

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in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

b. If the board of directors of a school district contracts for the operation of a prekindergarten program, the program shall be under the oversight of an appropriately licensed teacher. If the program contracted with was in existence on July 1, 1989, oversight of the program shall be provided by the district. If the program contracted with was not in existence on July 1, 1989, the director of the program shall be a licensed teacher and the director shall provide program oversight. Any director of a program contracted with by a school district under this section who is not a licensed teacher is required to register with the department of education.

c. For the purposes of this subsection, *"prekindergarten program"* includes but is not limited to a school district's implementation of the preschool program established pursuant to chapter 256C.

2. The kindergarten program shall include experiences designed to develop growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills. A kindergarten teacher shall be licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program; provided, however, that section 279.80 shall not apply to a nonpublic school.

3. *a.* All of the following areas shall be taught in grades one through six:

(1) English-language arts.

(2) Social studies.

(3) Mathematics.

(4) Science.

(5) Health. The health curriculum shall include all of the following:

(a) The characteristics of communicable diseases.

(b) Physical fitness.

(c) Nutrition.

(6) Physical education. The physical education curriculum shall include an assessment of the physical fitness of students who are physically able using the presidential physical fitness test.

(7) Traffic safety.

(8) Music.

(9) Visual art.

(10) Subject to section 279.80, age-appropriate and research-based human growth and development.

(11) In grades five and six, career planning and pathways. The career planning and pathways curriculum shall include career investigation, career connections, and career intentions to help such students understand career opportunities in order to fully utilize the individualized career and academic plan developed pursuant to section 279.61.

b. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph *"a"*, subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023.

c. In grades five and six, the age-appropriate and research-based human growth and development instruction shall incorporate the standards established under section 279.50, subsection 2, paragraph *"b"*.

d. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. *a.* All of the following shall be taught in grades seven and eight:

(1) English-language arts.

(2) Social studies, including instruction related to civics.

(3) Mathematics.

(4) Science.

(5) Health. The health curriculum shall include all of the following:

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(a) Age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases.

(b) Physical fitness.

(c) Nutrition.

(6) Age-appropriate and research-based human growth and development that incorporates the standards established under section 279.50, subsection 3, paragraph *"b"*.

(7) Career instruction, exploration, and development, which shall include career investigation, career connections, and career intentions.

(8) Physical education. The physical education curriculum shall include an assessment of the physical fitness of students who are physically able using the presidential physical fitness test.

(9) Music.

(10) Visual art.

b. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph *"a"*, subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education content areas as defined in subsection 5, paragraph *"h"*, incorporate relevant twenty-first century skills to facilitate career readiness, and introduce students to career opportunities within the local community and across this state.

c. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight.

d. This subsection shall not apply to the teaching of career instruction, exploration, and development in nonpublic schools.

5. In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program to be offered and taught for grades nine through twelve is:

a. Five units of science.

(1) The five units of science shall include physics and chemistry, which may be taught in alternate years.

(2) The five units of science may include not more than two units of instruction related to agriculture, which may be offered and taught through dedicated units of coursework or through units of coursework that also meet the requirements of the coursework required under paragraph *"h"*, subparagraph (1), subparagraph division (a). The state board shall adopt rules pursuant to chapter 17A to implement this subparagraph.

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history. The one-half unit of United States government shall include the voting procedure as described in this lettered paragraph and section 280.9A. The government instruction shall also include a study of the Constitution of the United States and the Bill of Rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the Bill of Rights.

c. Six units of English-language arts.

d. Four units of a sequential program in mathematics.

e. Two additional units of mathematics. The two additional units of mathematics may include instruction related to any of the following:

(1) Agriculture, which may be offered and taught through dedicated units of coursework or through units of coursework that also meet the requirements of the coursework required under paragraph *"h"*, subparagraph (1), subparagraph division (a).

(2) Applied sciences, technology, engineering, or manufacturing, including transportation, distribution, logistics, architecture, and construction, which may be offered and taught through dedicated units of coursework or through units of coursework that also

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meet the requirements of the coursework required under paragraph *"h"*, subparagraph (1), subparagraph division (c).

(3) The state board shall adopt rules pursuant to chapter 17A to implement this paragraph.

f. Two sequential units of one world language, which may include American sign language.

g. (1) All students physically able shall be required to participate in a minimum of one-eighth unit of physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. The physical education activities must satisfy all of the following requirements:

(a) Emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

(b) Include an assessment of the physical fitness of students who are physically able using the presidential physical fitness test.

(2) (a) A student who meets the requirements of this subparagraph shall be excused from the physical education activities requirement under subparagraph (1) by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education activities requirement. A student who wishes to be excused from the physical education activities requirement must be seeking to be excused in order to enroll in academic courses not otherwise available to the student, or be enrolled or participating in any of the following:

(i) A work-based learning program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day.

(ii) An activity that is sponsored by the school in which the student is enrolled which requires at least as much physical activity per week as one-eighth unit of physical education activities.

(b) The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused.

(3) A student who is enrolled in a junior reserve officers' training corps shall not be required to participate in physical education activities under subparagraph (1) or to meet the physical activity requirements of subsection 6, paragraph *"b"*, subparagraph (3), but shall receive one-eighth unit of physical education activities credit for each semester, or the equivalent, of junior reserve officers' training corps the student completes.

h. (1) A minimum of three sequential units in at least four of the following six career and technical education content areas. The department shall ensure that the six career and technical education content areas are aligned to a national framework representative of all career pathways:

(a) Agriculture.

(b) Information systems.

(c) Applied sciences.

(d) Health sciences.

(e) Human services.

(f) Business.

(2) Instructional programs provided under subparagraph (1) shall comply with the provisions of subchapter VII, part 2, relating to career and technical education, and shall be articulated with postsecondary programs of study and include field, laboratory, on-the-job training, or work-based learning, as defined in section 256.125. Each sequential unit shall contain a portion of a career and technical education program approved by the department. Standards for instructional programs shall include but not be limited to new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills. Instructional programs that include work-based learning may be provided when school is not in session, including but not limited to during the summer months.

(3) The department of education shall permit school districts, in meeting the requirements of this section, to use career and technical education core courses in more than one career

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and technical education content area and to use multi-occupational courses to complete a sequence in more than one career and technical education content area.

(4) This paragraph *"h"* does not apply to the teaching of career and technical education in nonpublic schools.

i. Two units in the fine arts which may include any of the following: dance, music, theater, or visual art.

j. (1) One unit of health education.

(a) The one unit of health education shall include instruction related to all of the following:

(i) Physical fitness.

(ii) Food and nutrition.

(iii) Personal health.

(b) The one unit of health education may include instruction related to all of the following:

(i) Environmental health.

(ii) Safety and survival skills.

(iii) Consumer health.

(iv) Family life.

(v) Age-appropriate and research-based human growth and development that incorporates the standards established under section 279.50, subsection 3, paragraph *"b"*.

(vi) Substance use disorder and nonuse.

(vii) Health resources.

(viii) Cardiopulmonary resuscitation.

(ix) Prevention and control of disease, including age-appropriate and research-based information regarding sexually transmitted diseases.

(2) The state board, as part of accreditation standards, shall adopt curriculum standards for implementing the program in grades nine through twelve.

k. (1) One-half unit of personal finance literacy, which may be offered and taught through dedicated units of coursework or through units of coursework that also meet the requirements of the coursework required under paragraph *"a"*, *"b"*, *"c"*, *"d"*, *"e"*, or *"h"*. The personal finance literacy curriculum shall, at a minimum, address all of the following:

(a) Savings, including emergency fund, purchases, and wealth building.

(b) Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.

(c) Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.

(d) Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.

(e) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act, codified at 15 U.S.C. §1692 – 1692p.

(f) Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality or other traits regarding money.

(g) Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.

(h) Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.

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(i) Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.

(2) Units of coursework that meet the requirements of any combination of coursework required under paragraph *"a"*, *"b"*, *"c"*, *"d"*, *"e"*, or *"h"* and incorporate the curriculum required under subparagraph (1) shall be deemed to satisfy the offer and teach requirements of this paragraph *"k"*.

l. One-half unit of computer science commencing with the school year beginning July 1, 2022. The one-half unit of computer science shall incorporate the standards established pursuant to section 256.7, subsection 26, paragraph *"a"*, subparagraph (4), and may be offered online in accordance with rules adopted pursuant to section 256.7, subsection 32, paragraph *"a"*.

5A. *a.* The board of directors of a school district or the authorities in charge of an accredited nonpublic school may authorize a teacher who is appropriately licensed by the board of educational examiners to teach two or more sequential units of one subject area in the same classroom at the same time in grades nine through twelve. The board of directors of a school district or the authorities in charge of an accredited nonpublic school shall award high school credit to a student upon the student's successful completion of the course. The teacher must meet the minimum certification requirements of the national organization that administers the advanced placement program if one of the units being offered pursuant to this paragraph is an advanced placement course.

b. The board of directors of a school district or the authorities in charge of an accredited nonpublic school may authorize a community college-employed instructor who is providing instruction in the school pursuant to section 261E.8 through a contractual agreement between a community college and the school district or accredited nonpublic school to teach two or more sequential units of one subject area in the same classroom at the same time in grades nine through twelve. The board of directors of a school district or the authorities in charge of an accredited nonpublic school shall award high school credit to a student upon the student's successful completion of the course if the board of directors of the school district or the authorities in charge of the accredited nonpublic school approved the course pursuant to section 261E.8, subsection 3. The community college-employed instructor must meet the minimum certification requirements of the national organization that administers the advanced placement program if one of the units being offered pursuant to this paragraph is an advanced placement course.

6. *a.* A pupil is not required to enroll in either physical education or health courses, or meet the requirements of paragraph *"b"* or *"c"*, if the pupil's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

b. (1) All physically able students in kindergarten through grade four shall be required to engage in a physical activity for a minimum of forty minutes per school day.

(2) All physically able students in grade five shall be required to engage in a physical activity for a minimum of thirty minutes per school day.

(3) All physically able students in grades six through twelve shall be required to engage in a physical activity for a minimum of one hundred twenty minutes per week. A student participating in an organized and supervised athletic program or non-school-sponsored extracurricular activity which requires the student to participate in physical activity for a minimum of one hundred twenty minutes per week is exempt from the requirements of this subparagraph.

(4) The department shall collaborate with stakeholders on the development of daily physical activity requirements and the development of models that describe ways in which school districts and schools may incorporate the physical activity requirement of this paragraph into the educational program. A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the requirements of this paragraph.

c. Every student by the end of grade twelve shall complete a certification course for cardiopulmonary resuscitation. The administrator of a school may waive this requirement if

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the student is not physically able to successfully complete the training. A student is exempt from the requirement of this paragraph if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student possesses cardiopulmonary resuscitation certification.

7. Programs that meet the needs of each of the following:

a. Pupils requiring special education.

b. Gifted and talented pupils.

c. At-risk students.

8. *a.* The state board shall establish a flexible student and school support program to be administered by the director. Under the program, upon request of the board of directors of a public school district or the authorities in charge of an accredited nonpublic school, the director may, for a period not to exceed three years, grant the applicable board of directors or the authority in charge of the nonpublic school the ability to use the flexible student and school support program to implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success.

b. Approval to participate in the flexible student and school support program shall exempt the school district or nonpublic school from one or more of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph *"b"* or *"c"*, subsection 7, paragraph *"b"* or *"c"*, or the minimum school calendar requirements in section 279.10, subsection 1. An exemption shall be granted only if the director deems that the request made is an essential part of an educational program to support student learning, well-being, and postsecondary success; is necessary for the success of the program; and is broadly consistent with the intent of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph *"b"* or *"c"*, subsection 7, paragraph *"b"* or *"c"*, or the minimum school calendar requirements in section 279.10, subsection 1.

c. Approval to participate in the flexible student and school support program shall include authority for a school district to use funds from the school district's flexibility account under section 298A.2, subsection 2, to implement all or part of the flexible student and school support program.

d. The application for the flexible student and school support program shall include all of the following and be submitted on forms and in a format prescribed by the department:

(1) A description of the proposed educational program, including evidence used to design the program and evidence of involvement of board members, parents, students, community members, and staff in development of the program.

(2) Program goals and measures of program effectiveness and success, including student success and performance.

(3) A plan for program administration, including the use of personnel, facilities, and funding.

(4) A plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions, if necessary.

(5) The estimated financial impact of the program on the school district or nonpublic school.

e. Approval to participate in the program does not exempt the school district or nonpublic school from federal law or any other requirements of state law that are not specifically exempted by the director.

f. Each school district or nonpublic school approved to participate in the flexible student and school support program shall file an annual report with the department on the status of the program on forms and in a format prescribed by the department.

g. Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three years. The director may revoke approval of all or part of any application or approved education program if the annual report or any other information available to the department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account under section 298A.2, subsection 2. Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.

9. *a.* (1) Beginning July 1, 2023, each school district shall employ either a qualified

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teacher librarian licensed by the board of educational examiners or a person previously employed as a librarian by a public library. The board of educational examiners shall not require an applicant for a teacher librarian license to have a master's degree.

(2) Each school district shall establish a kindergarten through grade twelve library program that is consistent with section 280.6 and with the educational standards established in this section, contains only age-appropriate materials, and supports the student achievement goals of the total school curriculum.

(3) If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of subparagraph (2) related to library programs containing only age-appropriate materials, beginning January 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

(a) For the first violation of subparagraph (2), the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

(b) (i) For a second or subsequent violation of subparagraph (2), if the department finds that a school district knowingly violated subparagraph (2), the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 256.146, subsection 13, which may result in disciplinary action.

(ii) For a second or subsequent violation of subparagraph (2), if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated subparagraph (2), the employee shall be subject to a hearing conducted by the board of educational examiners pursuant to section 256.146, subsection 13, which may result in disciplinary action.

b. The state board shall establish in rule standards for school district library programs, which shall be designed to provide for methods to improve library collections to meet student needs, include a current and diverse collection of fiction and nonfiction materials in a variety of formats to support student curricular needs, and include a plan for annually updating and replacing library materials and equipment.

c. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program.

9A. Beginning July 1, 2007, each school district shall have a qualified guidance counselor who shall be licensed by the board of educational examiners under subchapter VII, part 3. Each school district shall work toward the goal of having one qualified guidance counselor for every three hundred fifty students enrolled in the school district. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve guidance and counseling program. The program shall be designed to ensure that the guidance counselor works collaboratively with parents or guardians, students, teachers, support staff, and administrators to support the curricular goals of the school by offering responsive services that address the growth and development needs of students and the attainment of student competencies in academic, career, and social areas.

9B. Beginning July 1, 2007, each school district shall have a school nurse to provide health services to its students. Each school district shall work toward the goal of having one school nurse for every seven hundred fifty students enrolled in the school district. For purposes of this subsection, *"school nurse"* means a person who holds an endorsement or a statement of professional recognition for school nurses issued by the board of educational examiners under subchapter VII, part 3.

10. The state board shall establish, and the department shall use, for the school year commencing July 1, 2021, and each succeeding school year, an accreditation, monitoring, and enforcement process for school districts and nonpublic schools seeking accreditation pursuant to this subsection and subsections 11 and 12. In applying and taking monitoring and enforcement action under this subsection and subsections 11 and 12, the department shall consider the timeliness and accuracy of the information a school district or nonpublic school provides to the department, including potential underreporting or late reporting of data related to school discipline and school safety necessary to monitor and implement the provisions of chapter 280. The process established shall include all of the following requirements:

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a. Phase I monitoring.

(1) Phase I monitoring shall consist of annual monitoring by the department of all accredited schools and school districts for compliance with state and federal school laws, regulations, and rules adopted by the state board under chapter 17A, including but not limited to the following:

(a) Accreditation standards adopted by the state board as provided in this section.

(b) Fiscal compliance.

(c) Federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965, and the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended.

(d) The federal Civil Rights Act of 1964 and chapter 216.

(e) All other requirements of this title applicable to accredited schools and school districts.

(2) Phase I monitoring may include but shall not be limited to the following:

(a) One or more desk audits requiring submission of information to the department in a manner and on forms prescribed by the department.

(b) One or more remote or on-site visits to schools or school districts to address accreditation issues identified in a desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other subject-matter professionals.

(c) A review of district finances by department staff or a neutral third party.

(d) A review of local school board policies and procedures by department staff or a neutral third party.

(3) The department shall provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district. The purpose of the phase I process is to bring schools and school districts into minimum compliance with federal and state laws, regulations, and rules and no citation or corrective action may be designed to require more than minimum compliance.

(4) The department shall provide a written report annually to the state board of any monitoring review resulting in multiple or substantial findings of noncompliance or noncompliance findings that remain uncorrected for more than thirty days past the deadline set by the department for correction.

(5) The department shall eliminate duplicative reporting on the part of schools and school districts for phase I monitoring, and is prohibited from collecting information not specifically permitted by federal or state law, regulation, or rule.

(6) Enforcement actions under phase I monitoring are limited to actions permitted pursuant to paragraph *"c"*, subparagraphs (2) and (3). Violations of federal legal requirements shall follow the procedures and limitations of the governing statute.

b. Phase II monitoring.

(1) Phase II monitoring shall take place when any of the following conditions are present:

(a) When either the annual monitoring or the biennial on-site visit of phase I indicates that an accredited school or school district is deficient and fails to be in compliance with accreditation standards.

(b) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by eligible electors residing in the school district equal in number to at least twenty percent of the registered voters of the school district.

(c) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by twenty percent or more of the parents or guardians who have children enrolled in the school or school district.

(d) At the direction of the state board.

(e) The school budget review committee submits to the department a recommendation for a fiscal review pursuant to section 257.31, subsection 18.

(2) Phase II monitoring shall consist of a full desk audit of all monitoring requirements and an on-site visit to the school or school district for the purpose of determining the extent of noncompliance, the reason for lack of correction, if applicable, and a recommendation for corrective action to the director and the state board.

(3) Phase II monitoring requires the use of an accreditation committee appointed by the

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director. The accreditation committee shall be made up primarily of department staff but may request the assistance of third-party specialists at the discretion of the director. An accreditation committee visit to a nonpublic school requires membership on the committee from nonpublic school instructional or administrative staff or board members. A member of a committee shall not have a direct interest in the school district or nonpublic school being visited.

(4) After visiting the school district or nonpublic school, the accreditation committee shall, within thirty days, determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation on what enforcement actions, if any, should be recommended to the state board.

c. Enforcement.

(1) The department shall enforce the laws, regulations, and rules applicable to school districts and nonpublic schools consistent with the process outlined in this subsection. The department shall coordinate its enforcement of chapter 216 with the Iowa state civil rights commission to reduce duplication of efforts.

(2) If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws including but not limited to the federal Elementary and Secondary Education Act of 1965, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended, the federal Civil Rights Act of 1964, chapter 216, section 279.73, or section 279.74, the director shall recommend, and the state board shall do, one of the following within thirty days of the finding of noncompliance:

(a) Impose conditions on funding provided to a school district, including directing the use of school district funds and designating the school district a high-risk grantee under 2 C.F.R. §200.207.

(b) Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for a period of sixty calendar days, after which it is subject to approval of the state board every sixty calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.

(3) The director may use any of the following permitted enforcement mechanisms and shall exercise discretion to ensure that enforcement actions are proportionate to school district or nonpublic school noncompliance:

(a) Advise the school district or nonpublic school on the availability of appropriate technical assistance.

(b) Require the school district or nonpublic school to complete a corrective action plan or plan for improvement by a reasonable deadline.

(c) Recommend a phase II visit to the school district or nonpublic school to the state board.

(d) Refer conduct of school district or nonpublic school staff or school board members, or school authorities, to the office of the attorney general for investigation.

(e) Refer financial concerns to the auditor of state for investigation.

(f) Recommend removal of accreditation of the school district or school to the state board.

(g) Take any other enforcement mechanism available to the director.

(4) The department shall focus enforcement activities on all of the following:

(a) Improving educational results for children, families, and students.

(b) Ensuring that public agencies and their governing boards meet requirements of state and federal laws.

11. *a.* If the recommendation pursuant to subsection 10 is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report. The director shall review the accreditation committee's report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation

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committee's report, the response to the accreditation committee's report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.

b. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.

c. The accreditation team shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.

d. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

e. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to deaccredit the school district or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.

f. In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may deaccredit the nonpublic school. The deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is deaccredited.

12. If the state board deaccredits a school district and merges the territory of the school district with one or more contiguous school districts, the deaccredited school district ceases to exist as a school corporation on the effective date set by the state board for deaccreditation. Notwithstanding any other provision of law, the contiguous school districts receiving territory of the deaccredited school district are not considered successor school corporations of the deaccredited school district.

a. Division of assets and liabilities of the deaccredited school district shall be as provided in this paragraph "*a*" and in sections 275.29 through 275.31.

(1) If one or more of the contiguous school districts receiving assets and liabilities of the deaccredited school district utilizes the equalization levy, only that territory in the school district imposing the equalization levy that comprises territory of the deaccredited school district shall be taxed.

(2) Income surtax revenue and revenues generated by property taxes shall be distributed proportionately based on taxable value of the territory received by one or more school districts contiguous to the deaccredited school district.

(3) Revenues that are based on student enrollment shall be distributed based on percentages of students who were enrolled in the deaccredited school district in the school year immediately prior to deaccreditation and who now reside in territory received by one or more school districts contiguous to the deaccredited school district.

(4) If the deaccredited school district has a negative fund balance in its general fund at the time it is deaccredited by the state board, the director may order that the positive balance from one or more other funds of the deaccredited school district be transferred to the deaccredited school district's general fund.

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b. Prior to the effective date set by the state board for deaccreditation, the school district shall remain responsible for, and may retain such authority as is necessary to complete, all of the following:

(1) Execution of one or more quitclaim deeds, in fulfillment of the merger of territory received by one or more contiguous school districts from the deaccredited school district.

(2) Preparation of and payment for a final audit of all the district's financial accounts.

(3) Preparation and certification of a final certified annual report to the department.

c. The provisions of section 275.57 apply when deaccreditation of a school district and merger of the territory of such school district with a contiguous school district that is currently divided into director districts leads to the formation of new director districts.

13. Notwithstanding subsections 1 through 12 and as an exception to their requirements, a private high school or private combined junior-senior high school operated for the express purpose of teaching a program designed to qualify its graduates for matriculation at accredited four-year or equivalent liberal arts, scientific, or technological colleges or universities shall be placed on a special accredited list of college preparatory schools, which list shall signify accreditation of the school for that express purpose only, if:

a. The school complies with minimum standards established by the Code other than this section, and rules adopted under the Code, applicable to:

(1) Courses comprising the limited program.

(2) Health requirements for personnel.

(3) Plant facilities.

(4) Other environmental factors affecting the programs.

b. At least eighty percent of those graduating from the school within the four most recent calendar years, other than those graduating who are aliens, graduates entering military or alternative civilian service, or graduates deceased or incapacitated before college acceptance, have been accepted by accredited four-year or equivalent liberal arts, scientific, or technological colleges or universities.

c. A school claiming to be a private college preparatory school which fails to comply with the requirement of paragraph *"b"* of this subsection shall be placed on the special accredited list of college preparatory schools probationally if the school complies with the requirements of paragraph *"a"* of this subsection, but a probational accreditation shall not continue for more than four successive years.

14. Notwithstanding subsections 1 through 13 and as an exception to their requirements, a nonpublic grade school which is reopening is accredited even if it does not have a complete grade one through grade six program. However, the nonpublic grade school must comply with other minimum standards established by law and administrative rules adopted pursuant to the law, and the nonpublic grade school must show progress toward reaching a grade one through grade six program.

15. The board of directors of a school district or the authorities in charge of a nonpublic school may award credit toward graduation to a student if the student successfully completes basic training for service as a member of the Iowa army national guard, the Iowa air national guard, the active military forces of the United States, the army national guard of the United States, or the air national guard of the United States.

16. *a.* Notwithstanding subsections 1 through 12, a nonpublic school may be accredited by an approved independent accrediting agency instead of by the state board as provided in this subsection. The state board shall maintain a list of approved independent accrediting agencies comprised of at least six regional or national nonprofit, nongovernmental agencies recognized as reliable authorities concerning the quality of education offered by a school and shall publish the list of independent accrediting agencies on the department's internet site. The list shall include accrediting agencies that, as of January 1, 2013, accredited a nonpublic school in this state that was concurrently accredited under this section; and any agency that has a formalized partnership agreement with another agency on the list and has member schools in this state as of January 1, 2013.

b. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to paragraph *"a"*

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shall be deemed to meet the education standards of this section. However, such a school shall comply with statutory health and safety requirements for school facilities.

c. If the state board takes preliminary action to remove an agency from the approved list published on the department's internet site pursuant to paragraph *"a"*, the department shall, at least one year prior to removing the agency from the approved list, notify the nonpublic schools participating in the accreditation process offered by the agency of the state board's intent to remove the accrediting agency from its approved list of independent accrediting agencies. The notice shall also be posted on the department's internet site and shall contain the proposed date of removal. The nonpublic school shall attain accreditation under this subsection or subsections 1 through 12 not later than one year following the date on which the state board removes the agency from its list of independent accrediting agencies.

d. (1) If an approved independent accrediting agency deaccredits a nonpublic school, the nonpublic school shall not seek accreditation from an independent accrediting agency that is on the approved list pursuant to paragraph *"a"* for a period of three years beginning on the date the approved independent accrediting agency deaccredited the nonpublic school.

(2) If an approved independent accrediting agency deaccredits a nonpublic school, the nonpublic school may immediately seek accreditation under subsection 10.

e. (1) This subsection shall not be construed to authorize the state or any political subdivision of the state to exercise authority over any nonpublic school or construed to require a nonpublic school to modify its academic standards for admission or educational program.

(2) This section shall not be construed to expand the authority of the state or any political subdivision of the state to impose regulations upon any nonpublic school that are not necessary to implement this section.

(3) Rules adopted by the state board of education to implement this section that impose an undue burden on a nonpublic school are invalid.

(4) A nonpublic school shall be given the maximum freedom possible to provide for the educational needs of the school's students, consistent with state and federal law.

17. *a.* (1) The offer and teach requirements of subsection 5, paragraphs *"a"* through *"e"* and *"g"* through *"j"*, shall not apply for up to two specified subjects at a school district or accredited nonpublic school if any of the following apply:

(a) The school district or accredited nonpublic school makes every reasonable and good faith effort to employ a teacher licensed under subchapter VII, part 3, for the specified subject and is unable to employ such a teacher.

(b) Fewer than ten students typically register for instruction in the specified subject at the school district or accredited nonpublic school.

(2) If a school district or accredited nonpublic school meets the requirements of subparagraph (1), subparagraph division (a) or (b), the school district or accredited nonpublic school may exceed the two-subject limitation specified in subparagraph (1), unnumbered paragraph 1, for the purpose of providing world language, personal finance literacy, and computer science coursework online in accordance with paragraph *"c"*.

b. The department may waive the applicability of subsection 5, paragraphs *"a"* through *"e"* and *"g"* through *"j"*, for up to two additional specified subject areas for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or accredited nonpublic school has made every reasonable effort, but is unable to meet such requirements. A school district or accredited nonpublic school may apply for an annual waiver each year.

c. If the provisions of subsection 5, paragraphs *"a"* through *"e"* and *"g"* through *"j"*, are made inapplicable under paragraph *"a"*, or are waived under paragraph *"b"*, the specified subject shall be provided by an area education agency under section 273.16, or by the school district or accredited nonpublic school if an online alternative satisfying the requirements of subparagraph (1), (2), or (3) can be made available by the school district or accredited nonpublic school. Any course not required under subsection 5 may also be provided by an area education agency under section 273.16 or by the school district or accredited nonpublic school. However, in either case, if offered by the school district or accredited nonpublic school, the specified subject or course shall be offered through any of the following means:

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(1) An online learning platform if the course is developed by the school district or accredited nonpublic school itself or is developed by a partnership or consortium of schools that have developed the course individually or cooperatively, provided the course is taught and supervised by a teacher licensed under subchapter VII, part 3, who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "*c*". A partnership or consortium of schools may include two or more school districts or accredited nonpublic schools, or any combination thereof.

(2) A private provider utilized to provide the course that meets the standards of this section and is approved in accordance with section 256.9, subsection 55.

(3) An online learning platform offered, subject to the initial availability of federal funds, by the department in collaboration with one or more area education agencies or in partnership with school districts and accredited nonpublic schools. The online learning platform may deliver distance education to students, including students receiving competent private instruction under chapter 299A, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under subchapter VII, part 3, who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "*c*". The department and the area education agencies operating online learning programs pursuant to section 273.16 shall coordinate to ensure the most effective use of resources and delivery of services. Federal funds, if available, may be used to offset what would otherwise be costs to school districts for participation in the program.

d. For purposes of this subsection, "*good faith effort*" means the same as defined in section 279.19A, subsection 9.

18. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall each establish a policy to award credit toward graduation to a student if the student participates in the legislative page program at the state capitol for a regular session of the general assembly. The student shall be excused from the physical education requirements of subsection 5, paragraph "*g*", subparagraph (1), and is exempt from the physical activity requirements of subsection 6, paragraph "*b*", subparagraph (3), while participating in the legislative page program. The student must complete the graduation requirements of section 256.7, subsection 26, paragraph "*a*", but participation in the legislative page program for a complete regular session of the general assembly shall count as one-half unit of social studies credit required for purposes of section 256.7, subsection 26, paragraph "*a*".

19. For purposes of this section:

a. (1) "*Age-appropriate*" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. "*Age-appropriate*" does not include any material with descriptions or visual depictions of a sex act as defined in section 702.17.

(2) Notwithstanding subparagraph (1), for purposes of the human growth and development curriculum, "*age-appropriate*" means the same as defined in section 279.50.

b. "*Research-based*" means the same as defined in section 279.50.

86 Acts, ch 1245, §1411; 87 Acts, ch 224, §26; 87 Acts, ch 233, §451; 88 Acts, ch 1018, §1, 2; 88 Acts, ch 1262, §1, 2; 89 Acts, ch 210, §4, 5; 89 Acts, ch 265, §23 – 26; 89 Acts, ch 278, §1, 2; 89 Acts, ch 319, §39, 40; 90 Acts, ch 1272, §32, 39, 40; 91 Acts, ch 104, §1; 91 Acts, ch 193, §1; 92 Acts, ch 1088, §1; 92 Acts, ch 1127, §1, 2; 92 Acts, ch 1159, §2; 92 Acts, ch 1163, §58; 93 Acts, ch 127, §1, 2; 94 Acts, ch 1091, §13; 94 Acts, ch 1152, §1; 2001 Acts, ch 56, §11; 2001 Acts, ch 159, §1 – 3; 2002 Acts, ch 1140, §7; 2004 Acts, ch 1027, §1; 2005 Acts, ch 3, §55; 2006 Acts, ch 1182, §2; 2007 Acts, ch 42, §1; 2007 Acts, ch 98, §2, 3; 2007 Acts, ch 108, §4; 2007 Acts, ch 148, §7; 2008 Acts, ch 1031, §42; 2008 Acts, ch 1187, §142, 145; 2009 Acts, ch 50, §1, 2; 2009 Acts, ch 57, §74; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1064, §1, 2; 2013 Acts, ch 121, §89; 2016 Acts, ch 1108, §26 – 28; 2016 Acts, ch 1138, §15, 24; 2017 Acts, ch 29, §58; 2018 Acts, ch 1083, §2; 2018 Acts, ch 1119, §20, 21; 2018 Acts, ch 1163, §10; 2019 Acts, ch 93,

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§1; 2020 Acts, ch 1062, §37; 2020 Acts, ch 1107, §5; 2020 Acts, ch 1117, §9, 10; 2021 Acts, ch 88, §1; 2021 Acts, ch 105, §1; 2021 Acts, ch 134, §1; 2021 Acts, ch 139, §1; 2021 Acts, ch 170, §28; 2023 Acts, ch 19, §985, 2524, 2545 – 2547; 2023 Acts, ch 90, §11, 14, 16 – 20; 2023 Acts, ch 91, §1 – 4; 2023 Acts, ch 119, §25; 2024 Acts, ch 1159, §7; 2024 Acts, ch 1162, §11, 14; 2024 Acts, ch 1164, §1; 2025 Acts, ch 30, §52; 2025 Acts, ch 63, §2; 2025 Acts, ch 127, §1, 2; 2026 Acts, ch 1040, §49; 2026 Acts, ch 1086, §75, 101; 2026 Acts, ch 1129, §20 – 26; 2026 Acts, ch 1137, §2; 2026 Acts, ch 1181, §2 – 4; 2026 Acts, ch 1183, §6 – 12

Referred to in §161A.7, 237.1, 237A.1, 256.7, 256.9, 256.10A, 256.11B, 256.125, 256.129, 256.130, 256.133, 256.136, 256.137, 256E.7, 256E.23, 257.11, 257.31, 261E.8, 261E.9, 261I.1, 273.2, 273.11, 279.50, 279.50A, 279.61, 280.2, 280.3, 280.37, 280A.1, 282.18, 282.34, 285.16, 298A.2, 299.2, 299.24, 422.7(22)(c), 422.11S, 422.12, 455E.8, 483A.27, 514C.35, 714.19

Career and technical agriculture education; §280.20

2026 amendments to subsection 3, paragraph a, subparagraph (6), subsection 4, paragraph a, subparagraph (8), and subsection 5, paragraph g effective July 1, 2026; 2026 Acts, ch 1129, §23

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

Unnumbered paragraph 1 amended

Subsection 2 amended

Subsection 3, paragraph a, subparagraphs (5) and (6) amended

Subsection 4, paragraph a, subparagraphs (5) and (8) amended

Subsection 4, paragraph b amended

Subsection 5, paragraphs e, g, and j amended

Subsection 5, paragraph h, subparagraphs (1) and (3) amended

Subsection 6, paragraph b amended

Subsection 9, paragraph d stricken

Subsection 9A amended

Subsection 10, unnumbered paragraph 1 amended

Subsection 10, paragraph c, subparagraph (2), unnumbered paragraph 1 amended

Subsection 16, NEW paragraphs d and e

Subsection 18 amended

256.11A Teacher librarian — guidance counselor — school nurse — waivers. Repealed by 2013 Acts, ch 90, §216.

256.11B Career and technical education instruction — nonpublic schools.

A nonpublic school that provides an educational program that includes grades nine through twelve shall offer and teach five units of career and technical education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in occupations relating to service areas specified in section 256.11, subsection 5, paragraph *"h"*. Instruction shall be competency-based, articulated with postsecondary programs of study, and may include field, laboratory, or on-the-job training.

92 Acts, ch 1127, §3; 2016 Acts, ch 1108, §29

Referred to in §261E.8

256.12 Sharing instructors and services.

1. The director, when necessary to realize the purposes of this chapter, shall approve the enrollment in public schools for specified courses of students who also are enrolled in private schools, when the courses in which they seek enrollment are not available to them in their private schools, provided the students have satisfactorily completed prerequisite courses, if any, or have otherwise shown equivalent competence through testing. Courses made available to students in this manner shall be considered as compliance by the private schools in which the students are enrolled with any standards or laws requiring private schools to offer or teach the courses.

2. *a.* This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the department of its decision to permit the special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may waive the notice requirement. School districts and area education agency boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. Service activities

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shall be similar to those undertaken for public school students. Health services, special education support, and related services provided by area education agencies for the purpose of identifying children with disabilities, assistance with physical and communications needs of students with physical disabilities, and services of an educational interpreter may be provided on nonpublic school premises with the permission of the lawful custodian of the property. Other special education services may be provided on nonpublic school premises at the discretion of the school district or area education agency provider of the service and with the permission of the lawful custodian of the property.

b. Students enrolled in nonpublic schools who receive services pursuant to this subsection shall be weighted at the level provided for in section 256B.9, subsection 1.

c. A local school district providing services pursuant to this subsection shall submit an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided. The department shall review and approve or modify the accounting by September 1 and shall notify the department of administrative services of the approved accounting amount. The department of administrative services shall adjust the September payment to the local school district for the next fiscal year by the difference between the amount generated by the weighting for the provision of services to nonpublic school students, as provided in this subsection, and the amount of the actual costs as reflected in the local school district's accounting. Any amount paid by the department of administrative services shall be deducted quarterly from the state foundation aid paid under section 257.16 during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

86 Acts, ch 1245, §1412; 93 Acts, ch 101, §101; 94 Acts, ch 1161, §1; 98 Acts, ch 1096, §1; 2003 Acts, ch 145, §286; 2006 Acts, ch 1152, §19; 2010 Acts, ch 1061, §180; 2026 Acts, ch 1001, §10

Referred to in §256B.9, 257.6, 273.2
Subsection 2, paragraph c amended

256.13 Nonresident pupils.

The boards of directors of two or more school districts may by agreement provide for attendance of pupils residing in one district in the schools of another district for the purpose of taking courses not offered in the district of their residence. The boards may also provide by agreement that the districts will combine their enrollments for one or more grades. Courses and grades made available to students in this manner shall be considered as complying with any standards or laws requiring the offering of such courses and grades. The boards of directors of districts entering into such agreements may provide for sharing the costs and expenses of the courses. If the agreement provides for whole grade sharing, the costs and expenses shall be paid as provided in sections 282.10 through 282.12.

86 Acts, ch 1245, §1413; 87 Acts, ch 224, §27
Referred to in §275.1, 275.2, 282.10

256.14 Permanent revolving fund.

1. A permanent revolving fund is established for the department. Expenses incurred by the department from this fund shall be paid subject to reimbursement by the federal government.

2. There is appropriated from the general fund of the state to the department of education the sum of one hundred twenty-five thousand dollars for the purpose of establishing the fund created by subsection 1. If any surplus accrues to the revolving fund in excess of the original appropriation for which there is no anticipated need or use, the governor shall order the surplus to be transferred to the general fund.

86 Acts, ch 1244, §32; 86 Acts, ch 1245, §1414

256.15 Nonpublic school advisory committee. Repealed by 2024 Acts, ch 1170, §368.

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256.16 Specific criteria for teacher preparation and certain educators.

1. Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all higher education institutions providing practitioner preparation to do the following:

a. Include preparation in reading theory, knowledge, strategies, and approaches; and for integrating literacy instruction into content areas. Such preparation shall address all students, including but not limited to students with disabilities; students who are at risk of academic failure; students who have been identified as gifted and talented or English learners; and students with dyslexia, whether or not such students have been identified as children requiring special education under chapter 256B.

b. Include in the professional education program, preparation that contributes to the education of students with disabilities and students who are gifted and talented, preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, strategies that address difficult and violent student behavior and improve academic engagement and achievement, and preparation in classroom management addressing high-risk behaviors including but not limited to behaviors related to substance use disorder. Preparation required under this paragraph must be successfully completed before graduation from the practitioner preparation program.

c. (1) (a) Except as described in subparagraph division (b), require that each student admitted to an approved practitioner preparation program participate in pre-student teaching field experiences that include both observation and participation in teaching activities in a variety of school settings. Pre-student teaching field experiences for students participating in an initial teacher preparation program shall comprise a total of at least eighty hours in duration, at least ten hours of which shall occur prior to a student's acceptance in an approved practitioner preparation program.

(b) Pre-student teaching field experiences for students participating in a teacher intern preparation program may comprise a total of at least fifty hours in duration.

(2) Require that the student teaching experience shall be a minimum of fourteen weeks in duration during the student's final year of the practitioner preparation program.

(a) A student shall be credited a minimum of one week, but not more than ten weeks, of prior work experience as a substitute teacher or a para-educator, including prior experience under the teacher and para-educator registered apprenticeship grant program, toward the requirements associated with the fourteen-week student teaching experience, if all of the following requirements are satisfied:

(i) If the student has prior work experience as a substitute teacher, the board of educational examiners has issued a substitute license or substitute authorization to the student.

(ii) The student's prior work experience took place in the classroom of a cooperating teacher who is appropriately licensed in the subject area and grade level endorsement for which the student is being prepared.

(iii) The student bears the primary responsibility for planning, instruction, and assessment within the classroom during the student teaching experience.

(b) A student shall be credited a minimum of one week, but not more than fourteen weeks, of work experience as a para-educator toward the requirements associated with the fourteen-week student teaching experience, if all of the following requirements are satisfied:

(i) The student works as a para-educator for at least one-half of each school day during the student teaching experience.

(ii) The student's work experience takes place in the classroom of a cooperating teacher who is appropriately licensed in the subject area and grade level endorsement for which the student is being prepared.

(iii) The student bears the primary responsibility for planning, instruction, and assessment within the classroom during the student teaching experience.

(3) The program shall make every reasonable effort to offer the student teaching experience prior to a student's last semester, or equivalent, in the program, and to expand the student's student teaching opportunities beyond one semester or the equivalent.

d. Require that faculty members in professional education maintain an ongoing

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involvement in activities in elementary, middle, or secondary schools. The activities shall include at least forty hours of team teaching during a period not exceeding five years in duration at the elementary, middle, or secondary level.

e. Include instruction in skills and strategies to be used in classroom management of individuals, and of small and large groups, under varying conditions; skills for communicating and working constructively with pupils, teachers, administrators, and parents; preparation in reading theory, knowledge, strategies, and approaches, and for integrating literacy instruction into content areas in accordance with this section; and skills for understanding the role of the state board and the functions of other education agencies in the state. Rules adopted in accordance with this paragraph shall be based upon recommendations of the department after consultation with teacher education faculty members in colleges and universities.

f. Prescribe minimum experiences and responsibilities to be accomplished during the student teaching experience by the student teacher and by the cooperating teacher based upon recommendations of the department after consultation with teacher education faculty members in colleges and universities. The student teaching experience shall include opportunities for the student teacher to become knowledgeable about the Iowa teaching standards, including but not limited to a mock evaluation performed by the cooperating teacher. The mock evaluation shall not be used as an assessment tool by the practitioner preparation program. The student teaching experience shall consist of interactive experiences involving the college or university personnel, the student teacher, the cooperating teacher, and administrative personnel from the cooperating teacher's school district.

g. Offer annually a workshop of at least one day in duration for prospective cooperating teachers. The workshop shall define the objectives of the student teaching experience, review the responsibilities of the cooperating teacher, and provide the cooperating teacher with other information and assistance the institution deems necessary.

h. Provide practitioner preparation students with instruction in the use of electronic technology for classroom and instructional purposes.

i. Annually solicit the views of the education community regarding the institution's practitioner preparation programs.

j. Submit evidence that the college or department of education in the institution is communicating with other colleges or departments in the institution so that practitioner preparation students may integrate teaching methodology with subject matter areas of specialization.

k. Submit evidence that the performance evaluation of a student teacher is a cooperative process that involves both the faculty member supervising the student teacher and the cooperating teacher. The rules shall require that each institution develop a written evaluation procedure for use by the cooperating teacher and a form for evaluating student teachers, and require that a copy of the completed form be included in the student teacher's permanent record.

l. If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, pre-student teaching experiences, field experiences, practicums, clinicals, or internships, enter into a written contract with any school district, accredited nonpublic school, preschool registered or licensed by the department of health and human services, or area education agency in Iowa, to provide for such work under terms and conditions as agreed upon by the contracting parties. The terms and conditions of a written contract entered into with a preschool pursuant to this paragraph shall require that a student teacher be under the direct supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool. Students actually teaching or engaged in preservice licensure activities in a school district under the terms of such a contract are entitled to the same protection under section 670.8 as is afforded by that section to officers and employees of the school district, during the time such students are so assigned.

m. If a higher education institution providing practitioner preparation offers a program that is designed to assist students in attaining a teacher intern license from the board of

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educational examiners, the program shall require participants to satisfy all of the following requirements before completing the program:

(1) A participant in the program must have graduated from an accredited or state-approved college or university and must meet the requirements for an endorsement area approved by the board of educational examiners for a teacher intern license.

(2) A participant in the program must complete the required pedagogy training.

(3) A participant in the program must work under the supervision of a teacher leader assigned by the school district or accredited nonpublic school, including during co-teaching and planning time.

n. (1) Administer an examination identical to the foundations of reading assessment administered in 2012 as part of the Massachusetts tests, or the most current version of such assessment.

(2) The higher education institution shall report to the department no later than August 1 annually, in the form and manner prescribed by the department, the percentage of students whose scores on the assessment administered during the prior school year were above, at, and below the passing score, and shall report any services or opportunities to retake the assessment the institution may make available to a student who fails the assessment. The department shall compile the reports submitted under this subparagraph and publish on the department's internet site the compiled reports related to students enrolled in the practitioner preparation program who plan to teach in kindergarten through grade six.

o. Include preparation in methods for teaching mathematics. A higher education institution providing practitioner preparation may satisfy this requirement by requiring students admitted to an approved practitioner preparation program who will be teaching mathematics to students enrolled in kindergarten through grade twelve to complete mathematics methods coursework and demonstrate competency in number sense, learning progressions, conceptual understanding, and procedural fluency and application in mathematics, including the implementation of high-quality instructional materials aligned to Iowa academic standards for mathematics.

p. (1) Beginning July 1, 2027, include clinical experiences and preparation to prepare students admitted to an approved practitioner preparation program to serve students with disabilities and English learners that incorporates knowledge, skills, and dispositions for each student admitted to an approved practitioner preparation program.

(2) The rules adopted by the state board pursuant to this paragraph must prescribe practicum and clinical experience standards for all higher education institutions providing practitioner preparation related to serving students with disabilities and English learners, differentiated by standards that are applicable to all students admitted to an approved practitioner preparation program in addition to standards that are applicable to students who are seeking an endorsement in special education or English learner instruction.

(a) Clinical experiences for all students admitted to an approved practitioner preparation program must include a minimum of fifteen practicum hours focused on differentiation of instruction and support for special populations, including supporting English learners, special education experiences, and instructional implementation and progress monitoring applicable to individualized education programs.

(b) Clinical experiences for students admitted to an approved practitioner preparation program who are seeking an endorsement in English learner instruction must include a minimum of forty practicum hours, inclusive of methods of teaching English to English learners in both elementary and secondary school settings.

(3) The department shall establish a process to routinely review and provide ongoing support for the adoption and implementation of standards for preparation of teacher and administrator candidates in serving students with disabilities and English learners.

q. (1) Beginning July 1, 2027, administer prior to a student's completion of the practitioner preparation program, and require that each student complete, a summative end-of-program assessment that is designed to measure the student's preparation in content areas that are required for the endorsement area in which the student will be teaching, and that was distributed to the higher education institution providing practitioner preparation by the department pursuant to subparagraph (2). A higher education institution providing

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practitioner preparation shall identify appropriate student remediation opportunities in endorsement areas by analyzing student performance on the summative end-of-program assessment described in this subparagraph compared to the score set by the department pursuant to subparagraph (2).

(2) (a) On or before July 1, 2027, the department shall identify and distribute to all higher education institutions providing practitioner preparation a unified, valid, and reliable summative end-of-program assessment required for each endorsement area. The department shall set the minimum score for each summative end-of-program assessment identified and distributed pursuant to this subparagraph division that will be used to determine mastery of content by a student enrolled in the practitioner preparation program.

(b) If, subsequent to July 1, 2027, the department creates a new endorsement area, then the department shall identify and distribute to all higher education institutions providing practitioner preparation a unified, valid, and reliable summative end-of-program assessment required for the new endorsement area as soon as is reasonably possible after the creation of the new endorsement area. The department shall set the minimum score for each summative end-of-program assessment identified and distributed pursuant to this subparagraph division that will be used to determine mastery of content by a student enrolled in the practitioner preparation program.

(3) (a) Report to the department, in the form and manner prescribed by the department, information related to the scores attained by students on the summative end-of-program assessment administered pursuant to subparagraph (1).

(b) Beginning August 1, 2028, the department shall publish on the department's internet site all of the following:

(i) Program-level data related to the passage rates attained by students on the summative end-of-program assessment administered pursuant to subparagraph (1).

(ii) Efforts the department has made to support the higher education institutions providing practitioner preparation in the implementation of curriculum improvements, remediation techniques, and program evaluation.

(iii) Examples of program remediation and assessment plans that higher education institutions providing practitioner preparation have provided to students who scored below the minimum score set by the department pursuant to subparagraph (2) prior to the student's completion of the practitioner preparation program.

2. A person initially applying for a license shall successfully complete a practitioner preparation program approved under section 256.7, subsection 3, and containing the subject matter specified in this section, before the initial action by the board of educational examiners under subchapter VII, part 3, takes place.

3. For purposes of this section, *"English learner"* means the same as defined in section 280.4.

86 Acts, ch 1245, §1416; 89 Acts, ch 265, §27; 96 Acts, ch 1129, §67; 99 Acts, ch 191, §1; 2012 Acts, ch 1119, §39; 2016 Acts, ch 1078, §1; 2018 Acts, ch 1057, §6; 2019 Acts, ch 30, §2 – 4; 2020 Acts, ch 1085, §1; 2020 Acts, ch 1108, §2, 16; 2021 Acts, ch 76, §149; 2022 Acts, ch 1011, §2; 2022 Acts, ch 1103, §2 – 5, 9, 10; 2023 Acts, ch 19, §986, 2548; 2024 Acts, ch 1139, §1; 2024 Acts, ch 1162, §15; 2024 Acts, ch 1171, §1; 2025 Acts, ch 121, §2; 2025 Acts, ch 142, §3 – 6; 2026 Acts, ch 1172, §1, 2

Referred to in §256.146
Subsection 1, NEW paragraphs p and q
NEW subsection 3

256.17 Postsecondary course audit.

1. The department shall annually audit postsecondary courses offered to high school students in accordance with chapter 261E.

2. The department shall establish a sampling technique that randomly selects courses for audit. The audit shall include but not be limited to a review of the course syllabus, teacher qualifications, examples of student products, and results of student assessments. Standards for review shall be established by the department. Audit findings shall be submitted to the institutions providing the classes audited and shall be posted on the department's internet site.

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3. If the department determines that a postsecondary course offered to high school students in accordance with chapter 261E does not meet the standards established by the department pursuant to subsection 2, the course shall not be eligible for future supplementary weighting under section 257.11. If the institution makes changes to the course sufficient to cause the course to meet the standards of the department, the department may reinstate the eligibility of the course for future supplementary weighting under section 257.11.

2008 Acts, ch 1181, §44; 2024 Acts, ch 1170, §286

256.18 Character education policy.

1. *a.* It is the policy of the general assembly that Iowa's schools be the best and safest possible. To that end, each school is encouraged to instill the highest character and academic excellence in each student, in close cooperation with the student's parents, and with input from the community and educators.

b. Schools should make every effort, formally and informally, to stress character qualities that will maintain a safe and orderly learning environment, and that will ultimately equip students to be model citizens. These qualities may include caring, civic virtue and citizenship, justice and fairness, respect, responsibility, trustworthiness, giving, honesty, self-discipline, respect for and obedience to the law, citizenship, courage, initiative, commitment, perseverance, kindness, compassion, service, loyalty, patience, the dignity and necessity of hard work, and any other qualities deemed appropriate by a school.

2. The department of education shall assist schools in accessing financial and curricular resources to implement programs stressing these character qualities. Schools are encouraged to use their existing resources to implement programs stressing these qualities. Whenever possible, the department shall develop partnerships with schools, nonprofit organizations, or an institution of higher education, or with a consortium of two or more of those entities, to design and implement character education programs that may be integrated into classroom instruction and may be carried out with other educational reforms.

94 Acts, ch 1131, §1; 2002 Acts, ch 1083, §1; 2003 Acts, ch 180, §6; 2009 Acts, ch 54, §3

256.18A Service learning.

The board of directors of a school district or the authorities in charge of a nonpublic school may require a certain number of service learning units as a condition for the inclusion of a service learning endorsement on a student's diploma or as a condition of graduation from the district or school. For purposes of this section, *"service learning"* means a method of teaching and learning which engages students in solving problems and addressing issues in their school or greater community as part of the academic curriculum.

2003 Acts, ch 27, §1; 2013 Acts, ch 30, §57

256.19 Pilot projects to improve instructional programs. Repealed by 2016 Acts, ch 1036, §15.

256.20 Schools for students requiring special education or students with behavioral issues — pilot project.

1. The department shall develop and administer a pilot program that requires a rural school district and an urban school district to each establish an attendance center to be used to provide educational services, including special education services, to eligible students who are enrolled in the rural school district or urban school district, as applicable.

2. The department shall determine the rural school district and urban school district that will be required to participate in the pilot program. A rural school district or an urban school district shall not be required to participate in the pilot program unless any one of the following applies:

a. The rural school district or urban school district agrees to participate in the pilot program and provides notice to the department indicating that the rural school district or urban school district has the ability to fully fund the rural school district's or urban school district's participation in the pilot program.

b. The department fully funds the rural school district's or urban school district's

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participation in the pilot program using moneys appropriated by the general assembly for purposes of this section.

3. The department, in consultation with the rural school district and urban school district, shall determine all of the following:

a. The courses of study and curricula that the rural school district and urban school district will provide to eligible students as part of the pilot program.

b. The instructional facilities that the rural school district and urban school district will use to provide educational services to eligible students as part of the pilot program.

4. An eligible student shall not be required to attend an attendance center established by a rural school district or an urban school district that is participating in the pilot program if the eligible student's parent or guardian provides notice to the rural school district or urban school district requesting that the eligible student be excused from such attendance.

5. *a.* Annually, on or before June 1 of each year, the rural school district and urban school district shall submit to the department an annual report that contains all of the following:

(1) The number of eligible students who participated in the pilot program during the current school year.

(2) Information related to the academic performance of eligible students who participated in the pilot program during the current school year.

(3) Feedback from eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(4) Feedback from the parents or guardians of eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(5) Feedback from teachers who provided educational services to eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(6) Challenges associated with operating the pilot program.

(7) Recommendations related to how to improve the pilot program.

(8) Any other information requested by the department that will allow the department to monitor and assess the pilot program.

b. Annually, on or before June 30 of each year, the department shall compile the annual reports submitted to the department pursuant to paragraph *"a"* and shall submit the compilation to the general assembly.

6. As used in this section:

a. *"Eligible student"* means any of the following:

(1) Children requiring special education, as defined in section 256B.2.

(2) A student whose emotional, social, or behavioral needs interfere with the student's ability to be successful in the regular educational environment, even with the use of supplementary aids and services.

b. *"Rural school district"* means a school district as described in chapter 274 that is located in a county with a population of greater than seventeen thousand five hundred but less than eighteen thousand, and that contains a city with a population of greater than five thousand four hundred, but less than five thousand five hundred, all according to the 2020 federal decennial census.

c. *"Urban school district"* means a school district as described in chapter 274 with a total enrollment of at least seven thousand students.

7. This section is repealed July 1, 2031.

2026 Acts, ch 1137, §3
NEW section

256.21 Sabbatical program. Repealed by 2013 Acts, ch 88, §37.

256.22 Extended year school grant program. Repealed by 2013 Acts, ch 88, §37; 2013 Acts, ch 90, §216.

256.23 Administrative advancement and recruitment program. Repealed by 2013 Acts, ch 88, §37.

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256.24 Competency-based education grant program. Repealed by its own terms; 2013 Acts, ch 121, §76.

256.25 Therapeutic classroom incentive grant program — fund.

1. The department shall create a therapeutic classroom incentive grant program to provide competitive grants to school districts for the establishment of therapeutic classrooms.

2. A school district, which may collaborate and partner with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, and institutions that provide children's mental health services, operating within the state's behavioral health service system under chapter 225A, may apply for a grant under this program to establish a therapeutic classroom in the school district in accordance with this section.

3. The department shall develop a grant application and selection and evaluation criteria. Selection criteria shall include a method for prioritizing grant applications submitted by school districts. First priority shall be given to applications submitted by school districts that submitted an application pursuant to this section for the immediately preceding fiscal year. Second priority shall be given to applications submitted by school districts that, pursuant to subsection 2, are collaborating and partnering with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, or institutions that provide mental health services for children. Third priority shall be given to applications submitted by school districts located in behavioral health districts as defined in section 225A.1, and that are providing behavioral health services for children in accordance with chapter 225A. Grant awards shall be distributed as equitably as possible among small, medium, and large school districts. For purposes of this subsection, a small school district is a district with an actual enrollment of fewer than six hundred pupils; a medium school district is a district with an actual enrollment that is at least six hundred pupils, but less than two thousand five hundred pupils; and a large school district is a district with an actual enrollment of two thousand five hundred or more pupils.

4. *a.* The department may disburse moneys contained in the therapeutic classroom incentive fund as grants to school districts for the establishment of therapeutic classrooms.

b. The total amount of funding awarded for the establishment of therapeutic classrooms for a fiscal year shall not exceed an amount equivalent to the state cost per pupil multiplied by weighting of one and one-half pupil calculated for one hundred fifty pupils.

c. Grant awards shall be made for the establishment of therapeutic classrooms with one to five pupils, classrooms with six to ten pupils, and classrooms with eleven to fifteen pupils.

d. For purposes of calculating a therapeutic classroom grant award, the department shall determine grant awards based on the following:

(1) For classrooms with one to five pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by five.

(2) For classrooms with six to ten pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by ten.

(3) For classrooms with eleven to fifteen pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by fifteen.

e. Grant moneys credited to the therapeutic classroom incentive fund established under subsection 5 shall be distributed after December 31 but before the start of the school calendar for start-up costs for a new therapeutic classroom in the fall semester.

5. A therapeutic classroom incentive fund is established in the state treasury under the control of the department. Moneys credited to the fund are appropriated to the department for purposes of distributing grants under this section. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. Moneys available in the therapeutic classroom incentive fund for a fiscal year shall be distributed as grants pursuant to this section. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated for subsequent fiscal years.

6. Placement of a child requiring special education under chapter 256B in a therapeutic classroom, whether or not the school district operating such classroom receives funds under this section, is subject to the provisions of chapter 256B, to the administrative rules adopted by

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the state board for purposes of chapter 256B, and to the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and shall not violate such laws, rules, or regulations.

7. For purposes of this section, *"therapeutic classroom"* means a classroom designed for the purpose of providing support for any student whose emotional, social, or behavioral needs interfere with the student's ability to be successful in the current educational environment, with or without supports, until the student is able to successfully return to the student's current education environment, with or without supports, including but not limited to the general education classroom.

2020 Acts, ch 1108, §3, 17; 2022 Acts, ch 1149, §18, 19; 2023 Acts, ch 140, §14; 2024 Acts, ch 1161, §106, 137

Referred to in §256.25A

256.25A Therapeutic classroom — claims.

1. A school district may submit claims to the department for the costs of providing therapeutic classroom services and transportation services in accordance with this section.

a. (1) If the general assembly appropriates moneys for purposes of transportation claims reimbursement in accordance with this paragraph *"a"*, a school district may submit a claim for reimbursement for transportation services for students who are enrolled in the school district or in an accredited nonpublic school located within the boundaries of the school district, who have not been assigned a weighting under section 256B.9, but who are assigned to a therapeutic classroom that is located more than thirty miles from the school designated for attendance or accredited nonpublic school and is operated by another school district or accredited nonpublic school under an agreement between the school districts or between a school district and an accredited nonpublic school.

(2) Claims for transportation reimbursement shall be made to the department by the school district providing transportation during a school year pursuant to subparagraph (1). Claims submitted under this paragraph *"a"* shall be on a form prescribed by the department, and the claim shall include the number of eligible pupils transported, the number of days each pupil was transported, and a listing of the actual costs incurred. On or before December 1, 2023, the director of the department shall review the data collected through the claims process and shall prepare and submit to the general assembly a report containing an analysis of the efficacy of claims reimbursement in accordance with this section and recommendations for changes as appropriate.

b. (1) For each fiscal year beginning on or after July 1, 2022, there is appropriated from the general fund of the state to the department an amount necessary to pay all approved claims submitted under this paragraph *"b"*.

(2) A school district that provides a therapeutic classroom to students enrolled in a school district or an accredited nonpublic school may submit claims to the department for students assigned to such a classroom during the preceding school budget year who are not assigned a weighting under section 256B.9, subsection 1, paragraph *"b"*, *"c"*, or *"d"*, and for whom behavioral intervention plans have been implemented.

(3) The amount of the claim shall be equal to the product of the following amounts:

(a) The product of one and five-tenths multiplied by the regular program district cost per pupil for the budget year during which the students identified under subparagraph (2) were assigned to the therapeutic classroom.

(b) The quotient of the total number of days the students identified under subparagraph (2) were served in a therapeutic classroom divided by the maximum number of school days in the school district's calendar.

(4) Using end-of-year data submitted by each school district through student-level data collection, the department shall make claim forms available to each eligible school district containing the available data.

2. Nonpublic school students assigned to a therapeutic classroom under subsection 1, paragraph *"b"*, shall be enrolled in a school district as shared-time pupils under section 257.6, subsection 1, paragraph *"a"*, subparagraph (7), in order for the school district to submit a claim for reimbursement for services provided to such students under subsection 1, paragraph *"b"*.

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3. The department shall prorate the amount of claims reimbursement under subsection 1, paragraph *"a"*, if the amount of reimbursement claimed for all school districts under subsection 1, paragraph *"a"*, exceeds the amount appropriated by the general assembly for such purpose plus any available remaining balances from prior fiscal years.

4. The costs of providing transportation to nonpublic school pupils as provided in this section shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Any transportation reimbursements received by a school district for transporting nonpublic school pupils shall not affect district cost limitations of chapter 257. The reimbursements provided in this section are miscellaneous income as defined in section 257.2.

5. By June 15 of each year, school districts with eligible claims shall submit such claims to the department. By July 1 of each year, the department shall draw warrants payable to school districts which have established claims.

6. The state board shall adopt rules pursuant to chapter 17A to administer this section.

7. For purposes of this section, *"therapeutic classroom"* means the same as defined in section 256.25, subsection 7.

2020 Acts, ch 1108, §4
Referred to in §257.6, 257.16C

256.26 Before and after school grant program. Repealed by 2018 Acts, ch 1057, §13.

256.27 Online state job posting system.

1. The department shall provide for the operation of an online state job posting system. The system shall be designed and implemented for the online posting of job openings offered by school districts, charter schools, area education agencies, the department, and accredited nonpublic schools. The system shall be accessible via the department's internet site. The system shall include a mechanism for the electronic submission of job openings for posting on the system as provided in subsection 2. The system and each job posting on the system shall include a statement that an employer submitting a job opening for posting on the system will comply with all applicable provisions of section 216.6. The department may contract for, or partner with another entity for, the use of an existing internet site to operate the online state job posting system if the existing internet site is more effective and economical than the department's internet site.

2. A school district, charter school, or area education agency shall submit all of its job openings to the department for posting on the system and shall keep and maintain all unfilled job openings on the system. The department shall post all of its job openings on the system. An accredited nonpublic school may submit job openings to the department for posting on the system.

3. This section shall not be construed to do any of the following:

a. Prohibit any employer from advertising job openings and recruiting employees independently of the system.

b. Prohibit any employer from using another method of advertising job openings or another applicant tracking system in addition to the system.

c. Provide the department with any regulatory authority in the hiring process or hiring decisions of any employer other than the department.

2025 Acts, ch 142, §9

256.28 Teach Iowa student teaching pilot project.

1. Subject to an appropriation of sufficient funds by the general assembly, the department shall establish a teach Iowa student teaching pilot project in collaboration with two institutions of higher education which offer teacher preparation programs approved by the state board of education pursuant to section 256.7, subsection 3. The two institutions of higher education shall include one institution of higher education under the control of the state board of regents and one accredited private institution as defined in section 256.183.

2. The teach Iowa student teaching pilot project shall provide students in teacher

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preparation programs with a one-year student teaching experience. A student teaching experience provided under the pilot project must include all of the following requirements:

a. A participating institution of higher education shall work with one or more school districts individually or collaboratively to place groups of students in a student teaching experience for an entire academic year. A participating institution of higher education shall take into consideration geographic diversity in the selection of school districts for participation in the pilot project.

b. A participating institution of higher education shall supervise the student teachers in the classroom and shall provide the students with weekly on-site instruction in pedagogy in the participating school districts.

3. The state board shall adopt rules pursuant to chapter 17A to administer this section.

2013 Acts, ch 121, §45

256.29 Council on educator development established. Repealed by 2017 Acts, ch 29, §164.

256.30 Educational expenses for American Indians.

1. For the fiscal year beginning July 1, 2011, and ending June 30, 2012, and for each succeeding fiscal year, there is appropriated from the general fund of the state to the department the sum of one hundred thousand dollars. The department shall distribute the appropriation to the tribal council of the Sac and Fox Indian settlement for expenses of educating American Indian children residing in the Sac and Fox Indian settlement on land held in trust by the secretary of the interior of the United States in excess of federal moneys paid to the tribal council for educating the American Indian children.

2. The tribal council shall administer the moneys distributed by the department pursuant to subsection 1 and shall first use moneys distributed to pay the additional costs of salaries for licensed instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for that school year, but the salary for a licensed instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in and distributed pursuant to this section.

87 Acts, ch 233, §453; 88 Acts, ch 1284, §43; 89 Acts, ch 265, §40; 2011 Acts, ch 131, §4, 158; 2013 Acts, ch 88, §2

256.31 Community college council. Repealed by 2024 Acts, ch 1170, §368.

256.32 Council for agricultural education.

1. An advisory council for agricultural education is established, which consists of seven members appointed by the governor. The seven members shall include at least four persons representing all areas of agriculture and diverse geographical areas and at least one person involved in the field of education, including but not limited to a secondary school program instructor, a postsecondary school program instructor, or a teacher educator.

2. The council may also include as ex officio members the following persons, as determined by the voting members of the council:

a. The state future farmers of America president.

b. The current state future farmers of America alumni association president.

c. The current postsecondary agriculture student organization of Iowa president.

d. A state consultant in agricultural education.

e. The secretary of agriculture or the secretary's designee.

f. Two members of each house of the general assembly. This membership shall be bipartisan in composition and one member each shall be selected by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate, and one member each shall be selected by the speaker of the house of representatives and by the minority leader of the house of representatives.

3. The duties of the council are to review, develop, and recommend standards for

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secondary and postsecondary agricultural education. The council shall annually issue a report to the state board of education and the chairpersons of the house and senate agriculture and education committees regarding both short-term and long-term curricular standards for agricultural education and the council's activities. The council shall meet as necessary, and must have a quorum consisting of a majority of voting members present to hold an official meeting and to take any final council action. However, hearings may be held without a quorum. The chairperson shall be elected annually by and from the voting membership. The initial organizational meeting shall be called by the director of the department of education.

4. The term of membership is three years. The terms shall be staggered so that three of the terms end each year, but no member serving on the initial council shall serve less than one year. The governor shall determine the length of the initial terms of office. However, the terms of office for members of the general assembly shall be as provided in section 4A.13.

2011 Acts, ch 85, §1; 2012 Acts, ch 1021, §55; 2012 Acts, ch 1023, §33; 2016 Acts, ch 1108, §31; 2024 Acts, ch 1170, §104, 287

256.32A Iowa dyslexia board — future repeal.

1. An Iowa dyslexia board is established to guide, facilitate, and oversee implementation of dyslexia instruction in Iowa and make recommendations for continued improvement of such instruction. The Iowa dyslexia board shall also submit recommendations as follows:

a. To the department regarding the required and preferred qualifications for a dyslexia consultant position required in accordance with section 256.9, subsection 60.

b. To the area education agencies regarding the required and preferred qualifications for dyslexia specialists required in accordance with section 273.2, subsection 12.

2. The Iowa dyslexia board shall consist of the following members:

a. The director of the department or the director's designee.

b. A representative of the Iowa reading research center.

c. A representative of an area education agency.

d. One school administrator.

e. One reading specialist.

f. One special education teacher.

g. An elementary core literacy teacher.

h. Two representatives of decoding dyslexia who are parents of children with dyslexia.

i. One representative of decoding dyslexia who is an individual with dyslexia.

j. One provider certified in a structured literacy reading program.

k. One psychologist or speech language pathologist licensed in the state of Iowa with experience in diagnosing dyslexia.

l. A representative of an institution of higher education in Iowa with documented expertise in dyslexia and reading instruction.

m. The department dyslexia consultant if maintained by the department pursuant to section 256.9, subsection 60.

3. The term of membership is three years. The terms shall be staggered so that at least four of the terms end each year, but no member serving on the initial board shall serve less than one year. The governor shall determine the length of the initial terms of office.

4. The Iowa dyslexia board shall submit its findings and recommendations in a report to the general assembly by November 15 annually.

5. This section is repealed July 1, 2032.

2020 Acts, ch 1048, §3; 2024 Acts, ch 1152, §42; 2026 Acts, ch 1140, §1
Subsection 5 amended

256.33 Educational technology assistance.

1. The department shall consort with school districts, area education agencies, community colleges, and colleges and universities to provide assistance to them in the use of educational technology for instruction purposes. The department shall consult with users of educational technology on the development and operation of programs under this section.

2. If moneys are appropriated by the general assembly for a fiscal year for purposes

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provided in this section, the programs funded by the department may include but not be limited to:

a. The development and delivery of in-service training, including summer institutes and workshops for individuals employed by elementary, secondary, and higher education corporations and institutions who are using educational technology for instructional purposes. The in-service programs shall include the use of hardware as well as effective methods of delivery and maintenance of a learning environment.

b. Research projects on ways to improve instruction at all educational levels using educational technology.

c. Demonstration projects which model effective uses of educational technology.

d. Establishment of a clearinghouse for information and research concerning practices relating to and uses of educational technology.

e. Development of curricula that could be used by approved teacher preparation institutions to prepare teachers to use educational technology in the classroom.

f. Pursuit of additional funding from public and private sources for the functions listed in this section.

3. Priority shall be given to programs integrating educational technology into the classroom. The department may award grants to school corporations and higher education institutions to perform the functions listed in this section.

89 Acts, ch 319, §41; 93 Acts, ch 48, §16; 95 Acts, ch 67, §20; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1119, §20; 2024 Acts, ch 1170, §288

256.34 Fine arts beginning teacher mentoring program.

1. The department shall establish a fine arts beginning teacher mentoring program under a contract with an Iowa-based nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code; has membership from the six state fine arts organizations representing kindergarten through grade twelve general music, choral music, instrumental music, visual arts, and drama and theater arts educators; and has administered a federally funded statewide fine arts mentoring program since 2006.

2. Program criteria shall include a required match of one dollar provided by the organization contracting to deliver services under subsection 1 for each dollar provided to the organization by the department. Moneys in the fund established under subsection 6 shall not be disbursed until the department receives evidence that the organization meets or will meet the match requirement. The department may consider in-kind contributions received by the organization for matching purposes.

3. The program provided under contract by the nonprofit organization shall provide for all of the following:

a. Activities and consultation in support of beginning fine arts teachers employed in Iowa's school districts, including but not limited to guidance in the classroom and at meetings, and resources of materials, time, and financial scholarship for state conferences that will support a beginning fine arts teacher's effectiveness in the classroom.

b. Coordination of retired and currently employed experienced fine arts mentor educators with beginning fine arts educators.

c. Materials and advice specifically designed to prepare beginning fine arts teachers for success in the fine arts classroom and to prepare kindergarten through grade twelve students for school district fine arts performances and festivals.

4. The nonprofit organization under contract with the department under this section shall provide quarterly reports detailing the organization's compliance with the requirements of subsection 3 and the expenditures of moneys for purposes of the fine arts beginning teacher mentoring program.

5. The director of the department may for good cause suspend, revoke, or refuse to renew a contract entered into in accordance with the provisions of this section.

6. There is established in the state treasury a fine arts beginning teacher mentoring fund that is under the control of and administered by the department of education. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the fund to be used for purposes of

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the fine arts beginning teacher mentoring program. Moneys in the fund are appropriated to the department and shall be used for the purposes of this section. Moneys in the fund may be used to reimburse mentors for business travel expenses incurred in the performance of a mentor's duties at a rate not to exceed the current rate of reimbursement allowed under the standard method for computation of business travel expenses pursuant to the Internal Revenue Code. The department shall not commingle federal, state, and private funds within the fund. Moneys appropriated for the program shall supplement, not supplant, moneys appropriated for purposes of the beginning teacher mentoring and induction program created under section 284.5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the fine arts beginning teacher mentoring fund shall be credited to the fund.

2016 Acts, ch 1132, §7; 2023 Acts, ch 111, §36
Referred to in §284.13

256.35 Regional autism assistance program.

The department shall establish a regional autism assistance program, to be administered by the child health specialty clinics of the university of Iowa hospitals and clinics. The program shall be designed to coordinate educational, medical, and other human services for persons with autism, their parents, and providers of services to persons with autism. The function of the program shall include but is not limited to the coordination of diagnostic and assessment services, the maintaining of a research base, coordination of in-service training, providing technical assistance, and providing consultation.

90 Acts, ch 1272, §42; 2014 Acts, ch 1026, §60
Referred to in §225D.1

256.35A Iowa autism council. Repealed by 2024 Acts, ch 1170, §483, 484.

256.35B Iowa special education council. Repealed by 2026 Acts, ch 1196, §18.

256.36 Math and science grant program.

1. *a.* The department shall establish a math and science education grant program to provide for the allocation of grant moneys to public school corporations and to contract for the development of statewide program models and recommendations in keeping with the goals stated in this section.

(1) A public school corporation desiring to receive grant moneys under the program may submit plans and a proposed budget to the department for approval. The department shall review each plan and its proposed budget and award grants, which may be matching funds grants, for approved plans by July 1 of the calendar year in which the approved plans were submitted. Provision of matching funds from institutional private sources shall be considered by the department in reviewing plans and proposed budgets and awarding grant moneys.

(2) However, for the first school year for which program funds are appropriated, a board of directors of a public school corporation may submit a proposed plan and budget not later than January 1 of that school year and the department shall notify public school corporations by February 15 of that same school year that their plans have been approved or disapproved by the department.

b. In addition to awarding grants, and if the activity does not violate federal matching funds requirements for an Iowa math and science grant program, the department may expend funds to contract with a public or private nonprofit education organization, association, or laboratory for the development of models or recommendations with statewide applications to further the goals of this section.

2. The department shall make recommendations for, and the state board shall adopt, rules relating to program goals and program administration.

a. The goals of the math and science education program may include any of the following:

(1) The development of a model multidisciplinary science curricula that will serve as the framework for the development of individual teaching modules.

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(2) The design and implementation of a statewide model for staff development in science and math education.

(3) The development of specific recommendations and rationale for changes in school standards that will facilitate improvements in math and science education and provide outcomes that serve as a standard of successful learning.

(4) The provision of a sequence of competencies and instructional strategies for inclusion in teacher preparation programs for those entering math and science programs in Iowa teacher preparation institutions.

(5) The development and implementation of a new statewide assessment program that is consistent with the materials and approaches envisioned.

b. Program administration rules shall include but are not limited to development of standard formats and procedures for the submission and assessment of grant applications.

3. The board of educational examiners may develop recommendations for specific changes in the licensing requirements for math and science teachers.

4. There is established in the state treasury a math and science education account that is under the control of and administered by the department of education. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the account to be used for distribution as grant award moneys under the math and science education program. Moneys in the account are appropriated and may be used for the purposes of this section. The department shall not commingle federal, state, and private funds within the account. Not more than six percent of any state funds appropriated for the program may be used for administrative purposes. State funds appropriated and any interest earned on the state funds but not expended for the first two years of the program shall not revert to the general fund under section 8.33, but shall remain available for expenditure until June 30 of the third year of the program. In subsequent years, state funds and any interest earned on the state funds which are appropriated, but not expended by June 30 of the school year shall revert to the general fund as provided under section 8.33. Receipt of funds during the first year of the program shall not affect eligibility to receive funds during any subsequent years.

91 Acts, ch 71, §1; 2010 Acts, ch 1069, §68; 2026 Acts, ch 1186, §19, 20
Subsection 2, paragraph a, unnumbered paragraph 1 amended
Subsection 2, paragraph a, subparagraph (6) stricken

256.37 School restructuring and effectiveness — policy — findings.

It is the policy of the state of Iowa to provide an education system that prepares the children of this state to meet and exceed the technological, informational, and communications demands of our society. The general assembly finds that the current education system must be transformed to deliver the enriched educational program that the adults of the future will need to have to compete in tomorrow's world. The general assembly further finds that the education system must strive to reach the following goals:

1. All children in Iowa must start school ready to learn.

2. Iowa's high school graduation rate must increase to at least ninety percent.

3. Students graduating from Iowa's education system must demonstrate competency in challenging subject matter, and must have learned to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in Iowa's economy.

4. Iowa students must be first in the world in science and mathematics achievement.

5. Every adult Iowan must be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

6. Every school in Iowa must be free of drugs and violence and offer a disciplined environment conducive to learning.

92 Acts, ch 1159, §4; 2026 Acts, ch 1183, §13
Subsection 3 amended

256.38 School-to-work transition system. Repealed by 2013 Acts, ch 88, §37.

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256.39 Career pathways program.

1. If the general assembly appropriates moneys for the establishment of a career pathways program, the department of education shall develop a career pathways grant program, criteria for the formation of ongoing career pathways consortia in each merged area, and guidelines and a process to be used in selecting career pathways consortium grant recipients, including a requirement that grant recipients shall provide matching funds or match grant funds with in-kind resources on a dollar-for-dollar basis. A portion of the moneys appropriated by the general assembly shall be made available to schools to pay for the issuance of employability skills assessments to public or nonpublic school students. An existing partnership or organization, including a regional career and technical education planning partnership, that meets the established criteria, may be considered a consortium for grant application purposes. One or more school districts may be considered a consortium for grant application purposes, provided the district can demonstrate the manner in which a community college, area education agency, representatives from business and labor organizations, and others as determined within the region will be involved. Existing regional career and technical education planning partnerships are encouraged to assist the local consortia in developing a plan and budget. The department shall provide assistance to consortia in planning and implementing career pathways program efforts.

2. To be eligible for a career pathways grant, a career pathways consortium shall develop a career pathways program that includes but is not limited to the following:

a. Measurement of the employability skills of students. Employability skills shall include but are not limited to reading for information, applied mathematics, listening, and writing.

b. Curricula designed to integrate academic and work-based learning to achieve high employability skills by all students related to career pathways. The curricula shall be designed through the cooperative efforts of secondary and postsecondary education professionals, business professionals, and community services professionals.

c. Staff development to implement the high-standard curriculum. These efforts may include team teaching techniques that utilize expertise from partnership businesses and postsecondary institutions.

3. In addition to the provisions of subsection 2, a career pathways program may include but is not limited to the following:

a. Career guidance and exploration for students.

b. Involvement and recognition of business, labor, and community organizations as partners in the career pathways program.

c. Provision for program accountability.

d. Encouragement of team teaching within the school or in partnership with postsecondary schools, and business, labor, community, and nonprofit organizations.

e. Service learning opportunities for students.

4. Business, labor, and community organizations are encouraged to market the career pathways program to the local community and provide students with mentors, shadow professionals, speakers, field trip sites, summer jobs, internships, and job offers for students who graduate with high performance records. Students are encouraged to volunteer their time to community organizations in exchange for workplace learning opportunities that do not displace current employees.

5. In developing career pathways program efforts, each consortium shall make every effort to cooperate with the juvenile courts, the economic development authority, the department of workforce development, the department of health and human services, and the new Iowa schools development corporation.

6. The department of education shall direct and monitor the progress of each career pathways consortium in developing career pathways programs.

7. Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30 of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for the purposes of this section.

95 Acts, ch 196, §2; 96 Acts, ch 1186, §23; 2003 Acts, ch 180, §7; 2011 Acts, ch 118, §85, 89; 2014 Acts, ch 1026, §61; 2016 Acts, ch 1108, §32; 2017 Acts, ch 29, §59; 2023 Acts, ch 19, §988

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256.40 Statewide work-based learning intermediary network — fund — steering committee — regional networks. Transferred to §84A.16; 2023 Acts, ch 19, §2200.

256.41 Online learning requirements — school districts.

1. A school district providing educational instruction and course content delivered primarily over the internet shall do all of the following with regard to such instruction and content:

a. Monitor and verify full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.

b. Monitor and verify student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing components.

c. Conduct parent-teacher conferences.

d. Administer assessments required by the state to all students in a proctored setting and pursuant to state law.

2. Online learning curricula shall be provided and supervised by a teacher licensed under subchapter VII, part 3.

2012 Acts, ch 1119, §18; 2018 Acts, ch 1119, §5; 2023 Acts, ch 19, §2549

256.42 Iowa learning online initiative. Repealed by 2020 Acts, ch 1107, §10.

256.43 Online learning program model.

1. *Online learning program model established.* The director shall establish an online learning program model that provides for the following:

a. Online access to high-quality content, instructional materials, and blended learning.

b. Coursework customized to the needs of the student using online content.

c. A means for a student to demonstrate competency in completed online coursework.

d. High-quality online instruction taught by teachers licensed under subchapter VII, part 3.

e. Online content and instruction evaluated on the basis of student learning outcomes.

f. Use of funds available for online learning for program development, implementation, and innovation.

g. Infrastructure that supports online learning.

h. Online administration of online course assessments.

i. Criteria for school districts or schools to use when choosing providers of online learning to meet the online learning requirements specified in rules adopted pursuant to section 256.7, subsection 32.

2. *Private providers.*

a. At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under subchapter VII, part 3.

b. A school district may provide courses developed by private providers and delivered primarily over the internet to pupils who are participating in open enrollment under section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the internet results in the termination of enrollment in the receiving district, the receiving district shall, within thirty days of the termination, notify the district of residence of the termination and the date of the termination.

c. Courses provided by private providers to a school district or accredited nonpublic school in accordance with this section shall meet the Iowa core and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and be approved in accordance with section 256.9, subsection 55.

3. *Grading.* Grades in online courses shall be based, at a minimum, on whether a student mastered the subject, demonstrated competency, and met the standards established by the

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school district. Grades shall be conferred only by teachers licensed under subchapter VII, part 3.

4. *Accreditation criteria.* All online courses and programs shall meet existing accreditation standards.

5. *Prohibited activities.* A rebate for tuition or fees paid or any other dividend or bonus moneys for enrollment of a child shall not be offered or provided directly or indirectly by a school district, school, or private provider to the parent or guardian of a pupil who enrolls in a school district or school to receive educational instruction and course content delivered primarily over the internet.

2012 Acts, ch 1119, §19; 2018 Acts, ch 1119, §9 – 11; 2018 Acts, ch 1163, §12; 2020 Acts, ch 1107, §6; 2021 Acts, ch 80, §134, 135; 2023 Acts, ch 19, §2550 – 2552

Referred to in §256.7, 257.31, 279.10, 279.91, 282.18

256.44 National board certification program.

1. A national board certification program is established to be administered by the department of education. A teacher, as defined in section 256.145, who registers for or achieves national board for professional teaching standards certification, and who is employed by a school district in Iowa and receiving a salary as a classroom teacher, may be eligible for the following:

a. If a teacher registers for national board for professional teaching standards certification after December 31, 2007, a one-time initial reimbursement award in the amount of up to one-half of the registration fee paid by the teacher for registration for certification by the national board for professional teaching standards. The teacher shall apply to the department in a manner and according to procedures required by the department, submitting to the department any documentation the department requires. A teacher who receives an initial reimbursement award shall receive a one-time final registration award in the amount of the remaining national board registration fee paid by the teacher if the teacher notifies the department of the teacher's certification achievement and submits any documentation requested by the department.

b. (1) (a) If, by May 1, 2000, the teacher applies to the department for an annual award and submits documentation of certification by the national board for professional teaching standards, an annual award in the amount of five thousand dollars. However, if the teacher does not achieve certification on the teacher's first attempt to pass the national board for professional teaching standards assessment, the teacher shall be paid the award amount as provided in subparagraph division (b) upon achieving certification. The department shall award not more than a total of fifty thousand dollars in annual awards to an individual during the individual's term of eligibility for annual awards.

(b) If the teacher registers for national board for professional teaching standards certification and achieves certification within the timelines and policies established by the national board for professional teaching standards, an annual award in the amount of two thousand five hundred dollars upon achieving certification by the national board of professional teaching standards.

(2) To receive an annual award pursuant to this paragraph "*b*", a teacher shall apply to the department for an award within one year of eligibility. Payment for awards shall be made only upon departmental approval of an application or recertification of eligibility. A term of eligibility shall be for ten years or for the years in which the individual maintains a valid certificate, whichever time period is shorter. In order to continue receipt of payments, a recipient shall annually recertify eligibility.

2. *a.* If the amount appropriated annually for purposes of this section is insufficient to pay the full amount of reimbursement awards in accordance with subsection 1, paragraph "*a*", the department shall annually prorate the amount of the registration awards provided to each teacher who meets the requirements of this section.

b. If the amount appropriated annually for purposes of providing an annual award in accordance with subsection 1, paragraph "*b*", is insufficient to pay the full annual award to all teachers approved by the department for an annual award, the department shall prorate the amount of the annual award based upon the amount appropriated.

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3. A teacher receiving an annual award pursuant to this section may provide additional services to the school district that employs the teacher. The additional services to be provided by the teacher may be mutually agreed upon by the school district and the teacher.

4. Awards shall be paid to teachers by the department as follows:

a. Upon receipt of reimbursement documentation as provided in subsection 1, paragraph *"a"*.

b. Not later than June 1 to teachers whose applications and recertifications for annual awards as provided in subsection 1, paragraph *"b"*, are submitted to the department by May 1 and subsequently approved.

5. Notwithstanding any provision to the contrary, a teacher approved by the department to receive an annual award for certification in accordance with this section in the fiscal year beginning July 1, 1998, shall receive the annual award amount specified in subsection 1, paragraph *"b"*, subparagraph (1), subparagraph division (a), to commence with the fiscal year beginning July 1, 1999.

6. From funds appropriated for purposes of this section by the general assembly to the department of education for each fiscal year in the fiscal period beginning July 1, 1999, and ending June 30, 2004, three hundred thousand dollars, or so much thereof as may be necessary, shall be used for the payment of registration awards as provided in subsection 4, paragraph *"a"*.

7. The department shall prorate the amount of the annual awards paid in accordance with this section when the number of award recipients exceeds one thousand one hundred individuals. The department may prorate the amount of an annual award when a teacher who meets the qualifications of subsection 1 is employed on a less than full-time basis by a school district. The state board shall adopt rules under chapter 17A establishing criteria for the proration of annual awards.

8. Notwithstanding section 8.33, funds appropriated for purposes of this section which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for purposes of this section.

98 Acts, ch 1216, §5; 99 Acts, ch 142, §1; 99 Acts, ch 205, §20; 2002 Acts, ch 1152, §3, 4; 2004 Acts, ch 1175, §90; 2005 Acts, ch 169, §20, 21; 2006 Acts, ch 1182, §4; 2007 Acts, ch 108, §6, 7; 2009 Acts, ch 41, §263; 2012 Acts, ch 1119, §29, 30; 2025 Acts, ch 145, §4

Referred to in §284.13, 284.15

256.45 Ambassador to education.

1. The department of education shall establish and administer the position of ambassador to education. It shall be the function of the ambassador to education to act as an education liaison to primary and secondary schools in this state. The ambassador to education position shall be filled by the educator selected as teacher of the year by the governor, but only if that person agrees to fill the ambassador to education position.

2. The ambassador to education's duties shall be established by the director of the department and shall be tailored to the relative skills and educational background of the person designated as ambassador. Duties of the ambassador may include but are not limited to providing seminars and workshops in the subject matter area in which the ambassador possesses expertise, accompanying the director of the department of education in the exercise of the director's duties in the state, and speaking at public gatherings in the state.

3. The ambassador to education shall receive, in lieu of compensation from the district in which the ambassador is regularly employed, a salary equal to the amount of salary the person would have received from the district in the person's regular position during the school year for which the person serves as ambassador, or thirty thousand dollars, whichever amount is greater. The ambassador shall also be compensated for actual expenses incurred as a result of the performance of duties under this section.

4. The department shall grant funds in an amount equal to the salary and benefits the person selected as ambassador to education would have received from the district, or thirty thousand dollars, whichever amount is greater, to the school district that employs the person selected as the ambassador. The department shall also reimburse the school district for actual

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expenses incurred as a result of the performance of duties under this section. The school district shall grant the person a one-year sabbatical in order to allow the person to be the ambassador to education, and during the sabbatical, shall pay the salary and benefits of the ambassador with funds granted by the department. The person selected as the ambassador to education shall be entitled to return to the person's same or a comparable position without loss of accrued benefits or seniority.

90 Acts, ch 1272, §43; 98 Acts, ch 1216, §6; 2017 Acts, ch 54, §76
Referred to in §284.13

SUBCHAPTER II

PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES

256.46 Rules for participation in extracurricular activities by certain children.

1. The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance:

a. The child has been adopted.

b. The child is placed under foster or shelter care.

c. The child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody.

d. The child is a foreign exchange student, unless undue influence was exerted to place the child for primarily athletic purposes.

e. The child has been placed in a juvenile correctional facility.

f. The child is a ward of the court or the state.

g. The child is a participant in a substance use disorder or mental health program.

h. The child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

i. If the child's former school or school district, if located in this state, was unable to participate in varsity interscholastic sports as the result of a decision or implementation of a decision of the school board or superintendent.

2. The rules shall permit a child who is otherwise eligible to participate, but who does not meet one of the foregoing or similar circumstances relating to residence requirements, to participate at any level of competition other than the varsity level.

3. For purposes of this section and section 282.18, "*varsity*" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

4. A student in grades nine through twelve who transfers from one school to another school shall be ineligible to compete in interscholastic athletics for a period of one hundred forty calendar days following enrollment in the new school, exclusive of summer enrollment, unless one of the exceptions listed in subsection 1 applies or a similar circumstance exists as determined by rule of the state board. The period of ineligibility applies only to varsity level contests and competitions.

90 Acts, ch 1049, §1; 92 Acts, ch 1135, §1; 93 Acts, ch 101, §201; 2002 Acts, ch 1129, §1; 2005 Acts, ch 79, §1; 2006 Acts, ch 1152, §20; 2019 Acts, ch 24, §30; 2021 Acts, ch 139, §12, 22; 2023 Acts, ch 19, §989; 2026 Acts, ch 1178, §2, 5
Referred to in §280.13D, 282.18
Extracurricular eligibility; see also chapter 261I and §280.13D, §282.18(11)
Subsection 4 effective August 1, 2026; 2026 Acts, ch 1178, §5
NEW subsection 4

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256.47 through 256.49 Reserved.

SUBCHAPTER III
LIBRARY SERVICES

PART 1
GENERAL PROVISIONS

256.50 through 256.52 Transferred to §8A.201 through 8A.203; 2023 Acts, ch 19, §1382.

256.53 through 256.59 Transferred to §8A.205 through 8A.211; 2023 Acts, ch 19, §1382.

PART 2
LIBRARY SERVICES ADVISORY PANEL AND LOCAL FINANCIAL SUPPORT

256.60 and 256.61 Repealed by 2011 Acts, ch 132, §66, 106.

256.62 Library services advisory panel. Transferred to §8A.221; 2023 Acts, ch 19, §1382.

256.63 through 256.65 Repealed by 2001 Acts, ch 158, §40.

256.66 through 256.68 Repealed by 2011 Acts, ch 132, §66, 106.

256.69 Local financial support. Transferred to §8A.222; 2023 Acts, ch 19, §1382.

PART 3
LIBRARY COMPACT

256.70 through 256.73 Transferred to §8A.231 through 8A.234; 2023 Acts, ch 19, §1382.

256.74 through 256.79 Reserved.

SUBCHAPTER IV
PUBLIC BROADCASTING

256.80 Definitions.

As used in this subchapter unless the context otherwise requires:

1. *"Administrator"* means the administrator of the public broadcasting division of the department of education.
2. *"Board"* means the Iowa public broadcasting board.
3. *"Broadcast"* means communications through a system that is receivable by the general public with programming designed for a large group of users.
4. *"Narrowcast"* means communications through systems that are directed toward a narrowly defined audience.
5. *"Radio and television facility"* means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

93 Acts, ch 48, §37

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256.81 Public broadcasting division created — administrator — duties.

1. The public broadcasting division of the department of education is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The board shall set the division administrator's salary within the applicable salary range established by section 8A.461. Educational programming shall be the highest priority of the division. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project. The director of the department of education and the state board of education are not liable for the activities of the division of public broadcasting.

2. The administrator shall do all of the following:

a. Direct and organize the activities of the division.

b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.

c. Control all property of the division.

d. Perform other duties imposed by law.

93 Acts, ch 48, §38; 2006 Acts, ch 1185, §22; 2010 Acts, ch 1069, §69; 2024 Acts, ch 1182, §163, 168

Referred to in §8F.2

256.82 Board — advisory committees.

1. The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunications services to serve the educational needs of the state. The board shall be composed of nine members selected in the following manner:

a. Four members shall be appointed by the governor. At least one member shall have experience in or knowledge of the television and telecommunications industry, and at least one member shall have experience with or knowledge of fundraising nonprofit organizations.

b. Five members shall be selected in the manner provided in this paragraph.

(1) One member shall be appointed by the state association of private colleges and universities.

(2) One member shall be appointed jointly by the superintendents of the community colleges created by chapter 260C.

(3) One member shall be appointed jointly by the administrators of the area education agencies created by chapter 273.

(4) One member shall be appointed by the state board of regents.

(5) One member shall be appointed by the state board of education.

2. *a.* Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

b. Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. *a.* The board shall appoint an advisory committee on journalistic and editorial integrity.

b. Duties of the advisory committee, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

c. Members of advisory committees shall receive actual expenses incurred in performing their official duties.

93 Acts, ch 48, §39; 94 Acts, ch 1184, §22; 2006 Acts, ch 1185, §23 – 25; 2010 Acts, ch 1069, §70; 2023 Acts, ch 64, §37; 2024 Acts, ch 1004, §33, 34; 2024 Acts, ch 1170, §289

256.83 Meetings.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall hold meetings at the call of the president or in the

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absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties.

93 Acts, ch 48, §40; 2024 Acts, ch 1170, §105

256.84 Powers — facilities — rules.

1. The board may purchase, lease, and improve property, equipment, and services for educational telecommunications including the broadcast and narrowcast systems, and may dispose of property and equipment when not necessary for its purposes.

2. The board shall apply for channels, frequencies, licenses, permits, and other authorizations as necessary for the performance of the board's duties.

3. This section does not prohibit institutions under the state board of regents and community colleges under the department of education from owning, operating, improving, maintaining, and restructuring educational radio and television stations and transmitters now in existence or other educational narrowcast telecommunications systems and services. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the credit of the division. Any interest earned on these receipts, and revenues generated under subsection 6, shall be retained and may be expended by the division subject to the approval of the board.

6. The board may make and execute agreements, contracts, and other instruments with any public or private entity and may retain revenues generated from these contracts. State departments and agencies, other public agencies, and governmental subdivisions and private entities including but not limited to institutions of higher education and nonpublic schools may enter into contracts and otherwise cooperate with the board.

7. The board may contract with engineers, attorneys, accountants, financial experts, and other advisors upon the recommendation of the administrator. The board may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

8. To preserve the integrity of its editorial processes, the board may select programming, content partners, and other authorized contractual services without using a competitive selection process or performance measures that may otherwise be required by law for such services. For purposes of this subsection, authorized contractual services are those services related, directly or indirectly, to the development of program production and instructional and educational media. Authorized contractual services include but are not limited to on-air performers, producers or directors, field producers, writers, production assistants, manual laborers, mobile unit services, closed captioning services, duplication of tape services, and satellite services.

9. The board shall approve for submission the annual budget request and any supplementary budget request for the public broadcasting division of the department of education.

10. The board may adopt rules to implement and administer the programs of the division.

11. The decision of the board is final agency action under chapter 17A.

93 Acts, ch 48, §41; 2006 Acts, ch 1185, §26 – 28; 2023 Acts, ch 66, §46

256.85 Purchase of energy efficiency packages. Repealed by 2021 Acts, ch 80, §383.

256.86 Competition with private sector.

1. It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations except as provided in this chapter.

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2. *a.* The division may receive revenue for providing services, products, and usage of facilities and equipment if one or more of the following conditions are met:

(1) The service, product, or usage is not reasonably available in the private sector.

(2) The division can provide the service, product, or usage at a time, price, location, or terms that are not reasonably available through the private sector.

(3) The service, product, or usage is deemed by the division to be related to public service or the educational mission of the division.

b. The division may charge reasonable fees for providing services, products, and usage of facilities and equipment in accordance with paragraph *"a"*, including but not limited to a reasonable equipment and facilities usage fee.

c. Fees charged in accordance with this subsection shall be deposited in the capital equipment replacement revolving fund created pursuant to section 256.87.

3. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code.

4. The board, the governor, or the administrator may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

93 Acts, ch 48, §43; 2012 Acts, ch 1132, §8

256.87 Capital equipment replacement revolving fund.

1. A capital equipment replacement revolving fund is created in the state treasury. The revolving fund shall be administered by the board and shall consist of moneys collected by the division as fees and any other moneys obtained or accepted by the division for deposit in the revolving fund.

2. The board may expend moneys from the capital equipment replacement revolving fund to update facilities and purchase equipment for its operations.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revolving fund shall be credited to the revolving fund. Notwithstanding section 8.33, moneys in the revolving fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any other fund but shall remain available in the revolving fund for the purposes designated.

93 Acts, ch 48, §44; 2012 Acts, ch 1132, §9

Referred to in §256.86

256.88 Trusts.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of educational telecommunications including the broadcast and narrowcast systems to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

93 Acts, ch 48, §45

256.89 State plan. Repealed by 2006 Acts, ch 1185, §31.

256.90 Narrowcast operations.

1. The board shall not use, permit use, or permit resale of its telecommunications narrowcast system for other than educational purposes. The board, in the establishment and operation of its telecommunications narrowcast system, shall use facilities and services of the private telecommunications industry companies to the greatest extent possible and is prohibited from constructing telecommunications facilities unless comparable facilities are not available from the private telecommunications industry at comparable quality and price.

2. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the board.

93 Acts, ch 48, §47

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256.91 through 256.94 Reserved.

SUBCHAPTER V

IOWA EDUCATIONAL SERVICES FOR THE BLIND AND VISUALLY IMPAIRED PROGRAM AND IOWA SCHOOL FOR THE DEAF

Referred to in §256B.2, 331.381

Transfer of property and records of the former Iowa braille and sight saving school, the Iowa school for the deaf, and the hall of fame for distinguished graduates of the former Iowa braille and sight saving school and the Iowa school for the deaf to the department of education; employees of the Iowa school for the deaf to be considered employees of the department of education without loss in salary, benefits, or accrued years of service; 2023 Acts, ch 19, §2514

256.95 Iowa educational services for the blind and visually impaired and Iowa school for the deaf.

The department shall do all of the following:

1. Administer the Iowa educational services for the blind and visually impaired program.
2. Govern the Iowa school for the deaf.
3. Establish a hall of fame for distinguished graduates of the Iowa school for the deaf, distinguished graduates of the Iowa braille and sight saving school, and distinguished participants in the Iowa educational services for the blind and visually impaired program.

2023 Acts, ch 19, §2479

256.96 Iowa educational services for the blind and visually impaired program.

Any resident of the state under twenty-one years of age who is blind or visually impaired shall be entitled to receive the services of the Iowa educational services for the blind and visually impaired program. The department shall coordinate with area education agencies and school districts on the provision of these services for any eligible student.

[R60, §2147, 2148; C73, §1672, 1680; C97, §2715; S13, §2715; C24, 27, 31, 35, 39, §**4066;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §269.1]

94 Acts, ch 1091, §21; 2023 Acts, ch 19, §2500, 2513

C2024, §256.96

256.97 Admission — Iowa school for the deaf.

Any resident of the state less than twenty-one years of age who has a hearing loss which is too severe to acquire an education in the public schools is eligible to attend the Iowa school for the deaf. Nonresidents similarly situated may be admitted to the Iowa school for the deaf upon such terms as may be fixed by the department. The fee for nonresidents shall be set by the department.

[R60, §2156, 2160; C73, §1688, 1689; C97, §2724; S13, §2724; C24, 27, 31, 35, 39, §**4070;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §270.3]

2020 Acts, ch 1045, §19; 2020 Acts, ch 1102, §17; 2023 Acts, ch 19, §2501, 2513

C2024, §256.97

256.98 Superintendent.

The superintendent of the Iowa school for the deaf shall be a trained and experienced educator of the deaf and hard of hearing. The superintendent's salary may include residence in the institution, but no such allowance shall be made except by express contract in advance.

[C97, §2723; S13, §2727-3a; C24, 27, 31, 35, 39, §**4068;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §270.1]

2020 Acts, ch 1102, §16; 2021 Acts, ch 76, §148, 151; 2023 Acts, ch 19, §2513

C2024, §256.98

256.99 Clothing and prescriptions.

The superintendent of the Iowa school for the deaf shall provide students, who would otherwise be without, with clothing or prescription refills, and shall bill the student's parent

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or guardian, if the student is a minor, or the student if the student has attained the age of majority, for any clothing or prescription refills provided. The bill shall be presumptive evidence in all courts.

[C73, §1695; C97, §2726; S13, §2726; C24, 27, 31, 35, 39, §**4071;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §270.4]

94 Acts, ch 1091, §22; 2020 Acts, ch 1045, §20; 2023 Acts, ch 19, §2502, 2513

C2024, §256.99

Referred to in §263.12, 331.424

256.100 Residence during vacation.

The residence of indigent or homeless children may, by order of the department, be continued during vacation months.

[S13, §2727-a; C24, 27, 31, 35, 39, §**4075;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §270.8]

2023 Acts, ch 19, §2503, 2513

C2024, §256.100

Referred to in §263.12

256.101 Iowa school for the deaf — transportation reimbursement.

Funds appropriated to the Iowa school for the deaf for payments to the parents or guardians of pupils in that institution shall be expended as follows:

1. Transportation reimbursement at a rate established annually by the department to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.

2. Transportation reimbursement at a rate established annually by the department to the parents or guardians for transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution.

[C77, 79, 81, §270.9]

86 Acts, ch 1246, §131; 2020 Acts, ch 1102, §18; 2023 Acts, ch 19, §2504, 2513

C2024, §256.101

256.102 Closure requirements.

The department shall not close the Iowa school for the deaf at Council Bluffs until all of the following requirements have been met:

1. The department of management has presented to the general assembly a comprehensive plan, program, and fiscal analysis of the existing circumstances and the circumstances which would prevail upon the proposed closing, together with data which would support the contention that the closing will be more efficient and effective than continuation of the existing facility. The analysis shall include a detailed study of the educational implications of the closing, the impact on the students, and the opinions and research of nationally recognized experts in the field of the education of deaf or hard-of-hearing students. The comprehensive plan shall further include a study relating to the programming, fiscal consequences, and political implications which would result if an agreement under chapter 28E should be implemented between the Iowa school for the deaf in Council Bluffs and comparable state programs in the state of Nebraska.

2. The general assembly has studied the plans, programs, and fiscal analysis and has reviewed their impact on the programs.

3. The general assembly has enacted legislation authorizing the closing to take effect not sooner than two years after the enactment of the legislation.

86 Acts, ch 1246, §132

C87, §270.10

2017 Acts, ch 170, §24; 2020 Acts, ch 1102, §19; 2023 Acts, ch 19, §2505, 2513

C2024, §256.102

256.103 Employees — contracts and compensation — termination and discharge procedures.

1. Sections 279.12 through 279.19B apply to employees of the Iowa educational services

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for the blind and visually impaired program and employees of the Iowa school for the deaf, who are licensed pursuant to subchapter VII, part 3. Section 279.27 applies to employees of the Iowa educational services for the blind and visually impaired program and employees of the Iowa school for the deaf, whether or not licensed pursuant to subchapter VII, part 3, who are responsible for the care, instruction, or supervision of children. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the department.

2. Notwithstanding chapter 8A, subchapter IV, the department of administrative services shall, in consultation with the department of education, establish an annual compensation schedule applicable to all employees of the Iowa educational services for the blind and visually impaired program and all employees of the Iowa school for the deaf and shall set the employee benefits for such employees.

2023 Acts, ch 19, §2480; 2023 Acts, ch 111, §33; 2024 Acts, ch 1182, §37; 2025 Acts, ch 145, §7

256.103A Iowa educational services for the blind and visually impaired and Iowa school for the deaf — leave.

Salaried employees of the Iowa educational services for the blind and visually impaired program and employees of the Iowa school for the deaf who are employed on a school year basis for less than twelve months per year shall be exempt from the provisions of chapter 70A relating to vacation leave. In lieu of vacation leave, such employees shall accrue two personal leave days per school year and may carry over up to one unused personal day into a subsequent school year. Such employees shall not accrue more than three personal leave days at any one time. Such leave shall not be paid out to the employee upon separation from employment.

2024 Acts, ch 1182, §38

256.104 Students residing on state-owned land.

The department shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the department. Such payments shall be made from moneys appropriated to the department.

2023 Acts, ch 19, §2481

256.105 Transfer of a student to the university of Iowa hospitals and clinics.

The department may send any student of the Iowa school for the deaf to the university of Iowa hospitals and clinics for treatment and care. The department shall pay the traveling expenses of such student, and when necessary the traveling expenses of an attendant for the student, out of funds appropriated for the use of the department.

2023 Acts, ch 19, §2482

Transfer of patients from state institutions, see §263.21

256.106 Deaf and hard-of-hearing children.

1. *a.* The department shall work with the Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the department of health and human services for purposes of coordinating, developing, and disseminating resources for use by parents or guardians, early hearing detection and intervention programs, the Iowa school for the deaf, area education agencies, school districts, and accredited nonpublic schools to inform deaf and hard-of-hearing children's expressive and receptive language acquisition or development.

b. The duties of the department shall, at a minimum, include all of the following:

(1) Coordinating the development and collection of language milestones for each age, from birth through age eight, in American sign language, English, and other languages as needed pursuant to subsection 3, which may include milestone assessments for deaf and hard-of-hearing children.

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(2) Coordinating the development and distribution of resources for parents pertaining to language development pursuant to subsection 4.

(3) Coordinating the development and distribution of resources for early interventionists, educators, hospitals, and health care providers pertaining to language development.

(4) Monitoring the need for valid and reliable language assessments and distribution of resources toward language development in American sign language and English.

(5) Coordinating a parent-friendly procedure for outreach and follow-up.

(6) Coordinating the collection of regular language milestone assessment data for deaf and hard-of-hearing children.

(7) Summarizing data outcomes for parents, guardians, and partner agencies to use, including the annual report published pursuant to subsection 7.

(8) Working with stakeholders to maintain a valid and reliable two-fold language assessment approach, utilizing both American sign language and English, in selecting milestones, compiling data, employing qualified personnel, and distributing resources.

2. The parent resource developed pursuant to subsection 1 shall meet all of the following requirements:

a. Include American sign language and English language developmental milestones selected under subsection 1.

b. Be appropriate for use, in both content and administration, with deaf and hard-of-hearing children from birth through age eight who use American sign language or English, or both.

c. Present the language developmental milestones in terms of typical development of all children from birth through age eight, by age range.

d. Be written for clarity and ease of use by parents and guardians.

e. Be aligned to the department of education's existing infant, toddler, and preschool guidelines, standards for evaluating eligibility and progress for early intervention or special education under federal law, and state standards in English language arts.

f. Clearly specify that the parent resource is not a formal assessment of language and literacy development, and that the observations of a child by the child's parent or guardian may differ from formal assessment data presented at an individualized family service plan or individualized education program meeting.

g. Clearly specify that a parent or guardian may bring the parent resource to an individualized family service plan or individualized education program meeting for purposes of sharing the parent's or guardian's observations regarding the child's development.

3. The department, in consultation with the Iowa school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the department of health and human services, shall select existing tools or assessments that may be used by qualified educators to assess American sign language and English language and literacy development of deaf and hard-of-hearing children from birth through age eight.

a. Educator tools or assessments selected under this subsection shall meet the following criteria:

(1) Be in a format that shows stages of language development.

(2) Be selected for use by educators to track the development of deaf and hard-of-hearing children's expressive and receptive language acquisition or developmental stages toward American sign language and English literacy.

(3) Be appropriate in both content and administration for use with deaf and hard-of-hearing children.

b. Educator tools or assessments selected under this subsection may be used, in addition to any assessment required by federal law, by the child's individualized family service plan or individualized education program team, as applicable, to track deaf and hard-of-hearing children's progress in improving expressive and receptive language skills, and to establish or modify individualized family service plans or individualized education programs.

4. The department shall disseminate the parent resource developed pursuant to this section to parents and guardians of deaf and hard-of-hearing children and, consistent with federal law, shall disseminate the educator tools and assessments selected pursuant to subsection 3 to early hearing detection and intervention programs, area education agencies,

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school districts, accredited nonpublic schools, and the Iowa school for the deaf for use in the development and modification of individualized family service or individualized education program plans, and shall provide materials and training on the use of such materials to assist deaf and hard-of-hearing children in kindergarten readiness using American sign language or English, or both, from birth through age eight.

5. *a.* If moneys are appropriated by the general assembly for a fiscal year for the purpose provided in this subsection, the department shall develop guidelines for a comprehensive family support mentoring program that meets the language and communication needs of families.

b. The department shall work with the early hearing detection and intervention program in the department of health and human services, the Iowa school for the deaf, and the area education agencies when developing the guidelines. The department, in consultation with the Iowa school for the deaf, shall administer the family support mentoring program for deaf or hard-of-hearing children.

c. With the consent of the parent of the deaf or hard-of-hearing child, the family support mentoring program shall pair families based on the specific need, experience, or want of the parent of the deaf or hard-of-hearing child with another family mentor or deaf or hard-of-hearing adult mentor to provide support.

d. In establishing the family support mentoring program, the department may do all of the following:

(1) Hire a family support mentoring coordinator.

(2) Utilize the parent resource created in subsection 2 as well as other resources to provide families with information and guidance on language, communication, social, and emotional development of their child.

(3) Recruit family support mentors to serve the needs of the family support mentoring program. A family support mentor may be any of the following:

(a) A parent who has experience raising a child who is deaf or hard of hearing and who has experience supporting the child's communication and language development.

(b) A deaf or hard-of-hearing adult who serves as a deaf or hard-of-hearing role model for the children and their families. Deaf or hard-of-hearing family support mentors may provide parents with an understanding of American sign language and English, including instructional philosophies for both, such as bilingual bimodal, listening and spoken language, total communication, and other philosophies, as well as other forms of communication, deaf culture, deaf community, and self-identity.

(4) Train parents of a deaf or hard-of-hearing child to become family support mentors and train deaf or hard-of-hearing adults to become deaf or hard-of-hearing adult family support mentors.

(5) Reach out to parents of children identified through the early hearing detection and intervention program in the department of health and human services and share information about the family support mentoring program services available to such parents.

(6) Reach out to families referred by primary care providers, the area education agencies, and from other agencies who provide services to deaf or hard-of-hearing children.

(7) Provide follow-up contact, as necessary, to establish services after initial referral.

e. The department shall coordinate family support mentoring activities with the early hearing detection and intervention program in the department of health and human services, the Iowa school for the deaf, the area education agencies, and nonprofit organizations that provide family support mentoring to parents with deaf or hard-of-hearing children.

f. The department of education shall adopt rules pursuant to chapter 17A to administer this subsection.

6. All activities of the department of education in implementing this section shall be consistent with federal law for the education of children from birth through age eight.

7. The department shall annually compile, and publish on the department's internet site, a report using existing data reported in compliance with the state performance plan on pupils with disabilities, required under federal law, that is specific to language and literacy development in deaf and hard-of-hearing children from birth through age eight, including

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those children who are deaf or hard of hearing and have other disabilities, relative to the children's peers who are not deaf or hard of hearing.

8. For purposes of this section, unless the context otherwise requires:

a. "English" includes spoken English, written English, or English with the use of visual supplements.

b. "Federal law" means the federal Individuals with Disabilities Education Act, as amended by the federal Individuals with Disabilities Improvement Act, Pub. L. No. 108-446, 20 U.S.C. §1400 et seq., as amended.

2022 Acts, ch 1094, §1
C2023, §256B.10
2023 Acts, ch 19, §994 – 998, 2486 – 2491, 2513
C2024, §256.106

256.107 Administrative rules.

The state board shall adopt rules pursuant to chapter 17A to administer this subchapter.

2023 Acts, ch 19, §2483

256.108 through 256.110 Reserved.

SUBCHAPTER VI

INNOVATION DIVISION

256.111 Innovation division — science, technology, engineering, and mathematics collaborative initiative.

1. The innovation division of the department of education is created. The head of the division is the administrator who shall be a highly qualified science, technology, engineering, and mathematics advocate and shall be appointed by the director.

2. The administrator shall do all of the following, subject to supervision of the director:

a. Direct the activities of the division, including the science, technology, engineering, and mathematics collaborative initiative created in subsection 3.

b. Control all property of the division.

c. Perform other duties imposed by law or assigned by the director.

3. A science, technology, engineering, and mathematics collaborative initiative is established within the innovation division for purposes of supporting activities directly related to recruitment of prekindergarten through grade twelve mathematics and science teachers for ongoing mathematics and science programming for students enrolled in prekindergarten through grade twelve.

4. The collaborative initiative shall prioritize student interest in achievement in science, technology, engineering, and mathematics; reach every student and teacher in every school district in the state; identify, recruit, prepare, and support the best mathematics and science teachers; and sustain exemplary programs. The innovation division shall collaborate with the community colleges to develop science, technology, engineering, and mathematics professional development programs for community college instructors and for purposes of science, technology, engineering, and mathematics curricula development.

5. Subject to an appropriation of moneys by the general assembly, the innovation division shall administer the following:

a. Regional science, technology, engineering, and mathematics networks for Iowa, the purpose of which is to equalize science, technology, engineering, and mathematics education enrichment opportunities available to learners statewide. The innovation division shall establish six geographically similar regional science, technology, engineering, and mathematics networks across Iowa that complement and leverage existing resources, including extension service assets, area education agencies, state accredited postsecondary institutions, informal educational centers, school districts, economic development zones, and existing public and private science, technology, engineering, and mathematics partnerships.

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Each network shall be managed by a highly qualified science, technology, engineering, and mathematics advocate positioned at a network hub to be determined through a competitive application process. Oversight for each regional network shall be provided by a regional advisory board. Members of the board shall be appointed by the governor. The membership shall represent prekindergarten through grade twelve school districts and schools, and higher education, business, nonprofit organizations, youth agencies, and other appropriate stakeholders.

b. A focused array of the best science, technology, engineering, and mathematics enrichment opportunities, selected through a competitive application process, that can be expanded to meet future needs. A limited, focused list of selected exemplary programs shall be made available to each regional network.

c. Statewide science, technology, engineering, and mathematics programming designed to increase participation of students and teachers in successful learning experiences; to increase the number of science, technology, engineering, and mathematics-related teaching majors offered by the state's universities; to elevate public awareness of the opportunities; and to increase collaboration and partnerships.

6. The innovation division shall evaluate the effectiveness of programming to document best practices.

7. The state board shall adopt rules pursuant to chapter 17A to administer this section.

2012 Acts, ch 1132, §12
C2013, §268.7
2023 Acts, ch 19, §2515, 2516
C2024, §256.111
2024 Acts, ch 1182, §39 – 41
Referred to in §256.9

Transfer of property and records of the former science, technology, engineering, and mathematics collaborative initiative from the state board of regents or the university of northern Iowa to the department of education; employees of the science, technology, engineering, and mathematics collaborative initiative formerly established at the university of northern Iowa whose primary workplace is located at the university of northern Iowa to be considered employees of the innovation division of the department of education without loss in salary, benefits, or accrued years of service; continuation of contracts and application of funds; 2023 Acts, ch 19, §2517

256.112 through 256.120 Reserved.

SUBCHAPTER VII

HIGHER EDUCATION DIVISION

PART 1

GENERAL PROVISIONS

256.121 Higher education division created.

1. The higher education division of the department of education is created. The head of the division is the administrator who shall be appointed by the director.

2. The administrator shall do all of the following, subject to supervision of the director:

a. Administer and coordinate all of the following bureaus, boards, and commissions within the higher education division:

(1) The community colleges and post-secondary readiness bureau under part 2.
(2) The board of educational examiners under part 3.
(3) The college student aid commission under part 4.
(4) The community colleges bureau under chapter 260C.

b. Direct the activities of the division.

c. Control all property of the division.

d. Supervise the personnel employed by the division.

e. Perform other duties imposed by law or assigned by the director.

2023 Acts, ch 19, §2521; 2024 Acts, ch 1182, §42 – 44
Referred to in §256.9

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256.122 through 256.124 Reserved.

PART 2

COMMUNITY COLLEGES AND POST-SECONDARY READINESS BUREAU

Referred to in §256.7, 256.11, 256.121, 257.51, 260C.14, 598.21B

Continuation of contracts and employee salaries, benefits, and credit for accrued years of service; 2023 Acts, ch 19, §2536

256.125 Definitions.

As used in this part:

1. *"Approved career and technical education program"* means a career and technical education program offered by a school district or community college and approved by the department which meets the standards for career and technical education programs adopted by the state board under this part.

2. *"Approved practitioner preparation school, department, or class"* means a school, department, or class approved by the state board as entitled under this part to federal moneys for the training of teachers of career and technical education subjects.

3. *"Approved regional career and technical education planning partnership"* means a regional entity that meets the standards for regional career and technical education planning partnerships adopted by the state board pursuant to section 256.129 and section 256.136.

4. *"Career academy"* means a career academy established under section 256.137.

5. *"Career and technical education content area"* means any one of the content areas specified in section 256.11, subsection 5, paragraph *"h"*.

6. *"High-demand occupation"* means an occupation in which state, local, or regional labor market forecasting shows occupational demand exceeds the overall state, local, or regional employer demand metrics, including in openings, numeric change, and growth.

7. *"High-skill occupation"* means an occupation with education or training requirements, including the completion of an apprenticeship program, an industry-recognized credential, a short-term college credential such as a certificate or diploma, a noncredit college credential or certification, an associate degree or higher, on-the-job training, or on-the-job credential or certification.

8. *"High-wage occupation"* means an occupation for which at least three of five hourly wage or annual salary measurements for that occupation exceed the hourly wage or annual salary for all occupations in the state or region.

9. *"State board"* means the state board for career and technical education as provided in section 256.127.

10. *"Work-based learning"* means opportunities and experiences that include but are not limited to sustained project-based learning in partnership with an employer, simulated work experiences aligned with industry-recognized credentials, high-quality pre-apprenticeships aligned to an apprenticeship, student learner programs, internships, and apprenticeships.

[C24, 27, 31, 35, 39, §**3842;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.6]

89 Acts, ch 265, §33; 2014 Acts, ch 1092, §58; 2016 Acts, ch 1108, §41; 2017 Acts, ch 29, §68 – 70; 2023 Acts, ch 19, §2529, 2535; 2023 Acts, ch 111, §34

C2024, §256.125

2024 Acts, ch 1162, §4, 17; 2026 Acts, ch 1181, §5, 6

Referred to in §256.11, 256.130, 256.136, 256.141, 260C.18A, 261E.10

Subsection 5 amended

NEW subsections 6, 7, and 8 and former subsections 6 and 7 renumbered as 9 and 10

256.126 Federal Act accepted.

The provisions of the Act of Congress known as the Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and the benefit of all funds appropriated under said Act and all other Acts pertaining to career and technical education, are accepted.

[C24, 27, 31, 35, 39, §**3837;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.1]

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2006 Acts, ch 1030, §33; 2016 Acts, ch 1108, §36; 2023 Acts, ch 19, §2535
C2024, §256.126

256.127 State board for career and technical education.

The state board of education shall constitute the state board for career and technical education.

[C24, 27, 31, 35, 39, §**3838;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.2]
2016 Acts, ch 1108, §37; 2017 Acts, ch 29, §65; 2023 Acts, ch 19, §2535
C2024, §256.127
Referred to in §256.125

256.128 Community colleges and post-secondary readiness bureau — personnel.

The director of the department shall appoint the bureau chief of the community colleges and post-secondary readiness bureau, and the bureau chief shall direct the work of personnel as necessary to carry out this part.

[C24, 27, 31, 35, 39, §**3839;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.3]
85 Acts, ch 212, §21; 86 Acts, ch 1245, §1425; 2023 Acts, ch 19, §2526, 2535
C2024, §256.128

256.129 Duties of state board.

The state board shall do all of the following:

1. Approve the multiyear state plan developed in accordance with applicable federal laws and regulations governing career and technical education.

2. Adopt rules prescribing standards for teachers in the six career and technical education content areas specified in section 256.11, subsection 5, paragraph *"h"*, in approved programs.

3. Adopt rules prescribing standards for approval of school district career and technical education programs; and community colleges with career and technical education programs; and practitioner preparation schools, departments, and classes, applying for federal and state moneys under this part.

4. Adopt rules prescribing standards for the career and technical education service areas specified in section 256.11, subsection 5, paragraph *"h"*.

5. Adopt rules prescribing standards for approval of career and technical education planning partnerships, collaborations, and regional centers in accordance with section 256.136. The rules shall establish a process for the establishment of no fewer than twelve and no greater than fifteen regions in which regional career and technical education planning partnerships may operate. The rules shall establish standards to ensure regional centers have appropriate educational programs, adequate participation, and are located within an appropriate distance of participating high schools and in a manner compatible with development of a statewide network of regional centers.

86 Acts, ch 1245, §1426
C87, §258.3A
89 Acts, ch 265, §30; 90 Acts, ch 1253, §8; 2016 Acts, ch 1108, §38; 2017 Acts, ch 29, §66; 2023 Acts, ch 19, §2527, 2535
C2024, §256.129
2026 Acts, ch 1181, §7
Referred to in §256.125, 256.130, 256.131, 256.136
Subsection 2 amended

256.130 Duties of director.

The director of the department of education shall do all of the following:

1. Develop and submit to the state board for approval the multiyear state plan developed in accordance with federal laws and regulations governing career and technical education.

2. Provide for making studies and investigations relating to career and technical education.

3. Promote and aid in the establishment of career and technical education programs in local communities, school districts, and community colleges.

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4. Cooperate with local communities, school districts, and community colleges in the maintenance of career and technical education programs.

5. Make recommendations to the board of educational examiners relating to the enforcement of rules prescribing standards for teachers of career and technical education content areas.

6. Cooperate in the maintenance of practitioner preparation schools, departments, and classes, supported and controlled by the public, for the training of career and technical education teachers and supervisors.

7. Review and approve career and technical education programs to ensure that the programs meet standards adopted by the state board pursuant to section 256.129. The director shall annually review at least twenty percent of the approved career and technical programs as a basis for continuing approval to ensure that the programs meet board standards and are compatible with educational reform efforts, are capable of responding to technological change and innovation, and meet the educational needs of students and the employment community. The review shall include an assessment of the extent to which the competencies in the program are being mastered by the students enrolled, the costs are proportionate to educational benefits received, the career and technical education curriculum is articulated and integrated with other curricular offerings required of all students, the programs would permit students with career and technical education backgrounds to pursue other educational interests in a postsecondary institutional setting, and the programs remove barriers for both traditional and nontraditional students to access educational and employment opportunities.

8. Facilitate the process established by the state board for the implementation of a statewide system of regional career and technical education planning partnerships that utilize the services of local school districts, community colleges, sector partnerships, and other resources to assist local school districts in meeting career and technical education standards while avoiding unnecessary duplication of services. The director shall also review and approve regional planning partnerships and regional centers to ensure that the partnerships and centers meet the standards adopted by the state board pursuant to section 256.129, subsection 5.

9. Enforce rules adopted by the state board pursuant to section 256.129.

10. Notwithstanding the accreditation process contained in section 256.11, permit school districts that provide a program which does not meet the standards for accreditation for career and technical education to cooperate with the regional career and technical education planning partnership and contract for an approved program under this part without losing accreditation. A school district that fails to cooperate with the regional career and technical education planning partnership and contract for an approved program shall, however, be subject to section 256.11.

11. Prescribe standards and procedures for the approval of career academies as defined in section 256.125.

[C24, 27, 31, 35, 39, §**3840;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.4]

86 Acts, ch 1245, §1427; 89 Acts, ch 265, §31; 89 Acts, ch 278, §3, 4; 90 Acts, ch 1253, §9; 92 Acts, ch 1198, §2; 2016 Acts, ch 1108, §39; 2017 Acts, ch 29, §67; 2023 Acts, ch 19, §2528, 2535

C2024, §256.130

2026 Acts, ch 1181, §8

Referred to in §256.132, 256.137

Subsection 5 amended

256.131 Reimbursement from federal and state moneys.

1. An approved regional career and technical education planning partnership is eligible to receive state funds for purposes allowed under section 256.136, subsection 6.

2. Federal funds received as a reimbursement for allowable expenditures shall be received pursuant to the multiyear state plan adopted pursuant to section 256.129, subsection 1.

3. The director may use federal funds to reimburse approved practitioner preparation schools, departments, or classes for the training of teachers of agriculture, food, and natural

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resources; arts, communications, and information systems; applied sciences, technology, engineering, and manufacturing; health sciences; human services; and business, finance, marketing, and management. The director may also use such funds to reimburse approved practitioner preparation schools, departments, or classes for the training of guidance counselors.

[C24, 27, 31, 35, 39, §**3841, 3844;** C46, 50, §258.5, 258.8; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.5]

86 Acts, ch 1245, §1428; 89 Acts, ch 265, §32; 2016 Acts, ch 1108, §40; 2018 Acts, ch 1130, §2, 4; 2023 Acts, ch 19, §2535

C2024, §256.131

256.132 Local advisory council.

1. The board of directors of a school district or community college that maintains a career and technical education program receiving federal or state funds under this part shall, as a condition of approval by the state board, appoint a local advisory council for each career and technical education program offered by the school district or community college. However, a school district and a community college that maintain a career and technical education program receiving federal or state funds may create a joint local advisory council. The membership of each local advisory council shall consist of public members with expertise in the occupation or occupational field related to the career and technical education program. The local advisory council shall give advice and assistance to the board of directors, administrators, and instructors in the establishment and maintenance of the career and technical education program.

2. Notwithstanding subsection 1, a regional advisory council established by a regional career and technical education planning partnership approved by the department pursuant to section 256.130 may serve in place of a local advisory council.

3. Local advisory councils are not subject to the requirements of section 4A.12.

4. Members of an advisory council shall serve without compensation.

[C24, 27, 31, 35, 39, §**3845;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.9]

86 Acts, ch 1245, §1431; 2016 Acts, ch 1108, §42; 2017 Acts, ch 29, §71; 2023 Acts, ch 19, §2530, 2535

C2024, §256.132

256.133 Powers of district boards.

The board of directors of a school district shall offer career and technical instruction in service areas as provided in section 256.11, subsection 5, paragraph "*h*", and pay the expense of such instruction in the same way as the expenses for other subjects in the school district are paid.

[C24, 27, 31, 35, 39, §**3846;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.10]

97 Acts, ch 37, §6; 2016 Acts, ch 1108, §43; 2023 Acts, ch 19, §2535

C2024, §256.133

2024 Acts, ch 1162, §5

256.134 Salary and expenses for administration.

The director may make expenditures for salaries and other expenses as necessary to the proper administration of this part.

[C24, 27, 31, 35, 39, §**3847;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.11]

86 Acts, ch 1245, §1432; 88 Acts, ch 1134, §60; 2016 Acts, ch 1108, §44; 2023 Acts, ch 19, §2531, 2535

C2024, §256.134

256.135 Custodian of funds.

The treasurer of state shall be custodian of the funds paid to the state from the appropriations made under the federal Carl D. Perkins Career and Technical Education

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Improvement Act of 2006, 20 U.S.C. §2301 et seq., as amended, and shall disburse the same on vouchers audited as provided by law.

[C24, 27, 31, 35, 39, §**3848;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §258.12]

2013 Acts, ch 88, §8; 2014 Acts, ch 1092, §59; 2016 Acts, ch 1108, §45; 2017 Acts, ch 29, §72; 2023 Acts, ch 19, §2535

C2024, §256.135

256.136 Regional career and technical education planning partnerships.

1. Regional career and technical education planning partnerships are established to assist school districts in providing an effective, efficient, and economical means of delivering high-quality secondary career and technical education programs. Regional career and technical education planning partnerships shall do all of the following:

a. Provide for the active participation of local school districts and community colleges in the delivery of career and technical education in the region.

b. Provide for the participation of representatives of business and industry and representatives of sector partnerships and community stakeholders.

c. Promote career and college readiness through thoughtful career guidance and purposeful academic and technical planning practices.

d. Promote high-quality, integrated career and technical education programming, including career academies, comprised of secondary exploratory and transitory coursework to prepare students for higher-level, specialized academic and technical training aligned with labor market needs.

e. Provide for increased and equitable access to high-quality career and technical education programs through the planning and development of a system of regional centers.

2. Regional career and technical education planning partnerships shall be established in accordance with section 256.129, subsection 5, to serve each community college and all of the school districts in the state no later than June 30, 2017.

3. A regional career and technical education planning partnership shall be responsible for the following activities:

a. Ensuring compliance with standards adopted by the state board under section 256.129, subsection 5, for regional career and technical education planning partnerships.

b. Developing a multiyear plan addressing the delivery of quality career and technical education programs by school districts in fulfillment of the requirements of section 256.11, subsection 4, and section 256.11, subsection 5, paragraph "*h*". The plan shall be updated annually.

c. Securing collaboration with secondary schools, postsecondary educational institutions, and employers to ensure the creation of high-quality career and technical education programming, including career academies, for students that aligns career guidance, twenty-first century career and technical education and academic curricula, and work-based learning opportunities that empower students to be successful learners and practitioners.

d. Reviewing career and technical education programs of school districts within the region based on standards adopted by the state board, and recommending to the department career and technical education programs for approval.

e. Coordinating and facilitating local advisory councils for career and technical education programs. As necessary, establishing regional advisory councils to serve in the same capacity as local advisory councils.

f. Planning for regional centers with the purpose of achieving equitable access to high-quality career and technical education programming and concurrent enrollment opportunities for all students. As a condition for approval, a regional center shall comply with standards adopted by the state board and shall consist of a minimum of four career academies. A regional center shall be compatible with development of a statewide system of regional centers serving all students. A regional center shall serve either of the following:

(1) A combined minimum of one hundred twenty students from no fewer than two school districts.

(2) A minimum of four school districts.

g. Meeting regularly.

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4. The membership of each regional career and technical education planning partnership shall consist of stakeholders in a position to contribute to the development and successful implementation of high-quality career and technical education programs and shall include but not be limited to the following:

a. The superintendent of a school district within the regional planning partnership, or the superintendent's designee.

b. The president of a community college within the regional planning partnership, or the president's designee.

c. The chief administrator of an area education agency within the regional planning partnership, or the chief administrator's designee.

d. Representatives of regional economic and workforce entities including local workforce development boards established under section 84A.4.

e. Representatives of business and industry.

f. Career and technical education teachers and faculty.

5. Convening the regional career and technical education planning partnership shall be the joint responsibility of the area education agency and community college located within the region. In convening the regional career and technical education planning partnership, the area education agency and the community college shall include stakeholders from each member district of the partnership.

6. A regional career and technical education partnership may use funds received from state sources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership to convene, lead, and staff the regional career and technical education planning partnership; to offer regional career and technical education professional development opportunities; to coordinate and maintain a career guidance system pursuant to section 279.61; to purchase career and technical education equipment; and to purchase standard classroom consumable supplies other than consumable supplies that will be made into products to be sold or used personally by students, teachers, and other persons. The regional career and technical education partnership shall demonstrate that all expenditures are aligned with high-skill, high-wage, and high-demand occupations as defined in section 256.125.

2016 Acts, ch 1108, §46
C2017, §258.14
2017 Acts, ch 29, §73 – 75; 2018 Acts, ch 1130, §3, 4; 2023 Acts, ch 19, §2535
C2024, §256.136
2024 Acts, ch 1162, §6 – 8; 2026 Acts, ch 1181, §9
Referred to in §256.125, 256.129, 256.131, 256.137, 282.7
Subsection 6 amended

256.137 Career academy.

1. A career academy may be established under an agreement between a single school district and a community college, or by multiple school districts and a community college organized into a regional career and technical education planning partnership pursuant to section 256.136. A career academy established under this section shall be a career-oriented or occupation-oriented program of study that includes a minimum of two years of secondary education, which may fulfill the sequential unit requirement in one of the four service areas required under section 256.11, subsection 5, paragraph *"h"*, is articulated with a postsecondary education program, and is approved by the director under section 256.130. A career academy shall do all of the following:

a. Utilize regional career and technical education planning partnerships outlined in section 256.136 in an advisory capacity to inform the selection and design of the career academy and establishment of industry standards.

b. Establish a program of study that meets all of the following criteria:

(1) Is designed to meet industry standards and prepare students for success in postsecondary education and the workforce.

(2) Integrates academic coursework, includes work-based learning, and utilizes the individual career and academic planning process established under section 279.61.

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(3) Allows students enrolled in the academy an opportunity to continue on to an associate degree and, if applicable, a postsecondary baccalaureate degree program.

2. The state board, in consultation with the community colleges and post-secondary readiness bureau, shall adopt rules setting minimum standards for the development and implementation of career academies under this section and ensuring compliance with the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., as amended.

2016 Acts, ch 1108, §47
C2017, §258.15
2017 Acts, ch 29, §76; 2023 Acts, ch 19, §2535
C2024, §256.137
2024 Acts, ch 1043, §76
Referred to in §256.125, 257.51

256.138 Reserved.

256.139 Statewide lower division general education and common course numbering systems.

1. To support student transfer and academic transparency, statewide lower division general education framework and common course numbering systems shall be implemented by the department of education, in coordination with the Iowa community colleges and in consultation with the state board of regents, for coursework offered by Iowa community colleges.

2. The common course numbering system must do all of the following:

a. Assign each course an alphanumeric prefix and number reflecting subject area and level.

b. Identify equivalent courses across institutions. Each course shall have a common description and common course outcomes developed by faculty from community colleges, with consultation from the board of regents.

c. Be used in all course catalogs, registration systems, and transcripts.

3. The department shall maintain a statewide course numbering directory and shall establish a faculty-led process for determining course equivalency.

4. For the school year beginning July 1, 2027, and each succeeding school year, the lower division general education framework shall apply to all community college general education coursework, inclusive of a common set of general education learning requirements, and shall be built upon the existing statewide transfer pathways used by public institutions of higher education in the state. This process shall preserve institutional autonomy over course delivery and content while ensuring transfer consistency.

5. The department shall adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1181, §10
NEW section

256.140 Statewide corequisite model.

1. By the 2028-2029 school year, all Iowa community colleges shall replace traditional, prerequisite remedial coursework in mathematics and English with corequisite models.

2. The department of education, in consultation with Iowa community colleges, shall by rule establish a statewide framework for corequisite developmental education.

2026 Acts, ch 1181, §11
Referred to in §260C.14
NEW section

256.141 Statewide occupation definitions.

The department of education, in consultation with the Iowa workforce development board, shall adopt rules pursuant to chapter 17A to administer the process of selecting the occupations that qualify as a high-demand occupation, high-skill occupation, or high-wage

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occupation, each as defined in section 256.125, for purposes of use by government agencies and statewide programs.

2026 Acts, ch 1181, §12
NEW section

256.142 through 256.144 Reserved.

PART 3

BOARD OF EDUCATIONAL EXAMINERS

Referred to in §20.17, 20.19, 20.20, 256.7, 256.9, 256.11, 256.16, 256.41, 256.43, 256.103, 256.121, 256.220, 256C.3, 256E.7, 257.11, 260C.48, 261E.4, 261H.2, 272C.15, 273.3, 279.13, 279.19B, 279.65B, 279.72, 279.73, 284.2, 284.10, 284.15, 284.16, 284A.2, 284A.6, 284A.7, 299A.2, 622.10, 709.15, 714.19

Continuity of licenses, certificates, or authorization issued by board of educational examiners under former chapter 272 prior to July 1, 2023; use of federal funds to employ personnel necessary for program administration; 2023 Acts, ch 19, §2604

256.145 Definitions.

As used in this part, unless the context otherwise requires:

1. *"Administrator"* means a person who is licensed to coordinate, supervise, or direct an educational program or the activities of other practitioners.

2. *"Board"* means the board of educational examiners.

3. *"Certificate"* means limited recognition to perform instruction and instruction-related duties in school, other than those duties for which practitioners are licensed. A certificate is nonexclusive recognition and does not confer the exclusive authority of a license.

4. *"License"* means the authority that is given to allow a person to legally serve as a practitioner, a school, an institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, courses of study, or area education agencies. A license is the exclusive authority to perform these functions.

5. *"Offense directly relates"* refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

6. *"Para-educator"* means a person who is certified to assist a teacher in the performance of instructional tasks to support and assist classroom instruction and related school activities.

7. *"Practitioner"* means an administrator, teacher, or other licensed professional, including an individual who holds a statement of professional recognition, who provides educational assistance to students.

8. *"Practitioner preparation program"* means a program approved by the state board of education which prepares a person to obtain a license as a practitioner.

9. *"Principal"* means a licensed member of a school's instructional staff who serves as an instructional leader, coordinates the process and substance of educational and instructional programs, coordinates the budget of the school, provides formative evaluation for all practitioners and other persons in the school, recommends or has effective authority to appoint, assign, promote, or transfer personnel in a school building, implements the local school board's policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school's student activities program.

10. *"Professional development program"* means a course or program which is offered by a person or agency for the purpose of providing continuing education for the renewal or upgrading of a practitioner's license.

11. *"School"* means a school under section 280.2, an area education agency, and a school operated by a state agency for special purposes.

12. *"School administration manager"* means a person who is authorized to assist a school principal in performing noninstructional administrative duties.

13. *"School service personnel"* means those persons holding a practitioner's license who

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provide support services for a student enrolled in school or to practitioners employed in a school.

14. *"Student"* means a person who is enrolled in a course of study at a school or practitioner preparation program, or who is receiving direct or indirect assistance from a practitioner.

15. *"Superintendent"* means an administrator who promotes, demotes, transfers, assigns, or evaluates practitioners or other personnel, and carries out the policies of a governing board in a manner consistent with professional practice and ethics.

16. *"Teacher"* means a licensed member of a school's instructional staff who diagnoses, prescribes, evaluates, and directs student learning in a manner which is consistent with professional practice and school objectives, shares responsibility for the development of an instructional program and any coordinating activities, evaluates or assesses student progress before and after instruction, and who uses the student evaluation or assessment information to promote additional student learning.

17. *"Work-based learning program supervisor"* means a person who is certified pursuant to section 256.161 to supervise students' opportunities and experiences related to workplace tours, job shadowing, rotations, mentoring, entrepreneurship, service learning, internships, and apprenticeships.

[C97, §2628; C24, 27, 31, 35, 39, §**3858;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.1]
89 Acts, ch 265, §1; 90 Acts, ch 1249, §4
C93, §272.1
98 Acts, ch 1216, §22; 2000 Acts, ch 1098, §2, 3; 2002 Acts, ch 1047, §10, 20; 2008 Acts, ch 1008, §1; 2012 Acts, ch 1119, §25; 2020 Acts, ch 1103, §21, 31; 2022 Acts, ch 1134, §4; 2023 Acts, ch 19, §2560, 2603
C2024, §256.145
Referred to in §256.44, 256.219, 256E.7, 256E.26, 261B.3A, 263.1, 266.2, 279.65B, 279.78, 279.94, 284.15, 284.16

256.146 Board of examiners created.

The board is created within the higher education division of the department of education to exercise the exclusive authority to:

1. *a.* License practitioners, which includes the authority to do all of the following:

(1) Establish criteria for the licenses.

(2) Establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means, and there shall be no renewal requirement for a practitioner who has been employed as a practitioner for at least ten years and who possesses a master's or doctoral degree, unless the practitioner holds an evaluator approval endorsement, which must be renewed at least once every ten years.

(3) Create application and renewal forms.

(4) Create licenses that authorize different instructional functions or specialties.

(5) Develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address all of the following:

(a) The failure of a practitioner to fulfill contractual obligations under section 279.13. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

(b) The failure of an administrator to protect the safety of staff and students.

(c) The failure of an administrator to meet mandatory reporter obligations.

(d) The refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan.

(e) Habitual nonparticipation in professional development.

(f) The development of any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties.

b. Provide annually to any person who holds a license, certificate, authorization, or statement of recognition issued by the board, training relating to the knowledge and understanding of the board's code of professional conduct and ethics. The board shall develop a curriculum that addresses the code of professional conduct and ethics and shall annually provide regional training opportunities throughout the state.

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c. Rules adopted pursuant to this subsection establishing licensure renewal requirements shall provide that up to half of the units needed for licensure renewal may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator, or by successful completion of professional development courses or programs offered by a professional development program licensed by the board, or by a practitioner preparation institution or area education agency approved by the state board of education.

2. Establish, collect, and refund fees for a license.

3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board. The board shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the board of findings of fact if a majority of the board does not hear the disciplinary proceeding. However, in a case alleging failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with this part.

5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.

6. Evaluate and conduct studies of board standards.

7. Hear appeals regarding application, renewal, suspension, or revocation of a license. Board action is final agency action for purposes of chapter 17A.

8. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.

9. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

10. Make recommendations to the state board of education concerning standards for the approval of professional development programs.

11. Adopt, under chapter 17A, rules necessary to carry out board duties, and establish a budget request.

12. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree or higher from an accredited or state-approved college or university, who do not meet other requirements for licensure. The rules shall, at a minimum, require the board to do all of the following:

a. Issue a teacher intern license to an applicant who has enrolled in a program established pursuant to section 256.16, subsection 1, paragraph *"m"*.

b. Allow a licensee who has attained a teacher intern license pursuant to paragraph *"a"* to apply for an initial teaching license if the school that employed the licensee during the licensee's completion of the program established pursuant to section 256.16, subsection 1, paragraph *"m"*, and the higher education institution that operated the program recommend that the licensee be allowed to apply for an initial teaching license.

13. Adopt rules to determine whether an applicant is qualified to perform the duties for which a license is sought. The rules shall include all of the following:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or offense in relation to the position sought, the time elapsed since the offense was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the offense, the

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likelihood that the person will commit the same abuse or offense again, and the number of founded abuses committed by or criminal convictions of the person involved.

b. Notwithstanding paragraph *"a"*, the rules shall require the board to disqualify an applicant for a license or to revoke the license of a person for any of the following reasons:

(1) The person entered a plea of guilty to, or has been found guilty of, any of the following offenses, whether or not a sentence is imposed:

(a) Any of the following forcible felonies included in section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping.

(b) Any of the following sexual abuse offenses, as provided in chapter 709, involving a child:

(i) First, second, or third degree sexual abuse committed on or with a person who is under the age of eighteen years.

(ii) Lascivious acts with a child.

(iii) Assault with intent to commit sexual abuse.

(iv) Indecent contact with a child.

(v) Sexual exploitation by a counselor.

(vi) Lascivious conduct with a minor.

(vii) Sexual exploitation by a school employee.

(c) Enticing a minor under section 710.10.

(d) Human trafficking under section 710A.2.

(e) Incest involving a child under section 726.2.

(f) Dissemination and exhibition of obscene material to minors under section 728.2.

(g) Telephone dissemination of obscene material to minors under section 728.15.

(h) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(i) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in this subparagraph (1).

(2) The applicant's application is fraudulent.

(3) The applicant's license or certification from another state is suspended or revoked.

(4) The applicant fails to meet board standards for application for an initial or renewed license.

c. Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

d. An applicant for a license or certificate under this part shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant. However, if the executive director of the board receives notice from the director of the department under section 256.9, subsection 17, that an error in the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department shall be sufficient evidence to correct such error.

e. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of section 261H.2, subsection 3, or section 279.73.

14. *a.* Adopt rules that require specificity in written complaints that are filed by individuals who have personal knowledge of an alleged violation and which are accepted by the board, provide that the jurisdictional requirements as set by the board in administrative rule are met on the face of the complaint before initiating an investigation of allegations, provide that any investigation be limited to the allegations contained on the face of the complaint, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint filed with the board, allow the respondent the right to review any investigative report upon a finding of probable cause for further action by the board, require that the

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conduct providing the basis for the complaint occurred within three years of discovery of the event by the complainant unless good cause can be shown for an extension of this limitation or unless the conduct constitutes conduct described in section 256.160, subsection 1, paragraph *"a"*, subparagraph (1), subparagraph division (a), require complaints to be resolved within one hundred eighty days unless good cause can be shown for an extension of this limitation, and require the board to finalize the investigation of the written complaint even if the licensed practitioner resigns or surrenders the licensed practitioner's license, certificate, authorization, or statement of recognition during the investigation.

b. Adopt rules that require the collection and retention of written complaints that are filed. If the board determines a written complaint is not founded, the complaint and all records related to the complaint shall be kept confidential and are not subject to chapter 22.

c. Adopt rules that require the board to notify the public when a licensed practitioner who is the subject of an ongoing investigation initiated under paragraph *"a"* has a case pending with a finding of probable cause. This paragraph shall not be construed to require the board to disclose unfounded, closed investigations initiated under paragraph *"a"*.

d. Adopt rules that require the evaluation of complaints that did not result in any discipline or sanction if similar complaints are filed against the same licensed practitioner.

e. Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under paragraph *"a"*. The rules shall require the board to investigate whether the administrator filed a written complaint pursuant to this subsection and whether the administrator was required to report to the board pursuant to section 256.160.

15. Adopt criteria for administrative endorsements that allow a person to achieve the endorsement authorizing the person to serve as an elementary or secondary principal without regard to the grade level at which the person accrued teaching experience.

16. *a.* Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check.

b. The board shall have access to, and shall review the sex offender registry information under section 692A.121 available to the general public, information in the Iowa court information system available to the general public, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal and, every five years, for practitioners who are not subject to renewal requirements pursuant to subsection 1, paragraph *"a"*, subparagraph (2). The board may charge such a practitioner who is not subject to renewal requirements a reasonable fee for the review of the sex offender registry information, information in the Iowa court information system, the central registry for child abuse information, and the dependent adult abuse records.

c. (1) The board shall require all initial applicants for licensure, including individuals who apply for a license under section 256.152, and all applicants for license renewal, to produce evidence of the applicant's legal authorization to work in the United States as a condition of initial licensure or license renewal. The board shall accept as proof of an applicant's legal authorization to work in the United States any of the following:

(a) A document that establishes both employment authorization and identity, as described in 8 U.S.C. §1324a(b)(1)(B).

(b) A document that evidences employment authorization, as described in 8 U.S.C. §1324a(b)(1)(C), and a document that establishes the identity of the applicant, as described in 8 U.S.C. §1324a(b)(1)(D).

(2) The board shall require all practitioners who are not subject to renewal requirements pursuant to subsection 1, paragraph *"a"*, subparagraph (2), to produce evidence of the practitioner's legal authorization to work in the United States every five years as a condition of remaining licensed. The board shall accept as proof of a practitioner's legal authorization to work in the United States any of the following:

(a) A document that establishes both employment authorization and identity, as described in 8 U.S.C. §1324a(b)(1)(B).

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(b) A document that evidences employment authorization, as described in 8 U.S.C. §1324a(b)(1)(C), and a document that establishes the identity of the practitioner, as described in 8 U.S.C. §1324a(b)(1)(D).

17. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 9, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C.

18. Adopt rules to provide in the board's code of professional conduct and ethics that any licensee of the board, who commits or solicits any sexual conduct as defined in section 709.15, subsection 3, paragraph *"a"*, subparagraph (2), or solicits, encourages, or consummates a romantic relationship with any individual who was a student within ninety days prior to any such conduct alleged in a complaint initiated with the board, if the licensee taught the individual or supervised the individual in any school activity when the individual was a student, engages in unprofessional and unethical conduct that may result in disciplinary action by the board.

19. Adopt rules pursuant to chapter 17A establishing endorsements and authorizations for computer science instruction, including traditional and nontraditional pathways for obtaining such endorsements or authorizations.

20. Adopt rules under chapter 17A to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

21. By July 1, 2021, adopt rules pursuant to chapter 17A, developed in collaboration with the Iowa reading research center, establishing an advanced dyslexia specialist endorsement. The endorsement shall require a strong understanding of structured literacy instruction; the neurobiological nature, cognitive-linguistic correlates, developmental indicators, compensatory behaviors, potential psychological factors, and co-occurring disorders of dyslexia; demonstrated skill in administering informal and formal assessments related to dyslexia; demonstrated skill in delivery of explicit, systematic literacy intervention; demonstrated skill in developing and supporting services for students with characteristics of dyslexia including those who are eligible for services under chapter 256B or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended; demonstrated skill in the design and implementation of accommodations and modifications; demonstrated competence in creating a dyslexia-friendly learning environment; and demonstrated skill in the use and integration of assistive technology. This endorsement shall, at a minimum, require three years of prior teaching experience and completion of a supervised practical experience.

22. Establish, collect, and refund fees from an administrator for the administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, developed pursuant to subsection 1, for which final board action results in a sanction against the administrator.

23. By August 1, 2021, adopt rules pursuant to chapter 17A establishing a statement of professional recognition for behavior analysts licensed under chapter 154D.

24. By January 1, 2022, adopt rules pursuant to chapter 17A establishing a statement of professional recognition for mental health professionals as defined in section 228.1. The rules shall require that any mental health professional who provides mental health services to students for a school obtain such a statement unless a professional service license or endorsement relating to mental health services has been issued to the mental health professional by the board.

25. *a.* (1) Develop and implement a process for the reporting and investigation of any incident that arises that may reasonably lead to the conclusion that any individual who is employed by the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school, including an individual with a license, endorsement, certification, authorization, or statement of

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recognition issued by the board of educational examiners, has committed a felony or, in the case of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, has engaged in conduct described in section 256.160, subsection 1, paragraph *"a"*, subparagraph (1).

(2) The process must require the board of educational examiners to assign a unique identifier to each incident that is reported. The board of educational examiners shall provide the unique identifier to the person who reported the incident and to the employee who is the subject of the incident, and the unique identifier must be able to be used to search the board of educational examiners' internet site to determine the current status of the investigation of the incident, including the date of the most recently taken action. The board of educational examiners shall ensure that the portion of the internet site displaying such information is only accessible by the person who reported the incident, the employee who is the subject of the incident, and the board of educational examiners and its employees and agents.

b. The process shall prohibit the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school from entering into any of the following:

(1) A written or oral agreement that prohibits the board of directors of the school district, the authorities in charge of an accredited nonpublic school, the governing board of a charter school, an employee of the school district, the accredited nonpublic school, or the charter school, or a contractor of the school district, the accredited nonpublic school, or the charter school from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

(2) A written or oral agreement that waives the liability of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners related to or arising from an incident, past performance or action, or past allegations of wrongdoing.

c. (1) The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to provide all documentation and information related to the incident to the board of educational examiners for investigation if the employee who is the subject of the incident and who has a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners resigns or the employee's contract is terminated during the school district's, accredited nonpublic school's, or charter school's investigation of the incident.

(2) The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to finalize the investigation of the incident even if the employee who is the subject of the incident and who does not have a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners resigns or the employee's contract is terminated during the school district's, accredited nonpublic school's, or charter school's investigation of the incident.

d. The process shall require that, prior to hiring an applicant for any position, the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school must conduct a review of the applicant's employment history, including by contacting the applicant's previous employers listed on the application for employment and by viewing the board of educational examiners' public license information to determine if the applicant has a case pending with a finding of probable cause or any licensure sanction.

e. The process shall require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, and the governing board of a charter school to maintain on forms prescribed by the board of educational examiners reference information related to all employees of the school district, accredited nonpublic school, or charter school, and respond to any request for such information from a potential employer. This paragraph shall not be construed to require the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school to

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disclose unfounded, closed investigations. The board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school shall be immune from any criminal or civil liability arising from the disclosure of reference information under this paragraph if the school district, accredited nonpublic school, or charter school does not knowingly disclose false information.

f. The board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school, and contractors of the school district, the accredited nonpublic school, or the charter school shall be immune from any civil liability arising from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

g. If, after investigation, the board of educational examiners determines that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally failed to follow the process established by this subsection regarding an incident, or the reporting requirements established pursuant to section 256.160, related to an employee who holds a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally failed to ensure compliance with the process shall be subject to a hearing conducted by the board of educational examiners.

h. If, after investigation, the board of educational examiners determines that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally failed to follow the process established by this subsection regarding an incident related to an employee who does not hold a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally failed to ensure compliance with the process shall be subject to a hearing conducted by the board of educational examiners.

i. If, after investigation, the board of educational examiners determines that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally concealed, or attempted to conceal from any governmental agent, governmental officer, or potential employer a founded incident, or any conduct required to be reported pursuant to section 256.160, related to an employee who holds a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally assisted in the concealment, or attempted concealment, of an incident, or any conduct required to be reported pursuant to section 256.160, shall be subject to a hearing conducted by the board of educational examiners.

j. If, after investigation, the board of educational examiners finds that the board of directors of a school district, the authorities in charge of an accredited nonpublic school, or the governing board of a charter school has intentionally concealed, or attempted to conceal from any governmental agent, governmental officer, or potential employer a founded incident related to an employee who does not hold a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, any administrator of the school district, the accredited nonpublic school, or the charter school who intentionally assisted in the concealment, or attempted concealment, of an incident shall be subject to a hearing conducted by the board of educational examiners.

k. (1) Annually, on or before June 30 of each year, the board of educational examiners shall submit to the general assembly a report that contains information related to all of the following:

(a) The number and types of disciplinary hearings before the board of educational examiners.

(b) Any trends in the number or types of disciplinary hearings before the board of educational examiners.

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(c) The number of board of educational examiners investigations of the employees of school districts, accredited nonpublic schools, or charter schools who do not hold a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners, that the board of educational examiners referred to a law enforcement agency.

(d) Any other information deemed relevant by the board of educational examiners in order to inform the general assembly of the status of the enforcement of the board of educational examiners' rules.

(2) The report shall not include any personally identifiable information related to investigations referred to a law enforcement agency.

26. *a.* Adopt rules pursuant to chapter 17A that allow an individual seeking a career and technical secondary authorization to apply, and, if eligible, be issued the secondary authorization prior to accepting an offer of employment with a school.

b. The board shall limit qualifications for an applicant for a career and technical secondary authorization to three thousand hours of recent and relevant experience. The board shall limit training requirements for an initial authorization to ethics training.

27. By September 1, 2024, adopt rules pursuant to chapter 17A establishing endorsements for instruction related to career and technical fields in schools providing instruction to students enrolled in prekindergarten through grade twelve, including but not limited to business, agriculture, industrial technology, consumer science, and information technology.

28. *a.* Adopt rules pursuant to chapter 17A establishing additional endorsements for instruction related to all of the following high-need teaching areas in schools providing instruction to students enrolled in prekindergarten through grade twelve:

(1) Fine arts.

(2) Mathematics.

(3) Science.

b. The board shall not grant an applicant an endorsement described in paragraph *"a"* unless the applicant holds a bachelor's degree from an accredited college or university.

c. This subsection is repealed July 1, 2030.

29. Adopt rules pursuant to chapter 17A establishing an additional kindergarten through grade twelve instructional strategist II endorsement that does not require the applicant to possess a master's or doctoral degree as a condition of obtaining the endorsement.

30. Adopt rules pursuant to chapter 17A establishing an activities administration authorization. The rules must require an applicant for the activities administration authorization to hold a baccalaureate degree or higher in any academic field.

31. Adopt rules pursuant to chapter 17A that require an individual who has applied to a school to teach in a special education setting to complete a self-paced course created by the department of education as a condition of awarding the individual a class B license or a conditional license. The self-paced course must include content related to basic special education laws, assessment procedures, and other essential competencies.

[C97, §2629; S13, §2629; C24, 27, 31, §3863; C35, §3858-e1; C39, §**3858.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.2]

86 Acts, ch 1245, §1442; 89 Acts, ch 265, §2; 90 Acts, ch 1249, §5, 6

C93, §272.2

96 Acts, ch 1189, §1; 96 Acts, ch 1215, §46; 2001 Acts, ch 103, §1; 2001 Acts, ch 161, §15, 16; 2001 Acts, ch 177, §13, 15; 2002 Acts, ch 1084, §1; 2002 Acts, ch 1128, §1; 2003 Acts, ch 108, §48; 2003 Acts, ch 180, §14, 15; 2006 Acts, ch 1152, §9; 2007 Acts, ch 108, §9; 2008 Acts, ch 1008, §2; 2009 Acts, ch 119, §39; 2009 Acts, ch 177, §32, 33; 2010 Acts, ch 1043, §1; 2011 Acts, ch 35, §1, 2; 2011 Acts, ch 132, §93, 106; 2014 Acts, ch 1045, §1; 2015 Acts, ch 4, §1; 2015 Acts, ch 10, §1; 2016 Acts, ch 1066, §1; 2017 Acts, ch 106, §2; 2018 Acts, ch 1026, §87; 2019 Acts, ch 13, §1; 2019 Acts, ch 24, §36; 2019 Acts, ch 30, §5, 6; 2020 Acts, ch 1048, §4; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1093, §3, 4; 2020 Acts, ch 1103, §22, 31, 39, 51; 2020 Acts, ch 1108, §8; 2021 Acts, ch 80, §144; 2021 Acts, ch 87, §1, 3; 2021 Acts, ch 111, §1; 2021 Acts,

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ch 130, §4; 2021 Acts, ch 170, §29; 2022 Acts, ch 1103, §6, 7, 9, 10; 2023 Acts, ch 19, §2561 – 2565, 2603, 2605; 2023 Acts, ch 62, §1; 2023 Acts, ch 95, §7; 2023 Acts, ch 100, §2, 3

C2024, §256.146

2024 Acts, ch 1079, §7, 11; 2024 Acts, ch 1162, §12, 14; 2024 Acts, ch 1171, §2, 3; 2026 Acts, ch 1155, §24; 2026 Acts, ch 1156, §1, 2, 35; 2026 Acts, ch 1172, §3; 2026 Acts, ch 1187, §1

Referred to in §232.69, 232E.1, 235B.16, 256.7, 256.11, 256.151, 256.155, 256.157, 256.160, 256.161, 256.165, 261E.3, 279.43, 279.69, 279.73, 279.78, 280.34, 284.6A

2023 amendments by 2023 Acts, ch 19, apply to individuals appointed as the executive director of the board of educational examiners before, on, or after July 1, 2023; 2023 Acts, ch 19, §2605

2026 amendment to subsection 16 applies to all applications for initial licensure, and all applications for license renewal, that are submitted to the board of educational examiners on or after July 1, 2026; 2026 Acts, ch 1156, §2

Subsections 16 and 26 amended

NEW subsections 28 – 31

256.147 Membership.

1. The board of educational examiners shall consist of thirteen members, subject to the following requirements:

a. Four members shall be members of the general public who have demonstrated an interest in education but have never held a practitioner's license. Two of the members appointed pursuant to this paragraph shall be the parent or guardian of a student who is currently enrolled in a school district, accredited nonpublic school, or charter school, shall not currently hold any elective office, and shall not be an employee or contractor of a school district, accredited nonpublic school, or charter school. One of the members appointed pursuant to this paragraph shall have been or currently be a member of the board of directors of a school district.

b. Eight members shall be licensed practitioners. Three of the members appointed pursuant to this paragraph shall be administrators and one shall be an employee of an accredited nonpublic school. The remaining four members appointed pursuant to this paragraph shall be selected from the following areas and specialties of the teaching profession:

(1) Elementary teachers.
(2) Secondary teachers.
(3) Special education or similar teachers.
(4) Counselors or other special purpose practitioners.
(5) School service personnel.

c. One member shall be the director of the department or the director's designee.

2. The membership of the board shall comply with the requirements of section 4A.12. A quorum of the board shall consist of seven members. Members shall elect a chairperson of the board. Members, except for the director of the department or the director's designee, shall be appointed by the governor subject to confirmation by the senate.

[C97, §2634; S13, §2634-a; SS15, §2634-a; C24, 27, 31, 35, 39, §**3859;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.3]

85 Acts, ch 212, §22; 86 Acts, ch 1245, §1443; 89 Acts, ch 265, §3

C93, §272.3

2002 Acts, ch 1047, §11, 20; 2006 Acts, ch 1152, §10, 11; 2007 Acts, ch 104, §1; 2008 Acts, ch 1008, §3; 2023 Acts, ch 19, §2566, 2567, 2603; 2023 Acts, ch 95, §8, 12

C2024, §256.147

2024 Acts, ch 1004, §35

Referred to in §256.148

Confirmation, see §2.32

2023 amendment applies to the governor's appointments to the board of educational examiners on or after July 1, 2023; 2023 Acts, ch 95, §12

256.148 Terms of office.

1. Members, except for the director or the director's designee, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director or the director's designee, who shall serve until the director's term of office expires. A member of the board who is a licensed practitioner appointed pursuant to section 256.147, subsection 1, paragraph *"b"*, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

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a. The license of a licensed practitioner appointed pursuant to section 256.147, subsection 1, paragraph *"b"*, expires, is suspended, or is revoked.

b. A licensed practitioner appointed pursuant to section 256.147, subsection 1, paragraph *"b"*, retires or terminates employment as a practitioner.

c. A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.

d. A member's term of office expires.

2. Terms of office for regular appointments shall begin and end as provided in section 69.19. Terms of office for members appointed to fill vacancies shall begin on the date of appointment and end as provided in section 69.19. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

89 Acts, ch 265, §4
CS89, §260.4
92 Acts, ch 1212, §25
C93, §272.4
2007 Acts, ch 22, §64; 2008 Acts, ch 1008, §4; 2023 Acts, ch 19, §2568, 2603; 2023 Acts, ch 95, §9, 12
C2024, §256.148
2023 amendment to subsection 1 applies to the governor's appointments to the board of educational examiners on or after July 1, 2023; 2023 Acts, ch 95, §12

256.149 Compensation of board — executive director.

1. Members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and may be entitled to per diem compensation as authorized under section 7E.6. For duties performed during an ordinary school day by a member who is employed by a school corporation or state university, the member shall also receive regular compensation from the school or university. However, the member shall reimburse the school or university in the amount of the per diem compensation received.

2. The director shall appoint an executive director of the board. The executive director shall possess a background in education licensure and administrative experience. The director shall set the salary of the executive director.

[C35, §3872-e1; C39, §**3872.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.5]
89 Acts, ch 265, §5; 90 Acts, ch 1249, §7
C93, §272.5
2012 Acts, ch 1119, §22; 2023 Acts, ch 19, §2569, 2603, 2605
C2024, §256.149
2023 amendment to subsection 2 applies to individuals appointed as the executive director of the board of educational examiners before, on, or after July 1, 2023; 2023 Acts, ch 19, §2605

256.150 Immunities.

1. A person shall not be civilly liable as a result of the person's acts, omissions, or decisions that are reasonable and in good faith as a member of the board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with the board or for the disclosure to the board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information in connection with proceedings of the board. However, such immunity from civil liability shall not apply if such an act is done with malice.

3. A person shall not be dismissed from employment or discriminated against by an employer for doing any of the following:

a. Filing a complaint with the board.

b. Participating as a member, agent, or employee of the board.

c. Presenting testimony or other evidence to the board.

4. An employer who violates this section shall be liable to a person aggrieved by such violation for actual and punitive damages plus reasonable attorney fees.

2011 Acts, ch 37, §1

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CS2011, §272.6
2023 Acts, ch 19, §2603
C2024, §256.150

256.151 Validity of license.

1. A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. Except as provided in section 256.146, subsection 1, paragraph *"a"*, subparagraph (2), permanent licenses shall not be issued. A person employed as a practitioner shall hold a valid license with an endorsement for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.

2. The executive director of the board may grant or deny license applications, applications for renewal of a license, and suspension or revocation of a license. A denial of an application for a license, the denial of an application for renewal, or a suspension or revocation of a license may be appealed by the practitioner to the board.

3. The board may issue emergency renewal or temporary, limited-purpose licenses upon petition by a current or former practitioner. An emergency renewal or a temporary, limited-purpose license may be issued for a period not to exceed two years, if a petitioner demonstrates, to the satisfaction of the board, good cause for failure to comply with board requirements for a regular license and provides evidence that the petitioner will comply with board requirements within the period of the emergency or temporary license. Under exceptional circumstances, an emergency license may be renewed by the board for one additional year. A previously unlicensed person is not eligible for an emergency or temporary license, except that a student who is enrolled in a licensed practitioner preparation program may be issued a temporary, limited-purpose license, without payment of a fee, as part of a practicum or internship program.

[S13, §2630-b, 2734-e; C24, 27, 31, §3878; C35, §3872-e3, -e4, -e5, 3878; C39, §**3872.03, 3872.04, 3872.05, 3878;** C46, 50, 54, 58, 62, 66, 71, 73, §260.7, 260.8, 260.9, 260.17, 260.18; C75, 77, 79, §260.7, 260.8, 260.9, 260.17; C81, §260.7]

89 Acts, ch 265, §7
C93, §272.7
94 Acts, ch 1126, §1; 2000 Acts, ch 1070, §1; 2017 Acts, ch 54, §76; 2018 Acts, ch 1021, §1; 2023 Acts, ch 19, §2603; 2023 Acts, ch 100, §4
C2024, §256.151

256.152 License to applicants from other states or countries.

1. *a.* The board may issue a license to an applicant from another state or country if the applicant files evidence of the possession of the required or equivalent requirements with the board, including any of the following:

(1) A full license from another state or country, which shall not include a temporary license or an emergency license.

(2) Verification from an institution located in another state that the applicant has completed all program and licensure requirements with the exception of any assessments required by the state.

(3) Transcripts indicating the applicant completed an educator preparation program located in another country.

b. If the applicant is the spouse of a military person who is on duty or in active state duty as defined in section 29A.1, subsections 10 and 12, the board shall assign a consultant to be the single point of contact for the applicant regarding nontraditional licensure.

2. The executive director of the board may, subject to board approval, enter into reciprocity agreements with another state or country for the licensing of practitioners on an equitable basis of mutual exchange, when the action is in conformity with law.

3. Practitioner preparation and professional development programs offered in this state

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by out-of-state institutions must be approved by the board in order to fulfill requirements for licensure or renewal of a license by an applicant.

85 Acts, ch 217, §1
CS85, §260.8
89 Acts, ch 265, §8
C93, §272.8
2010 Acts, ch 1169, §8; 2011 Acts, ch 14, §1; 2023 Acts, ch 19, §2603; 2023 Acts, ch 97, §1
C2024, §256.152
Referred to in §256.146

256.153 Continuity of certificates and licenses.

1. A certificate which was issued by the board to a practitioner before July 1, 1989, continues to be in force as long as the certificate complies with the rules and statutes in effect on July 1, 1989. Requirements for the renewal of licenses, under this part, do not apply retroactively to renewal of certificates. However, this section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts.

2. A practitioner who holds a certificate issued before July 1, 1989, shall, upon application and payment of a fee, be granted a license which will permit the practitioner to perform the same duties and functions as the practitioner was entitled to perform with the certificate held at the time of application. A practitioner shall be permitted to convert a permanent certificate to a term certificate, after July 1, 1989, without payment of a fee.

[C75, 77, 79, 81, §260.9]
83 Acts, ch 59, §1; 86 Acts, ch 1245, §1445; 87 Acts, ch 17, §7; 89 Acts, ch 265, §9
C93, §272.9
2008 Acts, ch 1008, §5; 2023 Acts, ch 19, §2570, 2603
C2024, §256.153
Referred to in §294.3

256.154 Administrator licenses.

1. Beginning July 1, 2007, requirements for administrator licensure beyond an initial license shall include completion of a beginning administrator mentoring and induction program and demonstration of competence on the administrator standards adopted pursuant to section 284A.3.

2. The board shall adopt rules for administrator licensure renewal that include credit for individual administrator professional development plans developed in accordance with section 284A.6.

3. An administrator formerly employed by an accredited nonpublic school or formerly employed as an administrator in another state or country is exempt from the mentoring and induction requirement under subsection 1 if the administrator can document two years of successful administrator experience and meet or exceed the requirements contained in rules adopted pursuant to this part for endorsement and licensure. However, if an administrator cannot document two years of successful administrator experience when hired by a school district, the administrator shall meet the requirements of subsection 1.

90 Acts, ch 1249, §8
C91, §260.9A
C93, §272.9A
2007 Acts, ch 108, §10; 2008 Acts, ch 1031, §44; 2023 Acts, ch 19, §2571, 2603
C2024, §256.154

256.155 Fees.

1. It is the intent of the general assembly that licensing fees established by the board be sufficient to finance the activities of the board under this part.

2. Licensing fees are payable to the treasurer of state and shall be deposited with the executive director of the board. Licensing fees collected during the fiscal year shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, licensing fees retained by and appropriated to the board

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pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the activities of the board as provided in this part until the close of the succeeding fiscal year.

3. The executive director shall keep an accurate and detailed account of fees received, including fees retained by the board.

4. The board shall submit a detailed annual financial report by January 1 to the general assembly and the legislative services agency.

5. The fees established by the board for the administrative costs of processing complaints and conducting hearings pursuant to section 256.146, subsection 22, may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, transcription service or court reporter fee, and other fees assessed as costs by the board. The fees collected annually in accordance with this subsection shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, fees retained by and appropriated to the board pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the activities of the board as provided in this part until the close of the succeeding fiscal year.

[S13, §2634-f1; C24, 27, 31, §3867; C35, §3872-e6; C39, §**3872.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §260.10]

86 Acts, ch 1245, §1446; 89 Acts, ch 265, §11

C93, §272.10

2006 Acts, ch 1180, §23; 2014 Acts, ch 1135, §21; 2021 Acts, ch 170, §30; 2023 Acts, ch 19, §2572, 2603

C2024, §256.155

2026 Acts, ch 1196, §20

Subsections 2 and 3 amended

256.156 Expenditures and refunds.

Expenditures and refunds made by the board under this part shall be certified by the executive director of the board to the director of the department of administrative services, and if found correct, the director of the department of administrative services shall approve the expenditures and refunds and draw warrants upon the treasurer of state from the funds appropriated for that purpose.

[C97, §2631; S13, §2634-g; C24, 27, 31, §3868; C35, §3872-e7, -e8; C39, §**3872.07, 3872.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §260.11, 260.12; C81, §260.11]

86 Acts, ch 1245, §1447; 89 Acts, ch 265, §12

C93, §272.11

2003 Acts, ch 145, §286; 2023 Acts, ch 19, §2573, 2603, 2605

C2024, §256.156

2023 amendment applies to individuals appointed as the executive director of the board of educational examiners before, on, or after July 1, 2023; 2023 Acts, ch 19, §2605

256.157 Para-educator certificates.

The board shall adopt rules pursuant to chapter 17A relating to a voluntary certification system for para-educators. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. Applicants shall be disqualified for any reason specified in section 256.146, subsection 13, or in administrative rule. The board may issue a para-educator certificate to a person who is at least eighteen years of age. A person holding a para-educator certificate shall not perform the duties of a licensed practitioner. A certificate issued pursuant to this part shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this part or chapter 279.

98 Acts, ch 1216, §23

C99, §272.12

2000 Acts, ch 1098, §5; 2000 Acts, ch 1223, §31; 2002 Acts, ch 1128, §2; 2023 Acts, ch 19, §2574, 2603; 2023 Acts, ch 62, §2

C2024, §256.157

Referred to in §256.7

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256.158 Hearing procedures — confidentiality.

1. Hearings before the board shall be conducted in the same manner as contested cases under chapter 17A. The board may subpoena books, papers, records, and any other real evidence necessary for the board to decide whether it should institute a contested case hearing. At the hearing the board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of other evidence. Subpoenas may be issued by the board to a party to a hearing, if the party demonstrates that the evidence or witnesses' testimony is relevant and material to the hearing. Service of process and subpoenas for board hearings shall be conducted in accordance with the law applicable to the service of process and subpoenas in civil actions.

2. Witnesses subpoenaed to appear before the board shall be reimbursed for mileage and necessary expenses and shall receive per diem compensation by the board, unless the witness is an employee of the state or a political subdivision, in which case the witness shall receive reimbursement only for mileage and necessary expenses.

3. *a.* Subject to paragraph *"b"*, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of the board or its employees or agents, which relate to licensee discipline or the investigation of nonlicensed school employees, are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent and the board and its employees and agents involved in licensee discipline or the investigation of nonlicensed school employees, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. A complaint, any amendment to a complaint, and any supporting documents shall be provided to the respondent immediately upon the board's determination that jurisdictional requirements have been met and prior to the commencement of the board's investigation of a licensee. Investigative information in the possession of the board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. A final written decision and finding of fact of the board in a disciplinary proceeding is a public record.

b. Notwithstanding paragraph *"a"*, if the investigative information in the possession of the board or its employees or agents indicates that a crime has been committed by either a licensee or a nonlicensed school employee, the board shall report the investigative information to the proper law enforcement agency.

89 Acts, ch 265, §13
CS89, §260.13
C93, §272.13
2000 Acts, ch 1199, §1; 2010 Acts, ch 1183, §28, 43; 2023 Acts, ch 19, §2603
C2024, §256.158
2024 Acts, ch 1079, §10
Referred to in §256.160, 261H.2

256.158A Required annual report to general assembly. Repealed by 2024 Acts, ch 1079, §9.

256.159 Appointment of administrative law judges.

The board shall maintain a list of qualified persons employed by the division of administrative hearings created by section 10A.801 and who are experienced in the educational system of this state to serve as administrative law judges when a hearing is requested under section 279.24. When requested under section 279.24, the board shall submit a list of five qualified administrative law judges from the list maintained by the board to the parties. The parties shall select one of the five qualified persons to conduct the hearing as provided in section 279.24. The hearing shall be held pursuant to the provisions

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of chapter 17A relating to contested cases. The full costs of the hearing shall be shared equally by the parties.

90 Acts, ch 1249, §9
C91, §260.14
C93, §272.14
2023 Acts, ch 19, §1718, 2603
C2024, §256.159

256.160 Reporting requirements — complaints.

1. *a.* (1) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board any instance of disciplinary action taken against a licensed school employee by the board of directors of the school district or area education agency, the superintendent of the school district, the chief administrator of the area education agency, or the authorities in charge of the accredited nonpublic school for conduct constituting any of the following:

(a) Soliciting, encouraging, or consummating any of the following:

(i) A sexual or physical relationship with a student.

(ii) Grooming behavior toward a student.

(iii) An otherwise inappropriate relationship with a student.

(b) Falsifying student grades, test scores, or other official information or material.

(c) Converting public property or funds to the personal use of the school employee.

(d) Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal drugs, unauthorized drugs, or alcohol.

(e) Abusing a student.

(2) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under sections 279.12, 279.13, 279.15, 279.16, 279.18 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement section 256.146, subsection 13, paragraph "*b*", subparagraph (1); soliciting, encouraging, or consummating a sexual or physical relationship with a student, grooming behavior toward a student, or an otherwise inappropriate relationship with a student; falsifying student grades, test scores, or other official information or material; converting public property or funds to the personal use of the school employee; being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal drugs, unauthorized drugs, or alcohol; or abusing a student, when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

b. Information reported to the board in accordance with this section is privileged and confidential, and except as provided in section 256.158, is not subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than the respondent and the board and its employees and agents involved in licensee discipline, and is not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. The board shall review the information reported to determine whether a complaint should be initiated. In making that determination, the board shall consider the factors enumerated in section 256.146, subsection 13, paragraph "*a*".

2. If, in the course of performing official duties, an employee of the department becomes

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aware of any alleged misconduct by an individual licensed under this part, the employee shall report the alleged misconduct to the board under rules adopted pursuant to subsection 1.

3. Information required to be reported to the board under this section shall be reported within thirty days of either of the following:

a. The date action was taken which necessitated the report, including the date of disciplinary action taken, nonrenewal or termination of a contract for reasons of alleged or actual misconduct, or resignation of a person following an incident or allegation of misconduct as required under subsection 1.

b. The date the employee becomes aware of alleged misconduct as required under subsection 2.

4. If the executive director of the board verifies through a review of official records that a teacher who holds a practitioner's license under this part is assigned instructional duties for which the teacher does not hold the appropriate license or endorsement, either by grade level or subject area, by a school district or accredited nonpublic school, the executive director may initiate a complaint against the teacher and the administrator responsible for the inappropriate assignment of instructional duties.

5. For purposes of this section:

a. "Grooming behavior" means any pattern of behavior, which in light of all relevant circumstances, constitutes actions to entice or entrap a student with the intent to take advantage of such student for the benefit of the individual engaging in the pattern of behavior, including but not limited to by engaging in a sex act with the student.

b. "Inappropriate relationship" means any of the following:

(1) An unprofessional relationship for an educator to have with a student.

(2) A sexual relationship.

(3) A relationship in which sexual harassment or any form of physical or sexual abuse occurs.

(4) A relationship that is not in compliance with generally accepted educational practices.

c. "Misconduct" means an action disqualifying an applicant for a license or causing the license of a person to be revoked or suspended in accordance with the rules adopted by the board to implement section 256.146, subsection 13, paragraph *"b"*, subparagraph (1).

2003 Acts, ch 180, §16
CS2003, §272.15
2007 Acts, ch 214, §33; 2011 Acts, ch 132, §94, 106; 2012 Acts, ch 1055, §1; 2017 Acts, ch 6, §1; 2019 Acts, ch 87, §1; 2020 Acts, ch 1062, §40; 2020 Acts, ch 1063, §123; 2023 Acts, ch 19, §2575, 2603
C2024, §256.160
2024 Acts, ch 1079, §1 – 5; 2026 Acts, ch 1066, §1
Referred to in §256.9, 256.146
Subsection 5, paragraph a amended

256.161 Work-based learning program supervisor certificates.

1. The board shall adopt rules pursuant to chapter 17A relating to a certification system for work-based learning program supervisors. The rules shall specify rights, responsibilities, levels, and qualifications for the certificate. The certificate shall not require more than fifteen contact hours, which shall be available over the internet and which shall provide instruction related to fundamentals in career education, curriculum, assessment, and the evaluation of student participation.

2. Applicants shall be disqualified for any reason specified in section 256.146, subsection 13, or in rules adopted by the board.

3. A certificate issued pursuant to this section shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this part or chapter 279.

4. The work-based learning program supervisor certificate established pursuant to this section shall be considered a professional development program.

2022 Acts, ch 1134, §5
C2023, §272.16

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2023 Acts, ch 19, §2576, 2603
C2024, §256.161
Referred to in §256.145

256.162 National certification.

The board shall review the standards for teacher's certificates adopted by the national board for professional teaching standards, a nonprofit corporation created as a result of recommendations of the task force on teaching as a profession of the Carnegie forum on education and the economy. In those cases in which the standards required by the national board for an Iowa endorsement or license meet or exceed the requirements contained in rules adopted under this part for that endorsement or license, the board shall issue endorsements or licenses to holders of certificates issued by the national board who request the endorsement or license.

91 Acts, ch 51, §1
CS91, §260.20
C93, §272.20
2023 Acts, ch 19, §2577, 2603
C2024, §256.162

256.163 Licensure beyond temporary initial license or initial license.

1. Requirements for teacher licensure beyond a temporary initial license or an initial license shall include successful completion of a beginning teacher mentoring and induction program approved by the state board of education pursuant to section 284.5; or two years of successful teaching experience in a school district with an approved career paths, leadership roles, and compensation framework or approved comparable system as provided in section 284.15; or evidence of not less than three years of successful teaching experience at any of the following:

a. An accredited nonpublic school in this state.

b. A preschool program approved by the United States department of health and human services.

c. Preschool programs at school districts approved to participate in the preschool program, or at community-based providers approved to directly participate in the preschool program, under chapter 256C.

d. Shared visions programs receiving grants from the child development coordinating council under section 256A.3.

e. Preschool programs receiving moneys from the school ready children grants account of the early childhood Iowa fund created in section 256I.11.

f. A charter school established pursuant to chapter 256E, subchapter I.

2. A teacher from an accredited nonpublic school or another state or country is exempt from the requirement of subsection 1 if the teacher can document three years of successful teaching experience and meet or exceed the requirements contained in rules adopted under this part for endorsement and licensure.

2001 Acts, ch 161, §17
CS2001, §272.28
2003 Acts, ch 180, §18; 2016 Acts, ch 1132, §11, 19; 2017 Acts, ch 172, §26; 2023 Acts, ch 19, §2578, 2603
C2024, §256.163
2024 Acts, ch 1171, §5; 2026 Acts, ch 1086, §5, 77, 101
Subsection 1, paragraph c amended
Subsection 1, NEW paragraph f

256.164 Annual administrative rules review — triennial report.

The executive director of the board shall annually review the administrative rules adopted pursuant to this part and related state laws. The executive director shall submit the executive director's findings and recommendations in a report every three years to the board and the general assembly by January 15.

2005 Acts, ch 169, §28

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CS2005, §272.29
2006 Acts, ch 1152, §12; 2014 Acts, ch 1135, §22; 2023 Acts, ch 19, §2579, 2603, 2605
C2024, §256.164
2023 amendment applies to individuals appointed as the executive director of the board of educational examiners before, on, or after July 1, 2023; 2023 Acts, ch 19, §2605

256.165 Authorizations — coaching, school business officials, school administration managers, substitute teachers.

1. *a.* Except as provided in paragraph *"b"*, the minimum requirements for the board to issue a coaching authorization to an applicant are:

(1) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

(2) Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

(3) Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

(4) Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

(5) Attainment of at least eighteen years of age.

b. The board shall issue a transitional coaching authorization to an individual who is at least twenty-one years of age and who provides verification of an offer of a coaching position by a school or a consortium of schools, but who has not completed the coursework required for a coaching authorization as specified in paragraph *"a"*. A transitional coaching authorization is valid for not more than one year, shall not be renewed, and is valid only in the school or consortium of schools making the offer of the coaching position. A consortium of schools may include a school district, a school district school attendance center, or an accredited nonpublic school, or any combination thereof. However, prior to issuing a transitional coaching authorization to an individual under this paragraph *"b"*, the board shall ensure that the individual meets all of the following requirements:

(1) Completes a shortened course of training relating to the code of professional rights and responsibilities, practices, and ethics developed in accordance with section 256.146, subsection 1, paragraph *"a"*, by the board specifically for transitional coaches.

(2) Completes the child and dependent adult abuse mandatory reporter training required by sections 232.69 and 235B.16.

(3) Completes a nationally recognized concussion in youth sports training course.

(4) Complies with the background investigation requirements established by the board pursuant to section 256.146, subsection 16.

2. *a.* The board shall issue a school business official authorization to an individual who successfully completes a training program that meets the standards set by the state board of education pursuant to section 256.7, subsection 30, and who complies with rules adopted by the board pursuant to subsection 5.

b. A person hired on or after July 1, 2012, as a school business official responsible for the financial operations of a school district who is without prior experience as a school business official in Iowa shall either hold the school business official authorization issued pursuant to paragraph *"a"* of this subsection or obtain the authorization within two years of the start date of employment as a school business official.

c. An individual employed as a school business official prior to July 1, 2012, who meets the requirements of the board, other than the training program requirements of paragraph *"a"*, shall be issued, with no fee for issuance, an initial authorization by the board, but shall meet renewal requirements for an authorization within the time period specified by the board.

3. The board shall issue a school administration manager authorization to an individual who successfully completes a training program that meets the standards set by the state board

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pursuant to section 256.7, subsection 30, and who complies with rules adopted by the state board pursuant to subsection 5.

4. The board shall issue a substitute authorization that allows an individual to substitute in grades prekindergarten through twelve for no more than ten consecutive days in a thirty-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver education classroom. A school district administrator may file a written request with the board for an extension of the ten-day limit in one job assignment in a thirty-day period on the basis of documented need and benefit to the instructional program. The executive director of the board or the executive director's designee shall review the request and provide a written decision either approving or denying the request. A substitute teacher authorization shall require not less than the successful completion of an associate degree or not less than sixty undergraduate semester hours, or the equivalent, from a college or university accredited by an institutional accrediting agency recognized by the United States department of education.

5. The board shall adopt rules under chapter 17A for authorizations, including but not limited to approval of courses, validity and expiration, fees, and suspension and revocation of authorizations.

6. The state board of education shall work with institutions of higher education, private colleges and universities, community colleges, area education agencies, and professional organizations to ensure that the courses and programs required for authorizations under this section are offered throughout the state at convenient times and at a reasonable cost.

84 Acts, ch 1296, §3
C85, §260.31
86 Acts, ch 1245, §1452; 89 Acts, ch 265, §15, 16; 90 Acts, ch 1249, §11
C93, §272.31
97 Acts, ch 32, §1; 2010 Acts, ch 1099, §2; 2010 Acts, ch 1183, §29; 2012 Acts, ch 1119, §26; 2013 Acts, ch 30, §65; 2016 Acts, ch 1066, §2; 2021 Acts, ch 109, §1; 2022 Acts, ch 1021, §53; 2023 Acts, ch 19, §2603
C2024, §256.165
Referred to in §232.69, 279.19B

256.166 Temporary initial license for applicants who complete an alternative teacher certification program.

1. The board shall grant a temporary initial teaching license to an applicant who meets all of the following requirements:

a. The applicant shall hold a bachelor's degree from an accredited college or university.

b. The applicant shall have at least sixty contact hours in the classroom, of which at least thirty hours shall be teaching in a classroom under a licensed teacher. The applicant may complete any remaining contact hours by working as a para-educator or in another relevant role. The principal of the school where the applicant completed the contact hours shall certify to the board the applicant's completion of the requirements in this paragraph.

c. The applicant shall successfully complete an alternative teacher certification program that has been approved by the state board of education pursuant to subsection 2 and that includes the required content training in the area in which the applicant seeks to be licensed.

2. *a.* The department shall recommend to the state board of education that an alternative teacher certification program be approved or denied within sixty days after the alternative teacher certification program applies to the department for approval and provides to the department sufficient evidence that the alternative teacher certification program meets all of the following requirements:

(1) The alternative teacher certification program must operate in at least five states.

(2) The alternative teacher certification program must have been in operation for at least ten years.

(3) The alternative teacher certification program must incorporate pedagogy training, including an examination, that teaches effective instructional delivery, classroom management and organization, assessment, instructional design, and professional learning and leadership.

(4) The alternative teacher certification program must include the administration of an

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assessment that is identical to the foundations of reading assessment administered in 2012 as part of the Massachusetts tests, or the most current version of such assessment, and must adhere to the same reporting requirements related to the assessment that this chapter imposes upon higher education institutions, if any.

b. (1) If the state board of education approves an alternative teacher certification program, the approval shall be for seven years, or less if the state board of education determines that a shorter term is warranted.

(2) If the state board of education approves an alternative teacher certification program, the approved alternative teacher certification program shall submit an annual report to the department, on or before March 15 each year, that contains all of the following:

(a) The number of students participating in the approved alternative teacher certification program.

(b) The number of students who completed the approved alternative teacher certification program.

(c) Information related to student retention.

(d) Data that allows the department to match records associated with licensing and employment within this state.

(e) Any other information requested by the department that will allow the department to monitor and assess the quality of the approved alternative teacher certification program.

c. (1) If the state board of education denies an alternative teacher certification program, the state board of education shall provide the alternative teacher certification program with advice concerning the areas in which the alternative teacher certification program needs to improve, or changes the alternative teacher certification program otherwise needs to make, in order for the state board of education to approve the alternative teacher certification program.

(2) The state board of education shall allow an alternative teacher certification program that has been denied approval to present factual information concerning the alternative teacher certification program at a regularly scheduled meeting of the state board of education within three months after such denial.

(3) (a) An alternative teacher certification program that has been denied approval shall not apply to the department for approval pursuant to paragraph *"a"* within six months after such denial.

(b) If an alternative teacher certification program does apply to the department for approval after a denial, the alternative teacher certification program shall provide to the department, in addition to the information described in paragraph *"a"*, subparagraphs (1) through (4), sufficient evidence that the alternative teacher certification program has taken actions to address any areas that needed to be improved or changes the alternative teacher certification program otherwise needed to make.

3. An individual who successfully completes an approved alternative teacher certification program and who is granted a temporary initial teaching license by the board under this section is authorized to teach the subjects and grade levels that the individual successfully completed during the alternative teacher certification program.

4. An individual who successfully completes an approved alternative teacher certification program and who is granted a temporary initial teaching license by the board under this section shall not provide instruction to students who are eligible for services under chapter 256B until the individual successfully completes a practicum relating to providing instruction to such students that includes short-term field experiences in educational settings that are connected to specific coursework.

5. The board shall treat an individual who successfully completes an approved alternative teacher certification program and who is granted a temporary initial teaching license by the board under this section in the same manner as an individual who completes a traditional teacher preparation program and who receives an initial teaching license, including during the process of converting the temporary initial teaching license to a standard teaching license.

2024 Acts, ch 1171, §4

256.167 through 256.175 Reserved.

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PART 4

COLLEGE STUDENT AID COMMISSION

Referred to in §256.121, 261B.11A, 261F.1, 261G.4

Iowa higher education loan authority is attached to the commission; §261A.5
Continuity of scholarships, loans, or grants awarded by college student aid commission under former chapter 261 prior to July 1, 2023; use of federal funds to employ personnel necessary for program administration; 2023 Acts, ch 19, §2642

SUBPART A

COLLEGE STUDENT AID COMMISSION — GENERAL PROVISIONS

256.176 Commission created.

1. There is hereby created within the higher education division of the department a commission to be known as the "*College Student Aid Commission*" of the state of Iowa.

2. Membership of the commission shall be as follows:

a. A member of the state board of regents to be named by the state board of regents, or the executive director of the state board of regents if so appointed by the state board of regents, who shall serve for a four-year term or until the expiration of the member's term of office, and who shall serve as an ex officio, nonvoting member.

b. The director of the department or the director's designee.

c. (1) Two members of the senate, one to be appointed by the president of the senate and one to be appointed by the minority leader of the senate, to serve as ex officio, nonvoting members.

(2) Two members of the house of representatives, one to be appointed by the speaker of the house of representatives and one to be appointed by the minority leader of the house of representatives, to serve as ex officio, nonvoting members.

(3) The members of the senate and house of representatives shall serve at the pleasure of the appointing legislator for a term beginning upon the convening of the general assembly and expiring upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.

d. Seven additional members to be appointed by the governor as follows:

(1) At least one member shall be enrolled as a student at an institution of higher learning governed by the board of regents, a community college, or an accredited private institution.

(2) At least one member shall be a parent of a student enrolled at an institution of higher learning governed by the board of regents, a community college, or an accredited private institution.

(3) At least one member shall have knowledge and experience in financial or fiduciary matters.

e. One member to represent private colleges and universities located in the state of Iowa, who shall be selected by an organization or association of some or all private colleges and universities located in the state of Iowa, and who shall serve as an ex officio, nonvoting member.

f. One member to represent Iowa's community colleges, who shall be selected by an organization or association of Iowa community colleges, and who shall serve as an ex officio, nonvoting member.

3. The members of the commission appointed by the governor shall serve for a term of four years. The voting members of the commission shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the voting members.

4. *a.* Vacancies on the commission shall be filled for the unexpired term of such vacancies, if applicable, in the same manner as the original appointment.

b. A vacancy shall exist on the commission when a legislative member of the commission ceases to be a member of the general assembly, when a parent member no longer has a child enrolled in postsecondary education, or when a student member ceases to be enrolled as a student. Such vacancy shall be filled within thirty days.

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5. The director shall appoint an executive director of the commission. The director shall set the salary of the executive director.

[C66, 71, 73, 75, 77, 79, 81, §261.1]

85 Acts, ch 67, §31; 85 Acts, ch 212, §21; 86 Acts, ch 1245, §2032; 89 Acts, ch 83, §37; 89 Acts, ch 300, §1; 90 Acts, ch 1223, §24; 90 Acts, ch 1253, §121, 122; 91 Acts, ch 61, §1, 2; 2000 Acts, ch 1095, §2; 2006 Acts, ch 1051, §2; 2008 Acts, ch 1107, §1 – 3; 2008 Acts, ch 1191, §134; 2010 Acts, ch 1061, §91; 2017 Acts, ch 172, §11 – 13; 2018 Acts, ch 1041, §68; 2023 Acts, ch 19, §2557, 2608 – 2611, 2641, 2643

C2024, §256.176

2024 Acts, ch 1170, §290, 291

Referred to in §256.182, 261B.2, 261G.2

2023 amendments to subsections 1, 2, and 4 apply to individuals appointed as the executive director of the college student aid commission before, on, or after July 1, 2023; 2023 Acts, ch 19, §2643

Subsection 5 applies to individuals appointed as the executive director of the college student aid commission before, on, or after July 1, 2023; 2023 Acts, ch 19, §2643

256.177 Duties of commission.

The commission shall:

1. Prepare and administer a state plan for a state supported and administered scholarship program. The state plan shall provide for scholarships to deserving students of Iowa, matriculating in Iowa universities, colleges, community colleges, or schools of professional nursing. Eligibility of a student for receipt of a scholarship shall be based upon academic achievement and completion of advanced level courses prescribed by the commission.

2. Administer the tuition grant program under this part.

3. Develop and implement, in cooperation with the state board of regents, an educational program and marketing strategies designed to inform parents about the options available for financing a college education and the need to accumulate the financial resources necessary to pay for a college education. The educational program shall include but not be limited to distribution of informational material to public and nonpublic elementary schools for distribution to parents and guardians of five-year and six-year old children.

4. Develop and implement, in cooperation with the judicial district departments of correctional services and the department of corrections, a program to assist criminal offenders in applying for federal and state aid available for higher education.

5. Develop and implement, in cooperation with the department of health and human services and the judicial branch, a program to assist juveniles who are sixteen years of age or older and who have a case permanency plan under chapter 232 or 237 or are otherwise under the jurisdiction of chapter 232 in applying for federal and state aid available for higher education.

6. *a.* Adopt rules to establish reasonable registration standards for the approval, pursuant to section 261B.3A, of postsecondary schools that are required to register with the commission in order to operate in this state. The registration standards established by the commission shall ensure that all of the following conditions are satisfied:

(1) The courses, curriculum, and instruction offered by the postsecondary school are of such quality and content as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum, or instruction are offered.

(2) The postsecondary school has adequate space, equipment, instructional material, and personnel to provide education and training of good quality.

(3) The educational and experience qualifications of the postsecondary school's directors, administrators, and instructors are such as may reasonably ensure that students will receive instruction consistent with the objectives of the postsecondary school's programs of study.

(4) Upon completion of training or instruction, students are given certificates, diplomas, or degrees as appropriate by the postsecondary school indicating satisfactory completion of the program.

(5) The postsecondary school is financially responsible and capable of fulfilling commitments for instruction.

b. The commission shall post an application on the commission's internet site and shall

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render a decision on an application for registration within one hundred eighty days of the filing of the application.

7. Submit by January 15 annually a report to the general assembly which provides, by program, the number of individuals who received state financial aid funding in the previous fiscal year, the amounts paid to or on behalf of the individuals, other key program indicators, findings, and recommendations. The report shall also include a description of the methodology and manner in which the commission makes the determination of awards for programs for which moneys are appropriated under section 256.194.

8. Require any postsecondary institution whose students are eligible for or who receive assistance under programs administered by the commission and who were enrolled in a school district in Iowa to include in its student management information system the unique student identifiers assigned to the institution's students while the students were in the state's kindergarten through grade twelve system.

9. Ensure that students receiving state-funded scholarships and grants are attending institutions of higher education that meet all of the following conditions:

a. The institutions are not required to register under chapter 261B or the institutions are participating resident institutions as defined in section 261G.2 that volunteer to register under section 261B.11B.

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, Pub. L. No. 89-329, as amended.

10. Require any postsecondary institution whose students are eligible for or who receive financial assistance under programs administered by the commission to transmit annually to the commission information about the numbers of minority students enrolled in and minority faculty members employed at the institution. The commission shall compile and report the information collected to the general assembly, the governor, and the legislative services agency by March 1 annually. For purposes of this subsection, *"minority"* means the same as defined in 12 C.F.R. §4.62, as effective on January 1, 2026.

11. Enter into and administer, or recognize, an interstate reciprocity agreement for the provision of postsecondary distance education by a postsecondary institution pursuant to chapter 261G. The commission shall adopt rules establishing application procedures and criteria for the authorization of postsecondary institutions providing postsecondary distance education under interstate reciprocity agreements pursuant to chapter 261G and for the review and approval of interstate reciprocity agreements the commission may enter into or recognize pursuant to this subsection and chapter 261G. The commission may accept an authorization granted by another state to a postsecondary institution under an interstate reciprocity agreement to deliver postsecondary distance education.

[C66, 71, 73, 75, 77, 79, 81, §261.2]

83 Acts, ch 101, §60; 83 Acts, ch 184, §5, 11, 15; 88 Acts, ch 1003, §1; 88 Acts, ch 1261, §2; 88 Acts, ch 1284, §20, 21; 89 Acts, ch 300, §2; 90 Acts, ch 1253, §122; 90 Acts, ch 1272, §45; 92 Acts, ch 1231, §42; 92 Acts, ch 1240, §17; 93 Acts, ch 179, §20; 95 Acts, ch 70, §1; 98 Acts, ch 1047, §27; 2000 Acts, ch 1095, §3; 2004 Acts, ch 1145, §2; 2005 Acts, ch 59, §1; 2007 Acts, ch 214, §24; 2008 Acts, ch 1181, §31; 2009 Acts, ch 12, §1, 2; 2009 Acts, ch 118, §48, 54; 2009 Acts, ch 177, §24; 2010 Acts, ch 1031, §314; 2010 Acts, ch 1147, §8, 13; 2011 Acts, ch 36, §1; 2014 Acts, ch 1063, §1, 2; 2017 Acts, ch 172, §14; 2018 Acts, ch 1041, §69; 2023 Acts, ch 19, §1014, 2612, 2641

C2024, §256.177

2024 Acts, ch 1057, §1; 2025 Acts, ch 157, §18; 2026 Acts, ch 1186, §21

Referred to in §232.2, 261G.2

Subsection 10 amended

256.178 Organization — bylaws.

1. The commission, under the authority of the higher education division of the department, shall draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this part, including the housing and fixing the bond of persons required to carry out its functions and responsibilities. A decision of the commission is final agency action under chapter 17A.

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2. The commission shall function at the seat of government or such other place as the commission might designate.

[C66, 71, 73, 75, 77, 79, 81, §261.3]

86 Acts, ch 1245, §1454; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2613, 2641

C2024, §256.178

256.179 Funds — compensation and expenses of commission.

The director of the department of administrative services shall keep an accounting of all funds received and expended by the commission. The members of the commission, except those members who are employees of the state, shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses. All per diem and expense moneys paid to nonlegislative members shall be paid from funds appropriated to the commission. Legislative members of the commission shall receive payment pursuant to section 2.10 and section 2.12.

[C66, 71, 73, 75, 77, 79, 81, §261.4]

90 Acts, ch 1256, §44; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §2641

C2024, §256.179

256.180 Response to national emergency — waiver authority.

1. For purposes of this section, unless the context otherwise requires:

a. "Active duty" means *"active duty"* as defined in 10 U.S.C. §101(d)(1), except that the term does not include active duty for training or attendance at a service school.

b. "Affected individual" means an individual who is serving on active duty during the national emergency; or who resides or is employed in an area that is declared a disaster area by any federal, state, or local official in connection with the national emergency; or who suffered direct economic hardship as a result of the national emergency, as determined under a waiver or modification issued pursuant to this section.

c. "Serving on active duty during the national emergency" means any of the following individuals:

(1) A reserve of an armed force ordered to active duty under 10 U.S.C. §12301(a), 12301(g), 12302, 12304, or 12306, or any retired member of an armed force ordered to active duty under 10 U.S.C. §688, as amended, for service in connection with the emergency or subsequent actions or conditions, regardless of the location at which the active duty service is performed.

(2) Any other member of an armed force on active duty in connection with the emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which the member is normally assigned.

2. Notwithstanding any other provision of this part, in the event of a national emergency declared by the president of the United States by reason of terrorist attack, the commission may waive or modify any statutory or regulatory provision applicable to state financial aid programs established pursuant to this part to ensure, with regard to affected individuals, that the following occurs:

a. The financial positions of affected individuals who are state student loan borrowers are not worsened in relation to those loans because of their status as affected individuals.

b. Administrative requirements placed on state student loan borrowers are minimized, to the extent possible, without impairing the integrity of the student loan programs, to ease the burden on these borrowers and to avoid inadvertent technical violations or defaults.

c. The calculation of "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under 20 U.S.C. §1070 et seq., for affected individuals, or if applicable, for the spouses or dependents of affected individuals, may be modified to mean the sums received in the first calendar year of the award year for which the determination is made, in order to reflect more accurately the financial condition of the affected individuals or their families.

3. Notwithstanding any other provision of this part, in the event of a national emergency declared by the president of the United States by reason of terrorist attack, the commission may grant temporary relief from requirements rendered infeasible or unreasonable,

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including due diligence requirements and reporting deadlines, by the national emergency, to an institution of higher education under the state board of regents, a community college, an accredited private institution as defined in section 256.183, eligible lenders, and other entities participating in the state student assistance programs in accordance with this part, that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any federal, state, or local official in connection with the national emergency. If the commission issues a waiver in accordance with this section, the report prepared by the commission pursuant to section 17A.9A, subsection 5, shall include examples of measures that a postsecondary institution may take in the appropriate exercise of discretion, as provided in 20 U.S.C. §1087tt, to adjust financial need and aid eligibility determinations for affected individuals.

4. This section shall not be construed as a requirement that the commission exercise the waiver or modification authority provided pursuant to this section on a case-by-case basis.

2002 Acts, ch 1036, §1, 2
C2003, §261.5
2023 Acts, ch 19, §2614, 2615, 2641
C2024, §256.180

256.181 Textbook notice — legislative intent and recommendation. Repealed by 2026 Acts, ch 1062, §8.

256.182 Corporation for educational financial assistance, services, and research.

1. *Nonprofit corporation for receiving and disbursing funds.* The commission may organize a nonprofit corporation under the provisions of chapter 504 that qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation for the purpose of receiving and disbursing moneys from public or private sources to be used to provide Iowans with educational financial assistance, services to increase access to and success in postsecondary education, and research. Unless otherwise provided in this section, the corporation is subject to the provisions of chapter 504.

2. *Incorporators.* The incorporators of the corporation organized pursuant to this section shall be the chairperson of the commission, the executive director of the commission, and a member of the commission selected by a majority vote of the commission.

3. *Board of directors.* The board of directors of the corporation organized pursuant to this section shall be the members of the commission appointed under section 256.176, subsection 2, paragraphs *"a"*, *"b"*, and *"d"*, or their successors in office, and may include up to two additional members who shall be appointed by the commission and who shall have experience or legal and technical expertise relating to nonprofit organizations.

4. *Accepting grants in aid.* The corporation organized pursuant to this section may accept grants of money or property from the federal government or private sources and may upon its own order use its money, property, or other resources for the purposes set forth in subsection 1.

5. *Open meetings and open records.* The corporation is subject to chapters 21 and 22 as if the corporation were a governmental body.

6. *Status.* The corporation shall collaborate with the commission for the purposes specified in this section, but the corporation shall not be considered, in whole or in part, an agency, department, or administrative unit of the state. The corporation shall not receive appropriations from the general assembly. Except as provided in subsection 5, the corporation shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any sovereign power of the state. The commission shall enter into an agreement under chapter 28E with the corporation to stipulate the powers and responsibilities of the corporation and the commission for purposes of this section. The corporation may enter into agreements with other entities as necessary to fulfill the provisions of this section.

7. *No state liability.* The corporation does not have authority to pledge the credit of the state, and the state shall not be liable for the debts or obligations of the corporation. All debts and obligations of the corporation shall be payable solely from the corporation's funds.

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8. *Tax deductible.* The corporation shall be established so that donations and bequests to the corporation qualify as tax deductible under state income tax laws and under section 501(c)(3) of the Internal Revenue Code.

9. *Staffing and administrative support.* The commission shall provide staff assistance and administrative support to the corporation.

10. *Report.* The corporation shall submit by January 15 annually a written report of its activities and operations to the governor, the general assembly, and the commission.

2021 Acts, ch 24, §1
C2022, §261.8
2023 Acts, ch 19, §2641
C2024, §256.182

SUBPART B

TUITION GRANTS TO STUDENTS

256.183 Definitions.

When used in this subpart, unless the context otherwise requires:

1. *"Accredited private institution"* means an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state and which meets the criteria in paragraphs *"a"* and *"b"* and all of the criteria in paragraphs *"d"* through *"k"*, except that institutions defined in paragraph *"c"* of this subsection are exempt from the requirements of paragraphs *"a"* and *"b"*:

a. Is accredited by any federally recognized accreditor of postsecondary educational institutions.

b. Is accredited by any federally recognized accreditor of postsecondary educational institutions, is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and annually provides a matching aggregate amount of institutional financial aid equal to at least seventy-five percent of the amount received in a fiscal year by the institution's students for Iowa tuition grant assistance under this part. Commencing with the fiscal year beginning July 1, 2006, the matching aggregate amount of institutional financial aid shall increase by the percentage of increase each fiscal year of funds appropriated for Iowa tuition grants under section 256.194, subsection 1, to a maximum match of one hundred percent. The institution shall file annual reports with the commission prior to receipt of tuition grant moneys under this part. An institution whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code and whose students were eligible to receive Iowa tuition grant money in the fiscal year beginning July 1, 2003, shall meet the match requirements of this paragraph no later than June 30, 2005.

c. Is a specialized college that is accredited by any federally recognized accreditor of postsecondary educational institutions, and which offers health professional programs that are affiliated with health care systems located in Iowa.

d. Promotes equal opportunity efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution and provides information regarding such efforts to the commission upon request.

e. Adopts a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the institution or in conjunction with activities sponsored by the institution. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, an institution shall provide substance use disorder prevention programs for students and employees.

f. Develops and implements a written policy, which is disseminated during student registration or orientation, addressing the following four areas relating to sexual abuse:

(1) Counseling.
(2) Campus security.

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(3) Education, including prevention, protection, and the rights and duties of students and employees of the institution.

(4) Facilitating the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.

g. (1) Adopts a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child, of the Iowa national guard or reserve forces of the United States and who is ordered to national guard duty or federal active duty:

(a) Withdraw from the student's entire registration and receive a full refund of tuition and mandatory fees.

(b) Make arrangements with the student's instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the student's registration shall remain intact and tuition and mandatory fees shall be assessed for the courses in full.

(c) Make arrangements with only some of the student's instructors for grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the registration for those courses shall remain intact and tuition and mandatory fees shall be assessed for those courses. Any course for which arrangements cannot be made for grades or incompletes shall be considered dropped and the tuition and mandatory fees for the course refunded.

(2) As used in this lettered paragraph, *"dependent child"* means the same as defined in section 260C.14, subsection 14, paragraph *"b"*, subparagraph (2), subparagraph division (a).

h. Develops and implements a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the accredited private institution's administration and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

i. (1) Adopts a policy to require that the institution shall annually, beginning December 15, 2015, file a report with the governor and the general assembly providing information and statistics for the previous five academic years on the number of students per year who are veterans who received education credit for military education, training, and service, that number as a percentage of veterans known to be enrolled at the institution, the average number of credits received by students, and the average number of credits applied towards the award or completion of a course of instruction, postsecondary diploma, degree, or other evidences of distinction.

(2) For purposes of this paragraph, *"veteran"* means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member's commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

j. (1) Annually, beginning December 15, 2025, files a report with the commission, the department of workforce development, and the general assembly that provides all of the following information and statistics for the previous academic year:

(a) The amount of students who are enrolled in the institution and who receive a tuition grant under this subpart.

(b) The academic majors or courses of study in which the students described in subparagraph division (a) are participating.

(c) An estimate of the amount of students who were enrolled in the institution in the previous academic year, received a tuition grant under this subpart, and who entered a high-demand job, as defined in section 84A.1B, subsection 3, after graduating from the institution.

(d) An estimate of the amount of students who were enrolled in the institution in the previous academic year, received a tuition grant under this subpart, and who remained a resident of this state after graduating from the institution.

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(2) If an institution fails to timely file the report described in subparagraph (1), students enrolled in the institution shall not be eligible to receive tuition grants under this subpart for the subsequent academic year.

(3) The department of workforce development shall review the report filed pursuant to subparagraph (1).

k. Adopts a policy that requires the institution to include in any communication to students that is related to immunization requirements information regarding exemptions to such requirements.

2. *"Commission"* means the college student aid commission.

3. *"Eligible institution"* means an institution of higher learning located in Iowa which is operated privately and not controlled or administered by any state agency or any subdivision of the state, which is not exempt from taxation under section 501(c)(3) of the Internal Revenue Code, and which meets all of the criteria in subsection 1, paragraphs *"d"* through *"k"*, and is a school of barbering and cosmetology arts and sciences licensed under chapter 157 and is accredited by a national accrediting agency recognized by the United States department of education.

4. *"Financial need"* means the difference between the student's financial resources available, including those available from the student's parents as determined by a completed parents' confidential statement, and the student's anticipated expenses while attending the accredited private institution. Financial need shall be redetermined at least annually.

5. *"Full-time resident student"* means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least twelve semester hours or the trimester equivalent of twelve semester hours. *"Course of study"* does not include correspondence courses.

6. *"Part-time resident student"* means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours. *"Course of study"* does not include correspondence courses.

7. *"Qualified student"* means a resident student who has established financial need and who is making satisfactory progress toward graduation.

8. *"Tuition grant"* means an award by the state of Iowa to a qualified student under this subpart.

[C71, 73, 75, 77, 79, 81, §261.9]

87 Acts, ch 233, §455; 88 Acts, ch 1284, §22 – 24; 89 Acts, ch 319, §42; 90 Acts, ch 1253, §122; 90 Acts, ch 1272, §48; 91 Acts, ch 180, §1; 92 Acts, ch 1106, §1, 4; 2000 Acts, ch 1095, §4 – 11; 2001 Acts, ch 24, §42; 2001 Acts, ch 39, §2; 2003 Acts, ch 179, §113, 114; 2004 Acts, ch 1086, §56; 2004 Acts, ch 1175, §237, 238; 2005 Acts, ch 169, §25; 2010 Acts, ch 1169, §4; 2011 Acts, ch 36, §3; 2012 Acts, ch 1040, §4, 5; 2012 Acts, ch 1072, §35; 2014 Acts, ch 1013, §16; 2014 Acts, ch 1061, §3; 2014 Acts, ch 1116, §31, 32; 2015 Acts, ch 8, §2; 2017 Acts, ch 54, §76; 2017 Acts, ch 170, §36; 2017 Acts, ch 172, §15; 2018 Acts, ch 1026, §80; 2023 Acts, ch 19, §1015, 2616 – 2618, 2641; 2023 Acts, ch 79, §4; 2023 Acts, ch 99, §44; 2023 Acts, ch 119, §46

C2024, §256.183

2024 Acts, ch 1152, §39 – 41; 2025 Acts, ch 62, §4, 9; 2025 Acts, ch 106, §4 – 6; 2026 Acts, ch 1186, §22; 2026 Acts, ch 1196, §12

Referred to in §84A.1B, 139A.8B, 256.7, 256.28, 256.180, 256.203, 256.207, 256.210, 256.210A, 256.214, 256.219, 256.228, 256.229, 261B.11, 261E.2, 261G.2, 297.24, 714.19

Subsection 1, paragraph d amended

Subsection 3 amended

256.184 Who qualified.

A tuition grant may be awarded to a resident of Iowa who is admitted and in attendance as a full-time or part-time resident student at an accredited private institution and who establishes financial need.

[C71, 73, 75, 77, 79, 81, §261.10]

88 Acts, ch 1284, §25; 2023 Acts, ch 19, §2641

C2024, §256.184

UNOFFICIAL VERSION: NOT LEGALLY RELEASED

256.185 Extent of grant.

A qualified full-time resident student may receive tuition grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified part-time resident student may receive tuition grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

[C71, 73, 75, 77, 79, 81, §261.11]

88 Acts, ch 1284, §26; 2023 Acts, ch 19, §2641

C2024, §256.185

256.186 Amount of grant.

1. The amount of a tuition grant to a qualified full-time student for the fall and spring semesters, or the trimester equivalent, shall be the amount of the student's financial need for that period. However, a tuition grant shall not exceed the lesser of:

a. The total tuition and mandatory fees for that student for two semesters or the trimester or quarter equivalent, less the base amount determined annually by the college student aid commission, which base amount shall be within ten dollars of the average tuition for two semesters or the trimester equivalent of undergraduate study at the state universities under the board of regents, but in any event the base amount shall not be less than four hundred dollars; or

b. For the fiscal year beginning July 1, 2017, and for each succeeding fiscal year, an amount equivalent to the average resident tuition and mandatory fees for two semesters or the equivalent of undergraduate study at the institutions of higher learning governed by the state board of regents.

2. The amount of a tuition grant to a qualified full-time student for the summer semester or trimester equivalent shall be one-half the amount of the tuition grant the student receives under subsection 1.

3. The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours for the fall, spring, and summer semesters, or the trimester or quarter equivalent, shall be equal to the amount of a tuition grant that would be paid to a full-time student times a number which represents the number of hours in which the part-time student is actually enrolled divided by twelve semester hours, or the trimester or quarter equivalent.

[C71, 73, 75, 77, 79, 81, §261.12]

83 Acts, ch 197, §13; 84 Acts, ch 1302, §16; 85 Acts, ch 263, §16; 88 Acts, ch 1284, §27; 89 Acts, ch 300, §3; 89 Acts, ch 319, §43; 90 Acts, ch 1253, §122; 90 Acts, ch 1272, §49; 91 Acts, ch 10, §1; 91 Acts, ch 258, §39; 95 Acts, ch 218, §21; 96 Acts, ch 1215, §36; 96 Acts, ch 1219, §4, 5; 97 Acts, ch 212, §25; 98 Acts, ch 1215, §33; 99 Acts, ch 205, §28; 2000 Acts, ch 1223, §26; 2013 Acts, ch 140, §151; 2015 Acts, ch 140, §46, 58, 59; 2017 Acts, ch 172, §16; 2023 Acts, ch 19, §2641

C2024, §256.186

256.187 Annual grant.

A tuition grant may be made annually for the fall, spring, and summer semesters or the trimester equivalent. Payments under the grant shall be allocated equally among the semesters or trimesters and shall be paid at the beginning of each semester or trimester upon certification by the accredited private institution that the student is admitted and in attendance. If the student discontinues attendance before the end of any semester or trimester after receiving payment under the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the accredited private institution to the state.

[C71, 73, 75, 77, 79, 81, §261.13]

96 Acts, ch 1219, §6; 2023 Acts, ch 19, §2641

C2024, §256.187

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256.188 Other aid considered.

If a student receives financial aid under any other program the full amount of such financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period. In no case may the state's total financial contribution to the student's education, including financial aid under any other state program, exceed the tuition and mandatory fees at the institution which the student attends.

[C71, 73, 75, 77, 79, 81, §261.14]
2023 Acts, ch 19, §2641
C2024, §256.188

256.189 Administration by commission — rules — Iowa tuition grants fund.

1. The commission shall administer this program and shall do all of the following:

a. Provide application forms and parents' confidential statement forms.

b. Adopt rules and regulations for determining financial need, defining tuition and mandatory fees, defining residence for the purposes of this subpart, processing and approving applications for tuition grants, and determining priority of grants. The commission may provide for proration of funds if the available funds are insufficient to pay all approved grants. Such proration shall take primary account of the financial need of the applicant. In determining who is a resident of Iowa, the commission's rules shall be at least as restrictive as those of the board of regents.

c. Approve and award tuition grants.

2. The commission may require an accredited private institution to promptly furnish any information which the commission may request in connection with the tuition grant program.

3. An Iowa tuition grants fund is established in the state treasury. The fund shall be administered by the commission and shall consist of moneys appropriated by the general assembly and other moneys received by the commission for deposit in the fund. The moneys in the fund are appropriated to the commission for purposes of providing tuition grants to qualified students who are enrolled in accredited private institutions. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for purposes of providing tuition grants to qualified students who are enrolled in accredited private institutions for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the commission for purposes of administering any scholarship or grant program described in this part 4 of subchapter VII.

[C71, 73, 75, 77, 79, 81, §261.15]
2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2619, 2641
C2024, §256.189
2024 Acts, ch 1057, §2; 2025 Acts, ch 157, §19; 2026 Acts, ch 1040, §50
Referred to in §256.194
Subsection 3 amended

256.190 Application for grants.

Each applicant, in accordance with the rules and regulations of the commission, shall:

1. Complete and file an application for a tuition grant.

2. Be responsible for the submission of the parents' confidential statement for processing, the processed information to be returned both to the commission and to the college in which the applicant is enrolling.

3. Report promptly to the commission any information requested.

4. File a new application and parents' confidential statement annually on the basis of which the applicant's eligibility for a renewed tuition grant will be evaluated and determined.

[C71, 73, 75, 77, 79, 81, §261.16]
2023 Acts, ch 19, §2641
C2024, §256.190

256.191 Iowa tuition grants — for-profit institutions — fund. Repealed by 2026 Acts, ch 1196, §16.

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256.192 Vocational-technical tuition grants — fund.

1. A vocational-technical tuition grant may be awarded to any resident of Iowa who establishes financial need and who is admitted and in attendance as a full-time or part-time student in any of the following:

a. A vocational-technical or career option program at a community college in the state.

b. An eligible institution.

2. All classes, including liberal arts classes, identified by the community college or eligible institution as required for completion of the student's vocational-technical or career option program, or barbering and cosmetology arts and sciences program, shall be considered a part of the student's vocational-technical or career option program or barbering and cosmetology arts and sciences program for the purpose of determining the student's eligibility for a grant. Notwithstanding subsection 3, if a student is making satisfactory academic progress but the student cannot complete a vocational-technical or career option program or barbering and cosmetology arts and sciences program in the time frame allowed for a student to receive a vocational-technical tuition grant as provided in subsection 3 because additional classes are required to complete the program, the student may continue to receive a vocational-technical tuition grant for not more than one additional enrollment period.

3. *a.* A qualified full-time student may receive vocational-technical tuition grants for not more than four semesters or the trimester or quarter equivalent of two full years of study. A qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours or the trimester or quarter equivalent may receive vocational-technical tuition grants for not more than eight semesters or the trimester or quarter equivalent of two full years of full-time study.

b. However, if a student resumes study after at least a two-year absence, the student may again be eligible for the specified amount of time, except that the student shall not receive assistance for courses for which credit was previously received.

4. *a.* (1) The amount of a vocational-technical tuition grant to a qualified full-time student who is enrolled in a vocational-technical or career option program at a community college shall not exceed the lesser of one thousand two hundred dollars per year or the amount of the student's established financial need.

(2) The amount of a vocational-technical tuition grant to a qualified part-time student who is enrolled in a vocational-technical or career option program at a community college in a course of study including at least three semester hours but fewer than twelve semester hours or the trimester or quarter equivalent shall be equal to the amount of a vocational-technical tuition grant that would be paid to a full-time student, except that the commission shall prorate the amount in a manner consistent with the federal Pell grant program proration.

b. (1) The amount of a vocational-technical tuition grant to a qualified full-time student who is enrolled in an eligible institution for the fall and spring semesters, or the equivalent, shall be the amount of the student's financial need for that period not to exceed six thousand dollars.

(2) The amount of a vocational-technical tuition grant to a qualified full-time student who is enrolled in an eligible institution for the summer semester or equivalent shall be one-half the amount of the vocational-technical tuition grant the student receives under subparagraph (1).

(3) The amount of a vocational-technical tuition grant to a qualified part-time student who is enrolled in an eligible institution in a course of study including at least three semester hours but fewer than twelve semester hours for the fall, spring, and summer semesters, or the equivalent, shall be equal to the amount of a tuition grant that would be paid to a full-time student times a number which represents the number of hours in which the part-time student is actually enrolled divided by twelve semester hours, or the equivalent.

(4) If a qualified student receives financial aid under any other program, the full amount of such financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period. In no case may the state's total financial contribution to the student's education, including financial aid under any other state or federal program, exceed the tuition and mandatory fees at the eligible institution the student attends.

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5. A vocational-technical tuition grant shall be awarded on an annual basis, requiring reapplication by the student for each year. Payments under the grant shall be allocated equally among the semesters or quarters of the year upon certification by the community college or eligible institution that the student is in full-time or part-time attendance in a vocational-technical or career option program or a barbering and cosmetology arts and sciences program, as defined under rules of the department. If the student discontinues attendance before the end of any term after receiving payment of the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the community college or eligible institution to the state.

6. If a student receives financial aid under any other program, the full amount of that financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period.

7. The commission shall administer this program and shall:

a. Provide application forms for distribution to students by Iowa high schools and community colleges.

b. Adopt rules for determining financial need, defining residence for the purposes of this section, processing and approving applications for grants and determining priority for grants.

c. Approve and award grants on an annual basis.

8. Each applicant, in accordance with the rules established by the commission, shall:

a. Complete and file an application for a vocational-technical tuition grant.

b. Be responsible for the submission of the financial information required for evaluation of the applicant's need for a grant, on forms determined by the commission.

c. Report promptly to the commission any information requested.

d. Submit a new application and financial statement for reevaluation of the applicant's eligibility to receive a second-year renewal of the grant.

9. A vocational-technical tuition grants fund is established in the state treasury. The fund shall be administered by the commission and shall consist of moneys appropriated by the general assembly and other moneys received by the commission for deposit in the fund. The moneys in the fund are appropriated to the commission for purposes of providing vocational-technical tuition grants pursuant to this section. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for purposes of providing vocational-technical tuition grants pursuant to this section for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the commission for purposes of administering any scholarship or grant program described in this part 4 of subchapter VII.

[C75, 77, 79, 81, §261.17]

83 Acts, ch 197, §14; 87 Acts, ch 233, §456; 89 Acts, ch 319, §44; 90 Acts, ch 1253, §120; 90 Acts, ch 1272, §50; 97 Acts, ch 212, §26; 98 Acts, ch 1215, §34, 35; 99 Acts, ch 205, §29, 30; 2001 Acts, 2nd Ex, ch 6, §20, 37; 2002 Acts, ch 1014, §1; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §2621, 2641

C2024, §256.192

2024 Acts, ch 1057, §3; 2025 Acts, ch 157, §21; 2026 Acts, ch 1040, §52; 2026 Acts, ch 1196, §13

Referred to in §256.194
Subsections 1, 2, 4, and 5 amended
Subsections 8 and 9 stricken and rewritten

256.193 Scholarship and tuition grant reserve fund. Repealed by 2025 Acts, ch 157, §25.

256.194 Appropriations — standing limited.

1. For each fiscal year beginning on or after July 1, 2025, there is appropriated from the general fund of the state to the commission for deposit in the Iowa tuition grants fund established in section 256.189, subsection 3, the sum of fifty-three million seven hundred sixty-one thousand two hundred ten dollars.

2. For each fiscal year beginning on or after July 1, 2025, there is appropriated from the general fund of the state to the commission for deposit in the vocational-technical tuition

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grants fund established in section 256.192, subsection 9, the sum of one million eight hundred sixty-three thousand ninety-nine dollars.

3. This section shall not be construed to be a limitation on any of the amounts which may be appropriated by the general assembly for any program enumerated in this section.

[C77, 79, 81, §261.25]

83 Acts, ch 197, §15; 85 Acts, ch 263, §17; 87 Acts, ch 233, §458; 88 Acts, ch 1003, §2; 88 Acts, ch 1284, §13, 28; 89 Acts, ch 319, §47, 48; 90 Acts, ch 1253, §122; 90 Acts, ch 1272, §54; 91 Acts, ch 180, §3; 91 Acts, ch 260, §908; 91 Acts, ch 267, §218; 92 Acts, ch 1246, §30; 93 Acts, ch 179, §21; 94 Acts, ch 1193, §19, 20; 95 Acts, ch 218, §22; 96 Acts, ch 1215, §38; 97 Acts, ch 212, §27; 98 Acts, ch 1215, §37, 38; 99 Acts, ch 205, §31, 32; 2000 Acts, ch 1095, §14; 2000 Acts, ch 1223, §28; 2002 Acts, ch 1171, §85; 2002 Acts, 2nd Ex, ch 1003, §93, 95; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 182, §13; 2004 Acts, ch 1175, §93; 2005 Acts, ch 169, §26, 27; 2006 Acts, ch 1180, §18, 19; 2006 Acts, ch 1182, §43; 2007 Acts, ch 214, §27; 2008 Acts, ch 1181, §33; 2009 Acts, ch 177, §27; 2010 Acts, ch 1183, §23, 24, 43; 2011 Acts, ch 36, §4; 2011 Acts, ch 132, §13, 106; 2012 Acts, ch 1132, §11; 2017 Acts, ch 172, §18, 19; 2018 Acts, ch 1163, §13; 2019 Acts, ch 135, §13; 2021 Acts, ch 170, §16; 2022 Acts, ch 1149, §13; 2023 Acts, ch 19, §2641; 2023 Acts, ch 79, §6; 2023 Acts, ch 111, §10

C2024, §256.194

2024 Acts, ch 1152, §10; 2025 Acts, ch 157, §22; 2026 Acts, ch 1040, §53; 2026 Acts, ch 1196, §14, 15

Referred to in §256.177, 256.183
See Code editor's note on simple harmonization at the beginning of this Code volume
Subsection 2 stricken
Former subsection 3 amended and renumbered as 2
Former subsection 4 renumbered as 3

SUBPART C

IOWA GUARANTEED LOAN PROGRAM

256.195 Definitions.

As used in this subpart, unless the context otherwise requires:

1. *"Commission"* means the college student aid commission of the state of Iowa.

2. *"Eligible borrower"* means a person, or the parent of a person, who is enrolled or will be enrolled at an eligible institution. All eligible borrowers must meet the eligibility requirements established by the commission.

3. *"Eligible institution"* means any postsecondary educational institution which meets the requirements of the provisions of the Higher Education Act of 1965 for student participation in the federal interest subsidy program and the requirements prescribed by rule of the commission.

4. *"Eligible lender"* means a financial or credit institution, insurance company or other approved lender which meets the standards prescribed by the commission and has executed a lender participation agreement with the commission.

5. *"Higher Education Act of 1965"* means the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. §1071 et seq.

[C79, 81, §261.35; 81 Acts, ch 8, §12, ch 85, §1]

86 Acts, ch 1246, §25; 89 Acts, ch 300, §5; 90 Acts, ch 1253, §122; 2006 Acts, ch 1180, §20; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2623, 2641

C2024, §256.195

Referred to in §256.202

256.196 Powers.

The commission shall have necessary powers to carry out its purposes and duties under this subpart, including but not limited to the power to:

1. Sue and be sued in its own name.

2. Incur and discharge debts including the payment of any defaulted loan obligations which have been guaranteed by the commission.

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3. Make and execute agreements, contracts, and other instruments with any public or private person or agency including the United States secretary of education.

4. Guarantee loans made by eligible lenders to eligible borrowers who are, or whose children are, enrolled or will be enrolled at eligible institutions as at least half-time students as defined by the commission.

5. Approve educational institutions as eligible institutions upon their meeting the requirements established by the commission.

6. Approve financial or credit institutions, insurance companies, or other lenders as eligible lenders upon their meeting the standards established by the commission for making guaranteed loans.

7. Accept appropriations, gifts, grants, loans, or other aid from public or private persons or agencies including the United States secretary of education.

8. Implement various means of encouraging maximum lender participation in the Iowa guaranteed loan program.

[C71, 73, 75, 77, §261.5, 261.6; C79, 81, §261.36; 81 Acts, ch 8, §13]

83 Acts, ch 101, §61; 89 Acts, ch 300, §26; 90 Acts, ch 1168, §36; 2017 Acts, ch 54, §76; 2019 Acts, ch 24, §31; 2023 Acts, ch 19, §2624, 2641

C2024, §256.196

256.197 Duties.

The duties of the commission under this subpart shall be as follows:

1. To review the Iowa guaranteed loan program.

2. To review and make disposition of all applications for the guarantee of student loans.

3. Collect an insurance premium of not more than the amount authorized by the federal Higher Education Act of 1965. The premium shall be collected by the lender upon the disbursement of the loan and shall be remitted promptly to the commission.

4. To enter into all necessary agreements with the United States secretary of education as required for the purpose of receiving full benefit of the state program incentives offered pursuant to the Higher Education Act of 1965.

5. To adopt rules pursuant to chapter 17A to implement the provisions of this subpart, including establishing standards for educational institutions, lenders, and individuals to become eligible institutions, lenders, and borrowers. Notwithstanding any contrary provisions in chapter 537, the rules and standards established shall be consistent with the requirements provided in the Higher Education Act of 1965.

6. To reimburse eligible lenders for the amount authorized by the federal Higher Education Act of 1965 on defaulted loans guaranteed by the commission upon receipt of written notice of the default accompanied by evidence that the lender has exercised the required degree of diligence in efforts to collect the loan.

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of revenue to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a loan made under this subpart. The commission shall adopt rules under chapter 17A necessary to assist the department of revenue in the implementation of the student loan setoff program as established under section 421.65. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. §1071 et seq., for all delinquent loans, including loans authorized under section 256.198, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 256.198.

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and borrowers. The commission shall provide applicants, as deemed necessary by the commission, with information about the past default rates of borrowers, enrollment, and placement statistics by postsecondary institution.

9. To develop all forms necessary to the proper administration of the guaranteed student

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loan program and provide supplies of such forms to participating lenders and postsecondary institutions.

10. To implement all possible assistance to eligible lenders for the purpose of easing the workload entailed in participation in the guaranteed student loan program.

[C79, 81, §261.37; 81 Acts, ch 8, §14; 82 Acts, ch 1057, §1]

83 Acts, ch 101, §62; 87 Acts, ch 233, §459; 88 Acts, ch 1284, §29; 89 Acts, ch 300, §6; 90 Acts, ch 1168, §37; 96 Acts, ch 1158, §1; 2003 Acts, ch 145, §228; 2004 Acts, ch 1145, §3; 2014 Acts, ch 1061, §4; 2017 Acts, ch 54, §76; 2020 Acts, ch 1064, §12, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §2625, 2626, 2641

C2024, §256.197

2024 Acts, ch 1057, §5

256.198 Agency operating account.

1. The commission shall establish an agency operating account as authorized by the federal Higher Education Act of 1965. The commission shall credit to the agency operating account all moneys provided for the state student loan program by the United States, the state of Iowa, or any of their agencies, departments, or instrumentalities, as well as any funds accruing to the program which are not required for current administrative expenses. The commission may expend moneys in the agency operating account as authorized by the federal Higher Education Act of 1965.

2. Notwithstanding section 8.33, funds on deposit in the agency operating account shall not revert to the state general fund at the close of any fiscal year.

3. The treasurer of state shall invest any funds in the agency operating account, and, notwithstanding section 12C.7, the interest income earned shall be credited back to the agency operating account.

4. *a.* The commission may enter into agreements with the Iowa student loan liquidity corporation in order to increase access for students to education loan programs that the commission determines meet the education needs of Iowa residents. The agreements shall permit the establishment, funding, and operation of alternative education loan programs, as described in section 144(b)(1)(B) of the Internal Revenue Code of 1986 as amended, as defined in section 422.3, in addition to programs permitted under the federal Higher Education Act of 1965. In accordance with those agreements, the Iowa student loan liquidity corporation may issue bonds, notes, or other obligations to the public and others for the purpose of funding the alternative education loan programs. This authority to issue bonds, notes, or other obligations shall be in addition to the authority established in the articles of incorporation and bylaws of the Iowa student loan liquidity corporation.

b. Bonds, notes, or other obligations issued by the Iowa student loan liquidity corporation are not an obligation of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitations, but are special obligations of the Iowa student loan liquidity corporation, and the corporation shall not pledge the credit or taxing power of this state or any political subdivision of this state, or make its debts payable out of any of the moneys except those of the corporation.

[C71, 73, 75, 77, §261.5, 261.8; C79, 81, §261.38]

86 Acts, ch 1246, §26, 27; 89 Acts, ch 300, §7; 90 Acts, ch 1253, §122; 91 Acts, ch 180, §4, 5; 92 Acts, ch 1246, §31; 99 Acts, ch 205, §33 – 37; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1061, §5, 6; 2023 Acts, ch 19, §2641

C2024, §256.198

Referred to in §256.197

256.199 Short title.

This subpart shall be known and may be cited as the *"Iowa Guaranteed Loan Program"*.

[C79, 81, §261.42]

89 Acts, ch 300, §8; 90 Acts, ch 1168, §39; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2627, 2641

C2024, §256.199

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256.200 Actions not barred.

No lapse of time shall be a bar to any action to recover on any loan guaranteed by the commission.

89 Acts, ch 300, §9
CS89, §261.43
2023 Acts, ch 19, §2641
C2024, §256.200

256.201 Security interest in education loans.

A nonprofit organization qualifying for tax-exempt status under the Internal Revenue Code, as defined in section 422.3, that provides or acquires education loans in the organization's normal course of business shall, notwithstanding any contrary provision of chapter 554 or other state law, establish and perfect a security interest and establish priority over other security interests in such education loans by filing in the same manner as provided for perfecting a security interest in a student loan pursuant to 20 U.S.C. §1082(m)(1)(E). This section applies to education loans provided under this part by such nonprofit organizations and other education loans provided by such nonprofit organizations.

2002 Acts, ch 1021, §1
C2003, §261.43A
2023 Acts, ch 19, §2628, 2641
C2024, §256.201

SUBPART D

IOWA STATE FAIR FOUNDATION — IOWA STATE FAIR SCHOLARSHIP

256.202 Iowa state fair scholarship.

The Iowa state fair scholarship fund is established in the office of treasurer of state to be administered by the commission. The commission shall adopt rules pursuant to chapter 17A for the administration of this section. The rules shall provide, at a minimum, that only residents of Iowa who have actively participated in the Iowa state fair and graduated from an accredited secondary school in Iowa shall be eligible to receive an Iowa state fair scholarship for matriculation at an eligible institution as defined in section 256.195. Notwithstanding section 12C.7, interest earned on money in the Iowa state fair scholarship fund shall be deposited into the fund and may be used by the commission only for Iowa state fair scholarship awards.

98 Acts, ch 1215, §36, 63
C99, §261.24
2014 Acts, ch 1061, §16
C2015, §261.62
2023 Acts, ch 19, §2641
C2024, §256.202

SUBPART E

CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN PROGRAM

256.203 Chiropractic graduate student forgivable loans.

1. A chiropractic graduate student forgivable loan program is established, to be administered by the college student aid commission for resident graduate students who are enrolled at Iowa chiropractic colleges and universities. A resident graduate student attending an Iowa chiropractic college or university is eligible for loan forgiveness under the program if the student meets all of the following conditions:

a. The student graduates from an Iowa chiropractic college or university that meets the requirements for approval under section 151.4.

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b. The student has completed a chiropractic residency program.

c. The student agrees to practice in an underserved area in the state of Iowa for a period of time to be determined by the commission at the time the loan is awarded.

d. The student has received a loan from moneys appropriated to the college student aid commission for this program.

2. The contract for the loan repayment shall stipulate the time period the chiropractor shall practice in an underserved area in this state. In addition, the contract shall stipulate that the chiropractor repay any funds paid on the chiropractor's loan by the commission if the chiropractor fails to practice in an underserved area in this state for the required period of time. Forgivable loans made to eligible students shall not become due, for repayment purposes, until one year after the student has graduated. A loan that has not been forgiven may be sold to a bank, savings association, credit union, or nonprofit agency eligible to participate in the guaranteed student loan program under the federal Higher Education Act of 1965, 20 U.S.C. §1071 et seq., by the commission when the loan becomes due for repayment.

3. For purposes of this section *"graduate student"* means a student who has completed at least ninety semester hours, or the trimester or quarter equivalent, of postsecondary course work at a public higher education institution or at an accredited private institution, as defined under section 256.183. *"Underserved area"* means a geographical area included on the Iowa governor's health practitioner shortage area list, which is compiled by the department of health and human services. The commission shall adopt rules, consistent with rules used for students enrolled in higher education institutions under the control of the state board of regents, for purposes of determining Iowa residency status of graduate students under this section. The commission shall also adopt rules which provide standards, guidelines, and procedures for the receipt, processing, and administration of student applications and loans under this section.

95 Acts, ch 218, §23
CS95, §261.71
96 Acts, ch 1158, §2, 3; 99 Acts, ch 205, §38, 39; 2012 Acts, ch 1017, §65; 2023 Acts, ch 19, §1016, 2641
C2024, §256.203

256.204 Chiropractic loan revolving fund.

A chiropractic loan revolving fund is created in the state treasury as a separate fund under the control of the commission. The commission shall deposit payments made by chiropractic loan recipients and the proceeds from the sale of chiropractic loans, less costs of collection of delinquent chiropractic loans, into the chiropractic loan revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the chiropractic graduate student forgivable loan program, for loan forgiveness to eligible chiropractic physicians, and to pay for loan or interest repayment defaults by eligible chiropractic physicians. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

96 Acts, ch 1158, §4
C97, §261.72
2023 Acts, ch 19, §2641
C2024, §256.204
See annual Iowa Acts for provisions relating to allocations to chiropractic loan forgiveness program

256.205 Chiropractic loan forgiveness program.

1. A chiropractic loan forgiveness program is established to be administered by the commission. A chiropractor is eligible for the program if the chiropractor is a resident of this state, is licensed to practice under chapter 151, and is engaged in the practice of chiropractic in this state.

2. Each applicant for loan forgiveness shall, in accordance with the rules of the commission, do all of the following:

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a. Complete and file an application for chiropractic loan forgiveness. The individual shall be responsible for the prompt submission of any information required by the commission.

b. File a new application and submit information as required by the commission annually on the basis of which the applicant's eligibility for the renewed loan forgiveness will be evaluated and determined.

c. Complete and return on a form approved by the commission an affidavit of practice verifying that the applicant meets the eligibility requirements of subsection 1.

3. The annual amount of chiropractic loan forgiveness shall not exceed the resident tuition rate established for institutions of higher learning governed by the state board of regents for the first year following the chiropractor's graduation from a college of chiropractic approved by the board of chiropractic in accordance with section 151.4, or twenty percent of the chiropractor's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest, whichever amount is less. A chiropractor shall be eligible for the loan forgiveness program for not more than five consecutive years.

4. A chiropractic loan forgiveness repayment fund is created for deposit of moneys appropriated to or received by the commission for use under the program. Notwithstanding section 8.33, moneys deposited in the fund shall not revert to any fund of the state at the end of any fiscal year but shall remain in the chiropractic loan forgiveness repayment fund and be continuously available for loan forgiveness under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section.

2008 Acts, ch 1181, §34
C2009, §261.73
2023 Acts, ch 19, §2641; 2023 Acts, ch 66, §48
C2024, §256.205

SUBPART F

WORK-STUDY PROGRAM

256.206 Work-study program.

The Iowa college work-study program is established to stimulate and promote the part-time employment of students attending Iowa postsecondary educational institutions, and the part-time or full-time summer employment of students registered for classes at Iowa postsecondary institutions during the succeeding school year, who are in need of employment earnings in order to pursue postsecondary education. The program shall be administered by the commission. The commission shall adopt rules under chapter 17A to carry out the program. The employment under the program shall be employment by the postsecondary education institution itself or work in a public agency or private nonprofit organization under a contract between the institution or the commission and the agency or organization. The work shall not result in the displacement of employed workers or impair or affect existing contracts for services. Moneys used by an institution for the work-study program shall supplement and not supplant jobs and existing financial aid programs provided for students through the institution.

85 Acts, ch 219, §1
CS85, §261.81
88 Acts, ch 1284, §31; 89 Acts, ch 300, §18; 89 Acts, ch 319, §50; 91 Acts, ch 180, §6; 95 Acts, ch 70, §2; 2023 Acts, ch 19, §2641
C2024, §256.206

256.207 Eligibility and duties of institutions.

1. An eligible postsecondary education institution is an institution of higher education under the state board of regents, a community college, or an accredited private institution

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as defined in section 256.183, subsection 1. The commission may enter into an agreement with an eligible postsecondary education institution under which the commission will make grants to the institution for the work-study program.

2. The participating institution shall:

a. File the proper forms with the commission for participation in the program.

b. Develop jobs that meet the requirements of the Iowa college work-study program. To the extent possible, the job should complement the student's educational program and career goal.

c. Supervise and evaluate employment and maintain the records required by the commission.

d. Participate in the federal work-study program.

85 Acts, ch 219, §3
CS85, §261.83
90 Acts, ch 1253, §121; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §2641
C2024, §256.207

256.208 Student eligibility.

In order to be eligible, a student must:

1. Be a citizen of the United States and a resident of this state.

2. Be enrolled and making satisfactory academic progress or accepted for enrollment at an eligible postsecondary institution on a half-time or greater basis.

3. Demonstrate financial need. A student's need shall be determined on the basis of a need analysis system approved for use by the commission or under the federal work-study program.

4. Have not defaulted on an Iowa guaranteed loan payment or on a loan guaranteed by the federal government.

85 Acts, ch 219, §4
CS85, §261.84
89 Acts, ch 300, §19, 26; 2023 Acts, ch 19, §2641
C2024, §256.208

256.209 Appropriation.

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million seven hundred fifty thousand dollars for the work-study program.

2. From moneys appropriated in this section, one million five hundred thousand dollars shall be allocated to institutions of higher education under the state board of regents and community colleges and the remaining moneys appropriated in this section shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work-study funds that relates to the current need of institutions.

87 Acts, ch 233, §463
CS87, §261.85
88 Acts, ch 1284, §32; 89 Acts, ch 319, §58; 90 Acts, ch 1272, §58; 91 Acts, ch 260, §909; 91 Acts, ch 267, §219; 92 Acts, ch 1246, §33; 93 Acts, ch 179, §22; 95 Acts, ch 218, §24; 2000 Acts, ch 1223, §29; 2023 Acts, ch 19, §2641; 2023 Acts, ch 64, §40
C2024, §256.209
See annual Iowa Acts for provisions relating to the elimination of state funding for certain fiscal years

SUBPART G

COLLEGE STUDENT AID COMMISSION — NATIONAL GUARD EDUCATIONAL ASSISTANCE

256.210 National guard service scholarship program.

1. A national guard service scholarship program is established to be administered by the college student aid commission for members of the Iowa national guard who are

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enrolled as undergraduate students in a community college, an institution of higher learning under the state board of regents, or an accredited private institution. The college student aid commission shall adopt rules pursuant to chapter 17A to administer this section. An individual is eligible for the national guard service scholarship program if the individual meets all of the following conditions:

a. Is a resident of the state and a member of an Iowa army or air national guard unit while receiving scholarship award payments issued pursuant to this section.

b. Satisfactorily completed required initial active duty training.

c. Maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum ninety percent of scheduled drill dates and attending annual training.

d. Is enrolled as an undergraduate student in a community college as defined in section 260C.2, an institution of higher learning under the control of the board of regents, or an accredited private institution as defined in section 256.183, and is maintaining satisfactory academic progress.

e. Provides proper notice of national guard status to the community college or institution at the time of registration for the term in which tuition benefits are sought.

f. Completes and submits application forms required by the commission, including the free application for federal student aid, and applies for all nonrepayable state and federal financial aid for which the member is eligible.

g. Submits an application to the adjutant general of Iowa, on forms prescribed by the adjutant general, who shall determine eligibility and whose decision is final. Notwithstanding any deadline established for the administration of this paragraph, the adjutant general shall accept an application submitted pursuant to this paragraph from an otherwise eligible member of the national guard who was on federal active duty at the time of such deadline.

2. *a.* Subject to paragraph *"b"*, scholarship awards paid pursuant to this section shall not exceed the resident tuition rate established for institutions of higher learning under the control of the state board of regents and shall not be less than fifty percent of the resident tuition rate established for institutions of higher learning under the control of the state board of regents or fifty percent of the tuition rate at the institution attended by the national guard member, whichever is lower.

b. Scholarship awards paid pursuant to this section shall not exceed the difference between the tuition rate at the institution attended by the national guard member less any financial aid the national guard member receives under 10 U.S.C. §2007.

c. If the amount appropriated in a fiscal year for purposes of this section is insufficient to provide scholarships to all national guard members who apply for the program and who are determined by the adjutant general to be eligible for the program, the adjutant general shall, in coordination with the commission, determine the distribution of scholarships.

3. *a.* (1) Except as provided in subparagraph (2), an eligible member of the national guard, attending an institution as provided in subsection 1, paragraph *"d"*, shall not receive scholarship awards under this section for more than one hundred twenty semester, or the equivalent, credit hours of undergraduate study.

(2) An eligible member of the national guard, attending an institution as provided in subsection 1, paragraph *"d"*, who is enrolled in a program of education leading to a postsecondary degree that meets the eligibility requirements for the federal Edith Nourse Rogers STEM scholarship established under 38 U.S.C. §3320, shall not receive scholarship awards issued under this section for more than one hundred thirty semester, or the equivalent, credit hours of undergraduate study.

(3) A national guard member who has met the educational requirements for a baccalaureate degree is ineligible for a scholarship award under this section.

b. A member of the national guard who received educational assistance under this section prior to July 1, 2015, shall be deemed to have received educational assistance for the following number of credit hours for educational assistance received before that date:

(1) For each semester that the member received educational assistance while attending an institution as a full-time student, twelve credit hours.

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(2) For each semester that the member received educational assistance while attending an institution as a part-time student, six credit hours.

(3) For each trimester or quarter that the member received educational assistance while attending an institution as a full-time or part-time student, the number of credit hours that are determined to be the semester equivalent by the college student aid commission.

4. The eligibility of applicants and scholarship award amounts to be paid shall be certified by the adjutant general of Iowa to the college student aid commission, and all amounts that are or become due to a community college, accredited private institution, or institution of higher learning under the control of the state board of regents under this section shall be paid to the college or institution by the college student aid commission upon receipt of certification by the president or governing board of the educational institution as to accuracy of charges made, and as to the attendance and academic progress of the individual at the educational institution. The college student aid commission shall maintain an annual record of the number of participants and the dollar value of the awards issued.

5. Scholarships awarded under this section may be used by the recipient for the recipient's *"cost of attendance"* as defined in Tit. IV, pt. B, of the federal Higher Education Act of 1965 as amended.

6. *a.* Notwithstanding section 8.33, funds appropriated for purposes of this section which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year upon the authority of the adjutant general for purposes of this section, section 256.210A, and section 256.211.

b. The adjutant general shall submit a report to the governor and the general assembly by December 31 of each year listing the science, technology, engineering, and mathematics-related career fields the adjutant general plans to focus on in providing educational incentives under this section and section 256.211 using funds available under this subsection for that fiscal year.

99 Acts, ch 205, §40

CS99, §261.86

2000 Acts, ch 1095, §15; 2003 Acts, ch 182, §14, 22; 2010 Acts, ch 1061, §180; 2011 Acts, ch 48, §1, 2; 2013 Acts, ch 46, §1; 2015 Acts, ch 9, §1; 2016 Acts, ch 1029, §1; 2016 Acts, ch 1132, §10, 19, 20; 2018 Acts, ch 1163, §14; 2019 Acts, ch 24, §32; 2019 Acts, ch 135, §14 – 16; 2020 Acts, ch 1062, §73 – 75; 2021 Acts, ch 65, §4; 2023 Acts, ch 19, §2641

C2024, §256.210

2025 Acts, ch 46, §1; 2025 Acts, ch 47, §1

Referred to in §256.210A, 256.211

256.210A National guard service professional qualification scholarship program.

1. A national guard service professional qualification scholarship program is established to be administered by the college student aid commission for members of the Iowa national guard who are participating in an educational program leading to a credential that is approved by the adjutant general and offered by a community college, an institution of higher learning under the state board of regents, or an accredited private institution. The college student aid commission shall adopt rules pursuant to chapter 17A to administer this section.

2. An individual is eligible for the national guard service professional qualification scholarship program if the individual meets all of the following conditions:

a. Is a resident of the state and a member of an Iowa army or air national guard unit while receiving scholarship award payments issued pursuant to this section.

b. Satisfactorily completed required initial active duty training.

c. Maintains satisfactory performance of duty upon return from initial active duty training.

d. Is enrolled in an educational program that has been approved by the adjutant general and is offered by a community college as defined in section 260C.2, an institution of higher learning under the control of the board of regents, or an accredited private institution as defined in section 256.183.

e. Is maintaining satisfactory academic progress toward a credential.

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f. Provides proper notice of national guard status to the community college or institution at the time of registration for the term in which program benefits are sought.

g. Completes and submits application forms required by the commission and applies for all nonrepayable state and federal financial aid for which the member is eligible.

h. Submits an application to the adjutant general of Iowa, on forms prescribed by the adjutant general, who shall determine eligibility and whose determination is final. Notwithstanding any deadline established for the administration of this paragraph, the adjutant general shall accept an application submitted pursuant to this paragraph from an otherwise eligible member of the national guard who was on federal active duty at the time of such deadline.

3. Scholarship awards paid pursuant to this section shall not exceed the total cost charged by the institution attended by the national guard member for the educational program leading to a credential. If the amount available for, or appropriated in, a fiscal year for purposes of this section is insufficient to provide scholarships to all national guard members who apply for the program and who are verified by the adjutant general to be eligible for the program, the adjutant general shall, in coordination with the college student aid commission, determine the distribution of scholarships.

4. The eligibility of applicants and scholarship award amounts to be paid shall be certified by the adjutant general to the college student aid commission, and all amounts that are or become due to a community college, accredited private institution, or institution of higher learning under the control of the state board of regents under this section shall be paid to the college or institution by the college student aid commission upon receipt of certification by the president or governing board of the educational institution as to accuracy of charges made, and as to the attendance and academic progress of the individual at the educational institution. The college student aid commission shall maintain an annual record of the number of participants and the dollar value of the awards issued.

5. The adjutant general shall publish and maintain a list of approved educational programs that are eligible for purposes of this section.

6. The adjutant general has the authority under this section to authorize the expenditure of unencumbered or unobligated funds as described in section 256.210, subsection 6, for purposes of this section.

7. For purposes of this section, *"credential"* means a postsecondary certificate or other competency-based credential that is not authorized for federal student aid under Tit. IV of the federal Higher Education Act of 1965, as amended. *"Credential"* does not include an associate degree or any degree beyond an associate degree.

2025 Acts, ch 46, §2
Referred to in §256.210

256.211 National guard STEM-related recruitment and retention incentive programs.

1. *a.* The adjutant general has the authority under this section to authorize the expenditure of unencumbered or unobligated funds as described in section 256.210, subsection 6, to recruit or retain individuals who have completed or are pursuing training in science, technology, engineering, and mathematics-related military occupational specialties or air force specialty codes by issuing awards through a national guard student loan repayment program in accordance with subsection 2 or by providing a scholarship award to an eligible member of the national guard who is enrolled at an institution defined in section 256.210, subsection 1, paragraph *"d"*, in a master's degree program that is in compliance with the federal Edith Nourse Rogers STEM scholarship program established under 38 U.S.C. §3320 in accordance with the requirements of subsection 3.

b. The adjutant general can offer a recruitment or retention incentive as authorized by this section in either the military entrance process or within the final year of the service member's initial contract obligation pending the service member signing a six-year extension.

2. *a.* A national guard student loan repayment program is established to be administered by the college student aid commission. Funds for loan repayment awards under the program shall be expended upon the authority of the adjutant general.

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b. An individual is eligible for a loan repayment award under this subsection if the individual meets all of the following conditions:

(1) Is a resident of the state and a member of an Iowa army or air national guard unit while receiving loan repayment awards issued pursuant to this subsection.

(2) Satisfactorily completed required initial active duty training.

(3) Maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum ninety percent of scheduled drill dates and attending annual training.

c. An applicant for an award under this subsection shall, in accordance with the rules promulgated by the college student aid commission, do all of the following:

(1) Complete and file an application for national guard student loan repayment. The individual shall be responsible for the prompt submission of any information required by the national guard and the college student aid commission.

(2) File a new application and submit information as required by the national guard and the college student aid commission annually on the basis of which the applicant's eligibility for the renewed loan repayment will be evaluated and determined.

d. The annual amount of an award to an applicant under this subsection shall not exceed five thousand dollars or one hundred percent of the applicant's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the applicant's federal grad plus loans, or the applicant's federal Perkins loans, including principal and interest, whichever is less. An applicant shall be eligible for a loan repayment award under this subsection for not more than six consecutive years.

3. An applicant for a master's degree scholarship award as described in subsection 1 shall meet the criteria as provided in section 256.210, subsection 1, except that the applicant can be enrolled in a master's degree program. The provisions of section 256.210, subsections 2, 4, and 5, shall also apply to scholarship awards made under this subsection. A scholarship award provided to a recipient enrolled in a master's degree program under this subsection shall be limited to thirty-six, or equivalent, credit hours of graduate study.

2021 Acts, ch 65, §5
C2022, §261.86A
2023 Acts, ch 19, §2641
C2024, §256.211
Referred to in §256.210

SUBPART H

ALL IOWA OPPORTUNITY SCHOLARSHIPS

256.212 All Iowa opportunity scholarship program and fund.

1. *Definitions.* As used in this subpart, unless the context otherwise requires:

a. "Commission" means the college student aid commission.

b. "Eligible foster care student" means a person under twenty-six years of age who has a high school diploma or a high school equivalency diploma under chapter 259A and is described by any of the following:

(1) Is age seventeen and is in a court-ordered placement under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

(2) Is age seventeen and has been placed in a state juvenile institution pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

(3) Is described by any of the following:

(a) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was in a licensed foster care placement pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

(b) On the date the person reached age eighteen or during the thirty calendar days

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preceding or succeeding that date, the person was under a court order under chapter 232 to live with a relative or other suitable person.

(c) The person was in a licensed foster care placement pursuant to an order entered under chapter 232 prior to being legally adopted after reaching age sixteen.

(d) On the date the person reached age eighteen or during the thirty calendar days preceding or succeeding that date, the person was placed in a state juvenile institution pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

c. "Eligible institution" means a community college established under chapter 260C or an institution of higher learning governed by the state board of regents.

d. "Eligible surviving-child student" means a qualified student who is not a convicted felon as defined in section 910.15 and who meets any of the following criteria:

(1) Is the child or stepchild of a peace officer, as defined in section 97A.1, who was killed in the line of duty as determined by the board of trustees of the Iowa department of public safety peace officers' retirement, accident, and disability system in accordance with section 97A.6, subsection 16.

(2) Is the child or stepchild of a police officer or a fire fighter, as each is defined in section 411.1, who was killed in the line of duty as determined by the statewide fire and police retirement system in accordance with section 411.6, subsection 15.

(3) Is the child or stepchild of a sheriff or deputy sheriff as each is defined in section 97B.49C, who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with section 97B.52, subsection 2.

(4) Is the child or stepchild of a fire fighter or police officer included under section 97B.49B, who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with section 97B.52, subsection 2.

(5) Is the child or stepchild of an employee of the Iowa department of corrections, or of a judicial district department of correctional services, who was killed in the line of duty.

e. "Financial need" means the difference between the student's financial resources available, including those available from the student's parents as determined by a completed parents' confidential statement, and the student's anticipated expenses while attending an eligible institution.

f. "Full-time resident student" means an individual resident of Iowa who is enrolled at an eligible institution in a program of study including at least twelve semester hours or the trimester or quarter equivalent.

g. "Part-time resident student" means an individual resident of Iowa who is enrolled at an eligible institution in a program of study including at least three semester hours or the trimester or quarter equivalent.

h. "Qualified student" means a resident student who has established financial need and who is meeting all program requirements.

i. "Stepchild" means the same as defined in section 450.1.

2. *Program — eligibility.* An all Iowa opportunity scholarship program is established to be administered by the commission. The awarding of scholarships under the program is subject to appropriations made by the general assembly. A person who meets all of the following requirements is eligible for the program:

a. Is a resident of Iowa and a citizen of the United States or a lawful permanent resident.

b. Applies in a timely manner for admission to an eligible institution and is accepted for admission.

c. Applies in a timely manner for any federal or state student financial assistance available to the student to attend an eligible institution.

d. Files a new application and parents' confidential statement, as applicable, annually on the basis of which the applicant's eligibility for a renewed scholarship will be evaluated and determined.

e. Maintains satisfactory academic progress during each term for which a scholarship is awarded.

f. (1) Except as provided in subparagraph (2), begins enrollment at an eligible institution within two academic years of graduation from high school or receipt of a high school

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equivalency diploma under chapter 259A and continuously receives awards as a full-time or part-time student to maintain eligibility. However, the student may defer or suspend participation in the program for up to two years in order to pursue obligations that meet conditions established by the commission by rule or to fulfill military obligations.

(2) The requirements of subparagraph (1) do not apply to an eligible foster care student.

3. *Priority for scholarship awards.* Priority for scholarships under this section shall be given to eligible foster care students, then to eligible surviving-child students, who meet the eligibility criteria under subsection 2. Following distribution to students who meet the eligibility criteria under subsection 2, the commission may establish priority for awarding scholarships using any moneys that remain in the all Iowa opportunity scholarship fund.

4. *Extent of scholarship.* A qualified student at an eligible institution may receive scholarships for not more than the equivalent of eight full-time semesters of undergraduate study, excluding summer semesters. A qualified student attending part-time may receive scholarships for not more than the equivalent of sixteen part-time semesters of undergraduate study. Scholarships awarded pursuant to this section shall not exceed the least of the following amounts, as determined by the commission:

a. The student's financial need.

b. One-half of the average resident tuition rate and mandatory fees established for institutions of higher learning governed by the state board of regents.

5. *Discontinuance of attendance — remittance.* If a student receiving a scholarship pursuant to this section discontinues attendance before the end of any academic term, the entire amount of any refund due to the student, up to the amount of any payments made by the state, shall be remitted by the eligible institution to the commission. The commission shall deposit refunds paid to the commission in accordance with this subsection into the fund established pursuant to subsection 6.

6. *Fund established.* An all Iowa opportunity scholarship fund is created in the state treasury as a separate fund under the control of the commission. All moneys deposited or paid into the fund are appropriated and made available to the commission to be used for scholarships for students meeting the requirements of this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2007 Acts, ch 214, §28

CS2007, §261.87

2009 Acts, ch 177, §28; 2015 Acts, ch 140, §47, 58, 59; 2016 Acts, ch 1034, §1; 2017 Acts, ch 54, §76; 2017 Acts, ch 172, §20 – 24; 2018 Acts, ch 1172, §80, 81; 2019 Acts, ch 32, §1, 2; 2021 Acts, ch 9, §1; 2021 Acts, ch 170, §17 – 19, 25; 2023 Acts, ch 19, §1017, 2629, 2641; 2023 Acts, ch 111, §20 – 22

C2024, §256.212

2025 Acts, ch 157, §26; 2026 Acts, ch 1040, §54

See annual Iowa Acts for provisions relating to the expansion of the program to include accredited private institutions if moneys appropriated exceed $500,000

2023 amendments to subsection 1, paragraph b, unnumbered paragraph 1, and subsection 2, paragraph f, by 2023 Acts, ch 111, apply to applications submitted under the all Iowa opportunity scholarship program established pursuant to this section before, on, or after July 1, 2023; 2023 Acts, ch 111, §22

Subsection 6 amended

SUBPART I

MINORITY ACADEMIC GRANTS FOR ECONOMIC SUCCESS

256.213 Legislative intent. Repealed by 2026 Acts, ch 1062, §8.

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256.214 Definitions.

1. *"Accredited private institution"* means an institution of higher education as defined in section 256.183, subsection 1.

2. *"Commission"* means the college student aid commission.

3. *"Financial need"* means the difference between the student's financial resources, including resources available from the student's parents and the student, as determined by a completed parents' financial statement and including any noncampus-administered federal or state grants and scholarships, and the student's estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

4. *"Full-time student"* means an individual who is enrolled at an accredited private institution, community college, or board of regents' university for at least twelve semester hours or the trimester or quarter equivalent.

5. *"Part-time student"* means an individual who is enrolled at an accredited private institution, community college, or board of regents' university in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours.

6. *"Program"* means the Iowa academic grants for economic success program established in this subpart.

89 Acts, ch 319, §54
CS89, §261.102
90 Acts, ch 1253, §15, 122; 2009 Acts, ch 41, §103; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2630, 2641
C2024, §256.214
2026 Acts, ch 1186, §24 – 26
Referred to in §256.217A
Subsection 3 amended
Subsection 5 stricken and former subsection 6 renumbered as 5
Former subsection 7 amended and renumbered as 6

256.215 Program qualifications.

1. Full-time students may receive grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent of eight semesters of undergraduate study. Part-time students may receive grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent of sixteen semesters of undergraduate study.

2. The amount of the grant shall not exceed a student's yearly financial need or three thousand five hundred dollars, whichever is less. If the student is attending or seeking to enroll in an accredited private institution, fifty percent of the amount of the grant shall be provided by the accredited private institution and fifty percent shall be provided by the commission from state funds appropriated for that purpose.

3. Grants shall be awarded on an annual basis and shall be credited by the institution against the student's tuition, fees, room, and board, at the beginning of each semester, trimester, or quarter in equal installments upon certification by the institution that the student is admitted and attending the institution.

4. If a student receiving a grant under the program discontinues attendance before the end of any academic period, but after receiving payment of grant moneys for the academic period, the entire amount of any refund due the student, up to the amount of any payments made by the state, shall be remitted by the private institution to the commission.

89 Acts, ch 319, §55; 89 Acts, ch 322, §8
CS89, §261.103
90 Acts, ch 1253, §16; 2023 Acts, ch 19, §2641
C2024, §256.215
2026 Acts, ch 1062, §1; 2026 Acts, ch 1186, §27
Referred to in §256.217A
Subsection 1 stricken and former subsections 2 – 5 renumbered as 1 – 4

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256.216 Powers of commission.

In administering the program for the community colleges and the accredited private institutions, the commission shall:

1. Provide application forms to students enrolled and attending or seeking to enroll and attend community colleges or accredited private institutions.
2. Develop and provide confidential financial statement forms to the parents or guardians of students applying for grants under this program.
3. Approve and award grants to community colleges and accredited private institutions under the program.
4. Adopt rules for determining financial need and residency for the purpose of awarding grants to qualified students, and any other rules necessary for the administration of the program.
5. Require postsecondary institutions that receive moneys from students awarded grants under the program to furnish any information necessary for the implementation or administration of the program.
6. Solicit and receive private contributions and federal grants available for purposes of the program.
7. Administer funds appropriated for the Iowa academic grants for economic success program to carry out the duties of the commission.
8. Provide for the proration of funds among qualified applicants if funds available are insufficient to pay all approved grants.

89 Acts, ch 319, §56
CS89, §261.104
90 Acts, ch 1253, §17; 2023 Acts, ch 19, §2641
C2024, §256.216
2024 Acts, ch 1057, §6; 2026 Acts, ch 1040, §55; 2026 Acts, ch 1062, §2; 2026 Acts, ch 1186, §28, 29
Referred to in §256.217A
Unnumbered paragraph 1 amended
Subsection 7 stricken
Former subsection 8 amended and renumbered as 7
Former subsection 9 renumbered as 8

256.217 Duties of applicant.

An applicant for a grant under the program shall:

1. Complete and file an application for a grant on forms provided by the commission or regents institutions.
2. Submit the financial information required for evaluation of the applicant's financial need for a grant.
3. Comply with rules and information requests of the commission or regents institutions made in relation to the program.

89 Acts, ch 319, §57
CS89, §261.105
2023 Acts, ch 19, §2641
C2024, §256.217
Referred to in §256.217A

256.217A Reports to general assembly.

The college student aid commission shall submit to the general assembly, by January 15 of each year, a report on the progress and implementation of the program administered under sections 256.214 through 256.217. The report must include but is not limited to the numbers of students participating in the program and allocation of funds appropriated for the program.

89 Acts, ch 319, §65
CS1989, §262.93
2010 Acts, ch 1183, §26; 2012 Acts, ch 1138, §118; 2026 Acts, ch 1062, §5, 10; 2026 Acts, ch 1186, §31, 35
C2027, §256.217A
Section transferred from §262.93 in Code 2027 pursuant to directive in 2026 Acts, ch 1062, §10; 2026 Acts, ch 1186, §35

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

SUBPART J

TEACH IOWA SCHOLAR GRANTS AND TEACHER SHORTAGE FORGIVABLE LOAN AND LOAN FORGIVENESS PROGRAMS

256.218 Teach Iowa scholar program — fund.

1. A teach Iowa scholar program is established to provide teach Iowa scholar grants to selected high-caliber teachers.

2. An Iowa resident or nonresident applicant shall be eligible for a teach Iowa scholar grant if the applicant meets all of the criteria specified under, or established in accordance with, subsection 3. Priority shall be given to applicants who are residents of Iowa. A person is ineligible for this program if the person receives a forgivable loan under section 256.219 or loan forgiveness under section 256.220.

3. Criteria for eligibility shall be established by the commission and shall include but are not limited to the following:

a. The applicant was in the top twenty-five percent academically of students exiting a teacher preparation program approved by the state board pursuant to section 256.7, subsection 3, or a similar teacher preparation program in another state, or had earned other comparable academic credentials.

b. The applicant is preparing to teach in fields including but not limited to science, technology, engineering, or mathematics; English as a second language or special education instruction; or is preparing to teach in a hard-to-staff subject as identified by the department. The department shall take into account the varying regional needs in the state for teachers in these subject areas when applying the criterion of this paragraph. The department shall annually identify and designate hard-to-staff subjects for the purpose of this paragraph. The eligibility of an applicant who receives a teach Iowa scholar grant and who is preparing to teach in a hard-to-staff subject as identified by the department shall not be affected in subsequent years if the department does not continue to identify that subject as a hard-to-staff subject.

c. The applicant met all of the eligibility requirements of this section on or after January 1, 2013. A person who met the program eligibility requirements of this section prior to January 1, 2013, is ineligible for this program.

4. A selected applicant who meets all of the eligibility requirements of this section shall be eligible for a teach Iowa scholar grant for each year of full-time employment completed in this state as a teacher for a school district, charter school, area education agency, or accredited nonpublic school. A teach Iowa scholar grant shall not exceed four thousand dollars per year per recipient. Grants awarded under this section shall not exceed a total of twenty thousand dollars per recipient over a five-year period. If a selected applicant has received a federally guaranteed Stafford loan under the federal family education loan program or the federal direct loan program, a federal direct plus loan, or a federal Perkins loan, the selected applicant may elect to have the commission make payment under the program directly to the selected applicant's student loan holder.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section. The rules shall include but shall not be limited to a process for use by the commission to determine which eligible applicants will receive teach Iowa scholar grants.

6. A teach Iowa scholar fund is established in the state treasury. The fund shall be administered by the commission and shall consist of moneys appropriated by the general assembly and any other moneys received by the commission for deposit in the fund, including payments collected by the commission pursuant to section 256.219, subsection 7. The moneys in the fund are appropriated to the commission for the teach Iowa scholar program. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for

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the teach Iowa scholar program for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2013 Acts, ch 121, §46

C2014, §261.110

2014 Acts, ch 1135, §15; 2015 Acts, ch 138, §16, 161, 162; 2017 Acts, ch 150, §1, 3, 4; 2021 Acts, ch 129, §1; 2023 Acts, ch 19, §2631, 2632, 2641

C2024, §256.218

2025 Acts, ch 157, §27; 2026 Acts, ch 1040, §56

Referred to in §256.219, 256.220

Subsection 6 amended

256.219 Teacher shortage forgivable loan program.

1. A teacher shortage forgivable loan program is established to be administered by the college student aid commission. An individual is eligible for the forgivable loan program if the individual is a resident of this state who is enrolled as a sophomore, junior, senior, or graduate student in an approved practitioner preparation program in a designated area in which teacher shortages are anticipated at an institution of higher learning under the control of the state board of regents or an accredited private institution as defined in section 256.183.

2. The director shall annually designate the areas in which teacher shortages are anticipated. The director shall periodically conduct a survey of school districts, accredited nonpublic schools, and approved practitioner preparation programs to determine current shortage areas and predict future shortage areas.

3. Each applicant shall, in accordance with the rules of the commission, do the following:

a. Complete and file an application for a teacher shortage forgivable loan. The individual shall be responsible for the prompt submission of any information required by the commission.

b. File a new application and submit information as required by the commission annually on the basis of which the applicant's eligibility for the renewed forgivable loan will be evaluated and determined.

4. Forgivable loans to eligible students shall not become due until after the student graduates or leaves school. The individual's total loan amount, including principal and interest, shall be reduced by twenty percent for each year in which the individual remains an Iowa resident and is employed in Iowa by a school district or an accredited nonpublic school as a practitioner in the teacher shortage area for which the loan was approved. If the commission determines that the person does not meet the criteria for forgiveness of the principal and interest payments, the commission shall establish a plan for repayment of the principal and interest over a ten-year period. If a person required to make the repayment does not make the required payments, the commission shall provide for payment collection.

5. The annual amount of a teacher shortage forgivable loan shall not exceed the resident tuition rate established for institutions of higher education governed by the state board of regents, or the amount of the student's established financial need, whichever is less.

6. The commission shall prescribe by rule the interest rate for the forgivable loan.

7. The commission shall deposit payments made by forgivable loan recipients who do not fulfill the conditions of the forgivable loan program in the teach Iowa scholar fund established pursuant to section 256.218, subsection 6, to be used for the purposes of the teach Iowa scholar program.

8. For purposes of this section, unless the context otherwise requires, *"teacher"* means the same as defined in section 256.145.

98 Acts, ch 1215, §39

C99, §261.111

99 Acts, ch 205, §41; 2006 Acts, ch 1180, §21, 22; 2007 Acts, ch 214, §29, 30; 2021 Acts, ch 129, §2; 2023 Acts, ch 19, §2633, 2641

C2024, §256.219

2024 Acts, ch 1057, §7

Referred to in §256.218, 256.220

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256.220 Teacher shortage loan forgiveness program.

1. A teacher shortage loan forgiveness program is established to be administered by the commission. A teacher is eligible for the program if the teacher is practicing in a teacher shortage area as designated by the department pursuant to subsection 2. A person is ineligible for this program if the person receives a grant under section 256.218 or a forgivable loan under section 256.219. For purposes of this section, *"teacher"* means an individual holding a practitioner's license issued under part 3, who is employed in a nonadministrative position in a designated shortage area by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13.

2. The director shall annually designate the geographic or subject areas experiencing teacher shortages. The director shall periodically conduct a survey of school districts, accredited nonpublic schools, and approved practitioner preparation programs to determine current shortage areas.

3. Each applicant for loan forgiveness shall, in accordance with the rules of the commission, do the following:

a. Complete and file an application for teacher shortage loan forgiveness. The individual shall be responsible for the prompt submission of any information required by the commission.

b. File a new application and submit information as required by the commission annually on the basis of which the applicant's eligibility for the renewed loan forgiveness will be evaluated and determined.

c. Complete and return on a form approved by the commission an affidavit of practice verifying that the applicant is a teacher in an eligible teacher shortage area.

4. The annual amount of teacher shortage loan forgiveness shall not exceed the resident tuition rate established for institutions of higher learning governed by the state board of regents for the first year following the teacher's graduation from an approved practitioner preparation program, or twenty percent of the teacher's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, including principal and interest, whichever amount is less. A teacher shall be eligible for the loan forgiveness program for not more than five years. However, practice by an eligible teacher in a teacher shortage area pursuant to subsection 1 must be completed within ten years following graduation from the approved practitioner preparation program.

5. The commission shall adopt rules pursuant to chapter 17A to administer this section.

2007 Acts, ch 214, §31
CS2007, §261.112
2011 Acts, ch 36, §6; 2017 Acts, ch 150, §2 – 4; 2021 Acts, ch 129, §3; 2023 Acts, ch 19, §2634, 2641
C2024, §256.220
2024 Acts, ch 1057, §8
Referred to in §256.218

SUBPART K

INCENTIVE PROGRAMS — HEALTH PROFESSIONS

256.221 Rural Iowa primary care loan repayment program — fund — appropriations. Repealed by 2025 Acts, ch 120, §7.
For program elimination transition, see 2025 Acts, ch 120, §8, 10

256.222 Health care professional incentive program — fund.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "Award" means either of the following:

(1) A loan repayment made on behalf of an eligible health care professional on the total amount owed, including principal and interest, by the eligible health care professional on any of the following:

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(a) A federally guaranteed Stafford loan under the federal family education loan program or the federal direct loan program.

(b) A federal grad plus loan.

(c) A consolidated federally guaranteed Stafford loan under the federal family education loan program or the federal direct loan program.

(d) A consolidated federal grad plus loan.

(2) An income bonus paid to an eligible health care professional.

b. "Commission" means the college student aid commission.

c. "Department" means the department of health and human services.

d. "Eligible health care profession" means health care occupational categories that are in high demand, as determined and maintained on a list by the department, and may include but are not limited to physicians, physician associates, registered nurses, nurse practitioners, nurse educators, and mental health professionals.

e. "Eligible health care professional" means an individual currently employed, or who will be employed, in an eligible health care profession that is located in an eligible practice area.

f. "Eligible practice area" means a geographic region or county in this state that has a shortage of health care professionals as determined by the department.

g. "Employment obligation" means the number of consecutive years an eligible health care professional must practice.

(1) If practicing full-time, which means at least two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave, an eligible health care professional must practice for five years.

(2) If practicing part-time, which means at least one thousand five hundred sixty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave, an eligible health care professional must practice for seven years.

h. "Program" means the health care professional incentive program established in this section.

2. *Program established.* The health care professional incentive program is established and shall be administered by the commission, in coordination with the department, for the purpose of offering awards to recruit and retain eligible health care professionals for employment in eligible practice areas. For the fiscal year beginning July 1, 2025, and each fiscal year thereafter, the commission, in coordination with the department, shall determine the number of awards available for each eligible health care profession prior to the commencement of the fiscal year.

3. *Legislative intent.* It is the intent of the general assembly that the program shall not interfere with local community investments to recruit and retain health care professionals.

4. *Exceptions.* An eligible health care professional shall be ineligible for the program if the eligible health care professional is currently participating in, or has participated in, any of the following:

a. The primary care provider loan repayment program pursuant to section 135.107, Code 2025.

b. The rural Iowa primary care loan repayment program pursuant to section 256.221, Code 2025.

c. The health care professional recruitment program pursuant to section 256.223, Code 2025.

d. The health care award program pursuant to section 256.224, Code 2025.

e. The mental health professional loan repayment program pursuant to section 256.225, Code 2025.

5. *Program requirements.*

a. An eligible health care professional may submit an application for the program to the commission in the form and manner prescribed by the commission. The applicant shall elect to receive an award as either a loan repayment or an income bonus if selected for the program, and shall submit any additional information requested by the commission.

b. The commission shall give priority to an applicant fulfilling a full-time employment obligation.

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c. If selected for an award, the eligible health care professional and the commission shall execute a program agreement that specifies all of the following:

(1) The date the eligible health care professional's employment obligation begins, which shall be no later than six months from the date the program agreement is executed.

(2) The date the health care professional's employment obligation terminates.

(3) Whether the award is a loan repayment or an income bonus, and the terms and conditions related to the award, including the aggregate award amount that the eligible health care professional will receive.

(4) Requirements regarding the eligible health care professional's license to practice in this state while participating in the program.

(5) All other terms and conditions agreed to by the eligible health care professional and the commission.

6. *Awards.*

a. Upon verifying the eligible health care professional is in compliance with all terms of the program agreement executed pursuant to subsection 5, paragraph "*c*", the commission shall pay the eligible health care professional's award annually as follows:

(1) For a full-time employment obligation, the award shall be paid as follows:

(a) An amount equal to twenty percent of the aggregate award shall be paid to the eligible health care professional after the completion of the first year of the eligible health care professional's employment obligation.

(b) An amount equal to fifteen percent of the aggregate award shall be paid to the eligible health care professional after the completion of the second year, the third year, and the fourth year of the eligible health care professional's employment obligation.

(c) An amount equal to thirty-five percent of the aggregate award shall be paid to the eligible health care professional after the completion of the fifth year of the eligible health care professional's employment obligation.

(2) For a part-time employment obligation, the aggregate award shall be prorated by the commission.

b. A minimum of every five years, the commission, in consultation with the department, shall establish a list of eligible health care professions and the aggregate award amount for each eligible health care profession. The aggregate award amount shall not exceed two hundred thousand dollars.

c. An individual who executed a program agreement under subsection 5, paragraph "*c*", prior to the exclusion of the individual's health care profession from the list established under paragraph "*b*" shall remain eligible for the program per the terms of the individual's program agreement.

7. *Health care professional incentive program fund.* A health care professional incentive program fund is created in the state treasury under the control of the commission. All moneys deposited or paid into the fund are appropriated to the commission to be used for awards as provided in this section. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of each fiscal year shall not revert but shall remain available for expenditure. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and may be utilized by the commission for administrative costs.

8. *Rules.* The commission, in coordination with the department, shall adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 120, §11, 12; 2026 Acts, ch 1008, §3
Referred to in §135.107
Code editor directive applied

256.223 Health care professional recruitment program. Repealed by 2025 Acts, ch 120, §7.
For program elimination transition, see 2025 Acts, ch 120, §8, 10

256.224 Health care award program. Repealed by 2025 Acts, ch 120, §7.
For program elimination transition, see 2025 Acts, ch 120, §8, 10

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256.225 Mental health professional loan repayment program. Repealed by 2025 Acts, ch 120, §7.

For program elimination transition, see 2025 Acts, ch 120, §8, 10

256.226 Rural veterinarian loan repayment program — fund — appropriations.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "Eligible loan" means the veterinarian's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, or the recipient's federal grad plus loans, including principal and interest.

b. "Practice of food supply veterinary medicine" includes corporate and private practices devoted to food animal medicine, mixed animal medicine located in a rural area, food safety, epidemiology, public health, animal health, and other public and private practices that contribute to the production of a safe and wholesome food supply.

c. "Rural service commitment area" means a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more and which provides a dollar contribution equivalent to twelve and one-half percent of the veterinarian's total eligible loan amount upon graduation for deposit in the rural veterinary care trust fund.

d. "Veterinary shortage area" means a designated veterinary service shortage situation in Iowa identified and nominated by the state veterinarian, or recommended for designation in accordance with the federal National Veterinary Medical Service Act, 7 U.S.C. §3101 et seq., and published by the United States department of agriculture.

2. *Program established.* A rural veterinarian loan repayment program is established to be administered by the college student aid commission for purposes of providing loan repayments for individuals who agree to practice as veterinarians in rural service commitment areas or in veterinary shortage areas in Iowa for four years and meet the requirements of this section. The commission shall adopt rules pursuant to chapter 17A to administer this section. The commission may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund created under subsection 10.

3. *Eligibility.*

a. An individual is eligible to apply to enter into a program agreement with the commission if the individual meets any of the following requirements:

(1) Is enrolled in the final year of a doctor of veterinary medicine degree program at a college of veterinary medicine accredited by the American veterinary medical association council on education.

(2) Is a veterinarian licensed pursuant to chapter 169 who, within five years of applying for this program, received a doctor of veterinary medicine degree from a college of veterinary medicine accredited by the American veterinary medical association council on education.

b. An individual who participated in and received loan repayment awards through the veterinary medicine loan repayment program administered by the United States department of agriculture, national institute of food and agriculture, is ineligible to enter into a program agreement under this section.

4. *Program agreements.* A program agreement shall be entered into by an individual and the commission if the individual meets the requirements of subsection 3. Under the agreement, to receive loan repayments pursuant to subsection 6, the individual shall fulfill all of the following requirements:

a. Receive or possess a doctor of veterinary medicine degree, or the equivalent, from a college of veterinary medicine accredited by the American veterinary medical association council on education.

b. Possess, or apply for and obtain, a license to practice veterinary medicine under chapter 169.

c. (1) Subject to subparagraph (2), secure an offer of employment or establish and maintain a practice in a veterinary shortage situation or rural service commitment area and engage in the full-time practice of veterinary medicine for a period of four consecutive

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years after entering into the agreement in the veterinary shortage area or rural service commitment area.

(2) (a) The loan repayment recipient may notify the commission that the loan repayment recipient will complete the years of full-time practice required under the agreement by securing new employment, or establishing and maintaining a new practice, in the same veterinary shortage area or rural service commitment area, according to rules adopted by the commission.

(b) The commission may grant the loan repayment recipient a waiver to complete the years of full-time practice required under the agreement in another veterinary shortage area or rural service commitment area pursuant to subsection 7.

5. *Priority to certain applicants.* The commission shall give priority to applicants who graduated from a high school in Iowa or completed private instruction under chapter 299A.

6. *Loan repayment amounts.*

a. Unless the agreement entered into under subsection 4 stipulates otherwise, the amount of loan repayment an individual who enters into an agreement shall receive if in compliance with obligations under the agreement shall not exceed fifteen thousand dollars annually for an eligible loan. Payments under this section may be made for each year of eligible practice during a period of four consecutive years and shall not exceed a total of sixty thousand dollars or the amount of outstanding eligible loans, whichever amount is less.

b. Subject to the availability of funding for this purpose, the commission shall enter into at least five program agreements annually.

7. *Selection of rural service commitment area or veterinary shortage area.* A loan repayment recipient shall notify the commission of the recipient's rural service commitment area or veterinary shortage area prior to beginning practice in the area in accordance with subsection 4, paragraph *"c"*. The commission may waive the requirement that the loan repayment recipient practice in the same rural service commitment area or veterinary shortage area for all four years.

8. *Rural service commitment area or veterinarian shortage area priority.*

a. When possible, the commission shall enter into agreements under subsection 4 with individuals who agree to practice in areas in the following priority order:

(1) Private practice food supply veterinary medicine in any veterinary shortage area.

(2) Private practice food supply veterinary medicine in a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more, especially in remote or economically depressed rural areas.

(3) Animal veterinary medicine in a rural service commitment area.

b. Notwithstanding paragraph *"a"*, the commission may consult with the state veterinarian to determine prioritization in accordance with this subsection.

9. *Postponement and satisfaction of service obligation.*

a. The obligation to engage in practice in accordance with subsection 4 shall be postponed for the following purposes:

(1) Active duty status in the armed forces, the armed forces military reserve, or the national guard.

(2) Service in volunteers in service to America.

(3) Service in the federal peace corps.

(4) A period of rural service commitment to the United States public health service commissioned corps.

(5) A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

(6) Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in full-time practice as required under subsection 4, paragraph *"c"*.

b. Except for a postponement under paragraph *"a"*, subparagraph (6), an obligation to engage in practice under an agreement entered into pursuant to subsection 4 shall not be postponed for more than two years from the time the full-time practice was to have commenced under the agreement.

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c. An obligation to engage in full-time practice under an agreement entered into pursuant to subsection 4 shall be considered satisfied when any of the following conditions are met:

(1) The terms of the agreement are completed.

(2) The person who entered into the agreement dies.

(3) The person who entered into the agreement, due to a permanent disability, is unable to practice veterinary medicine.

(4) The commission waives the requirement that the person who entered into the agreement fulfill the obligation to engage in practice.

d. If a loan repayment recipient fails to fulfill the obligation to engage in practice in accordance with subsection 4, the recipient shall be subject to repayment to the commission of the loan amount plus interest as specified by rule. A loan repayment recipient who fails to meet the requirements of the obligation to engage in practice in accordance with subsection 4 may also be subject to repayment of moneys advanced by the rural service commitment area as provided in any agreement with the rural service commitment area.

10. *Trust fund established.* A rural veterinary care trust fund is created in the state treasury as a separate fund under the control of the commission. The commission may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. The commission shall remit all repayments made pursuant to this section to the rural veterinary care trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section and increasing the number of veterinarians participating in the program. Moneys in the fund up to the total amount that an eligible individual may receive for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 4, shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 4. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section and to increase the number of veterinarians participating in the program in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2020 Acts, ch 1049, §1
C2021, §261.120
2021 Acts, ch 76, §53, 54; 2023 Acts, ch 19, §2641
C2024, §256.226
2025 Acts, ch 157, §28; 2026 Acts, ch 1040, §57; 2026 Acts, ch 1139, §53
Referred to in §422.7(49)(a)
Subsection 4, paragraph c amended
Subsection 10 amended

SUBPART L

SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM

256.227 Skilled workforce shortage tuition grant program.

1. A skilled workforce shortage tuition grant may be awarded to any resident of Iowa who is admitted and in attendance as a full-time or part-time student in a career-technical or career option program to pursue an associate's degree or other training at a community college in the state, and who establishes financial need.

2. Skilled workforce shortage tuition grants shall be awarded only to students pursuing a career-technical or career option program in an industry identified as having a shortage of skilled workers by a community college after conducting a regional skills gap analysis or as being a high-demand job by the department of workforce development in the department of workforce development's most recent list of high-demand jobs. If a community college no longer identifies the industry as having a shortage of skilled workers or the department of workforce development no longer identifies the industry as a high-demand job, an eligible

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student who received a grant for a career-technical or career option program based on that identification shall continue to receive the grant until achieving a postsecondary credential, up to an associate degree, as long as the student is continuously enrolled in that program and continues to meet all other eligibility requirements.

3. The amount of a skilled workforce shortage tuition grant shall not exceed the lesser of one-half of a student's tuition and fees for an approved career-technical or career option program or the amount of the student's established financial need.

4. All classes identified by the community college as required for completion of the student's approved career-technical or career option program shall be considered a part of the student's career-technical or career option program for the purpose of determining the student's eligibility for a grant. Notwithstanding subsection 5, if a student is making satisfactory academic progress but the student cannot complete a career-technical or career option program in the time frame allowed for a student to receive a skilled workforce shortage tuition grant as provided in subsection 5 because additional classes are required to complete the program, the student may continue to receive a skilled workforce shortage tuition grant for not more than one additional enrollment period.

5. *a.* A qualified full-time student may receive skilled workforce shortage tuition grants for not more than four semesters or the trimester or quarter equivalent of two full years of study. A qualified part-time student enrolled in a course of study including at least three semester hours but fewer than twelve semester hours or the trimester or quarter equivalent may receive skilled workforce shortage tuition grants for not more than eight semesters or the trimester or quarter equivalent of two full years of full-time study.

b. However, if a student resumes study after at least a two-year absence, the student may again be eligible for the specified amount of time, except that the student shall not receive assistance for courses for which credit was previously received.

6. A skilled workforce shortage tuition grant shall be awarded on an annual basis, requiring reapplication by the student for each year. Payments under the grant shall be allocated equally among the semesters or quarters of the year upon certification by the community college that the student is in full-time or part-time attendance in a career-technical or career option program consistent with the requirements of this section. If the student discontinues attendance before the end of any term after receiving payment of the grant, the entire amount of any refund due that student, up to the amount of any payments made under the annual grant, shall be paid by the community college to the state.

7. If a student receives financial aid under any other program, the full amount of that financial aid shall be considered part of the student's financial resources available in determining the amount of the student's financial need for that period.

8. The commission shall administer this program and shall:

a. Provide application forms for distribution to students by Iowa high schools and community colleges.

b. Adopt rules for approving career-technical or career option programs in industries identified by the department of workforce development; determining financial need; defining residence for the purposes of this section; processing and approving applications for grants; and determining priority for grants.

c. Approve and award grants on an annual basis.

9. Each applicant, in accordance with the rules established by the commission, shall:

a. Complete and file an application for a skilled workforce shortage tuition grant.

b. Be responsible for the submission of the financial information required for evaluation of the applicant's need for a grant, on forms determined by the commission.

c. Report promptly to the commission any information requested.

d. Submit a new application for reevaluation of the applicant's eligibility to receive a second-year renewal of the grant.

2012 Acts, ch 1132, §20
C2013, §261.130
2019 Acts, ch 31, §1, 2; 2020 Acts, ch 1063, §102; 2023 Acts, ch 19, §2635, 2641
C2024, §256.227
2024 Acts, ch 1057, §11

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SUBPART M

FUTURE READY IOWA SKILLED WORKFORCE — SCHOLARSHIP AND GRANT PROGRAMS

256.228 Future ready Iowa skilled workforce last-dollar scholarship program — fund.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Adult learner" means a person who, following receipt of a high school diploma or high school equivalency diploma and on or after attaining the age of twenty, enrolls on a full-time or part-time basis in an eligible program at an eligible institution and maintains continuous enrollment on a full-time or part-time basis in subsequent terms to receive additional awards. A person's age for purposes of this paragraph shall be calculated on July 1 prior to the year of enrollment in an eligible institution.

b. "Approved state-recognized work-based learning program" means a structured educational and training program that includes authentic worksite training and is approved by the department according to a process established under rules adopted pursuant to section 256.7, subsection 34.

c. "Commission" means the college student aid commission.

d. "Credential" means a postsecondary certificate, diploma, or degree, conferring no more than an associate degree, awarded by an eligible institution and earned in a program of study that leads to a high-demand job and is authorized for federal student aid under Tit. IV of the federal Higher Education Act of 1965, as amended.

e. "Eligible institution" means a community college as defined in section 260C.2 or an accredited private institution as defined in section 256.183, that meets all of the following criteria:

(1) Applies to and is approved by the commission to participate in the future ready Iowa skilled workforce last-dollar scholarship program.

(2) Requires eligible students to complete and file application forms required by the commission, apply for all available state and federal financial aid, apply to the eligible institution to participate in the program, attend orientation in person or virtually, register for classes with the assistance of an academic advisor, and participate in academic and career advising sessions offered under the program.

(3) Facilitates, in collaboration with the commission on volunteer service created in section 15H.2, the assignment of a volunteer mentor to each eligible student, based on the eligible student's interest. The volunteer mentor shall have successfully passed a background investigation and a check of the national sex offender registry as required under section 15H.10, subsection 2, and both the eligible student and the volunteer mentor shall have entered into a written agreement as provided in section 15H.10, subsection 3.

(4) Facilitates connections through campus career centers and services to internships and similar local, state, and federal programs.

(5) Markets the eligible institution's future ready Iowa program of study and optional incentives, which may include but not be limited to credit for military experience, on the eligible institution's internet site and to other relevant agencies and organizations as recommended by the college student aid commission, the commission on volunteer service, or the department of workforce development.

(6) Submits annually information and data regarding the eligible program operated by the eligible institution, the students and volunteer mentors participating in the eligible program, scholarship recipient eligible program completion results, and statistics on employment outcomes for eligible program participants by industry, to the commission in the manner required by the commission.

f. "Eligible program" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with an eligible institution, that leads to a credential aligned with a high-demand job designated by the workforce development board or a community college pursuant to section 84A.1B, subsection 3. If the board or a community college removes a high-demand job from a list created under section 84A.1B, subsection 3, an eligible student who received a scholarship for a program

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based on that high-demand job shall continue to receive the scholarship until achieving a postsecondary credential, up to an associate degree, as long as the student continues to meet all other eligibility requirements.

g. "Eligible student" means an Iowa resident who meets all of the following requirements:

(1) Is any of the following:

(a) A graduate of an Iowa high school, or a person who completed private instruction under chapter 299A, or a person who is a recipient of a high school equivalency diploma, and who prior to becoming an adult learner enrolls full-time or part-time during the academic year or summer semester in an eligible program at an eligible institution.

(b) A graduate of an Iowa high school or a person who completed private instruction under chapter 299A, or a recipient of a high school equivalency diploma, and who prior to becoming an adult learner, enters into full-time or part-time employment as part of an approved state-recognized work-based learning program, and enrolls full-time or part-time in an eligible program in an eligible institution.

(c) An adult learner who is at least age twenty at the beginning of the state fiscal year, who has received a high school diploma or a high school equivalency diploma, and who enrolls in an eligible program in an eligible institution as a full-time or part-time student.

(2) Completes and submits application forms required by the commission, including the free application for federal student aid; applies for all available state and federal financial aid; attends orientation in person or virtually; registers for classes with the assistance of an academic advisor; and participates in academic and career advising sessions required under the eligible program.

(3) Is making satisfactory academic progress as defined by the eligible institution.

(4) Remains continuously enrolled unless granted a leave of absence by the eligible institution based on criteria adopted by rule by the commission.

(5) Meets financial need criteria as established by the commission.

h. "Full-time" means enrollment in at least twelve semester hours or the equivalent.

i. "Part-time" means enrollment in at least six but less than twelve semester hours or the equivalent.

2. *Allowable activities.* An eligible student may work with an assigned volunteer mentor to help the student meet the requirements of this section or the requirements of an eligible program, identify and participate in work-based learning opportunities with the approval of the eligible institution, and make other career-related connections.

3. *Scholarship limitations — requirements.*

a. For an eligible student who is attending an eligible institution that is a community college during the fall, spring, or summer term of enrollment, and is pursuing a postsecondary credential up to an associate degree, the annual amount of a future ready Iowa skilled workforce last-dollar scholarship, when combined with other state and federal nonrepayable student aid, shall not exceed an amount equivalent to the tuition and any mandatory institution-wide fees charged by the community college for the eligible program. For an eligible student pursuing a postsecondary credential up to an associate degree at an eligible institution that is an accredited private institution during the fall, spring, or summer term of enrollment, the annual amount of a future ready Iowa skilled workforce last-dollar scholarship, when combined with other state and federal nonrepayable student aid, shall not exceed an amount equivalent to the average tuition rate plus the average institution-wide mandatory fees charged during the same term of enrollment by the eligible institutions that are community colleges.

b. If an eligible student receives nonrepayable financial aid under any other state or federal program, the full amount of that aid shall be considered part of the student's available financial resources before determining the amount of the student's future ready Iowa skilled workforce last-dollar scholarship for the same period during which the student receives other state or federal financial aid. However, each eligible student enrolled full-time in an eligible program shall receive at least five hundred dollars annually, and the amount received by each eligible part-time student shall be the same amount prorated by the commission based on the number of semester hours, or the equivalent, for which the part-time student is enrolled.

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c. A full-time eligible student may receive a future ready Iowa skilled workforce last-dollar scholarship for not more than five semesters, or the equivalent, or until the eligible student earns the credential sought, up to an associate degree, under the program, whichever occurs first. A part-time eligible student may receive the scholarship for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student earns the credential sought, up to an associate degree, under the eligible program, whichever occurs first. All classes identified by an eligible institution as required for completion of the eligible program by the eligible student shall be considered required under the eligible program for purposes of this section.

d. A future ready Iowa skilled workforce last-dollar scholarship shall be awarded for a two-year period, or prior to the expiration of a two-year period if the student earns the credential or associate degree sought within such period. Scholarship payments shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph *"g"*.

e. If a scholarship recipient discontinues attendance before the end of any semester, or the equivalent, after receiving scholarship payments, the entire amount of any refund due that recipient, up to the full amount of all of the annual scholarship payments made, shall be paid by the eligible institution to the commission. A scholarship recipient, who is not approved for a leave of absence by the eligible institution, who discontinues attendance before the end of a semester, or the equivalent, is ineligible to receive future scholarships under this section.

4. *Commission's duties and responsibilities.* Subject to an appropriation of funds by the general assembly for purposes of this section, the commission shall administer the future ready Iowa skilled workforce last-dollar scholarship program and shall do all of the following:

a. Provide application forms for distribution to students by high schools and eligible institutions.

b. Adopt rules under chapter 17A, in collaboration with the department of workforce development, for administration of this section, including but not limited to establishing the duties and responsibilities of eligible institutions under the program; defining residence and satisfactory academic progress for purposes of the program; defining financial need for purposes of the program; and establishing procedures for scholarship application, processing, and approval. The rules shall provide for determining the priority awarding of scholarships if funds available for purposes of this section are insufficient to pay all eligible students. Priority shall be given to fully awarding each eligible student approved for a scholarship rather than to prorating scholarship awards among all eligible students.

c. Approve and award future ready Iowa skilled workforce last-dollar scholarships on an annual basis.

d. Transmit to the department of workforce development the compilation of information, data, and statistics compiled under subsection 1, paragraph *"e"*, subparagraph (6).

5. *Fund created.* A future ready Iowa skilled workforce last-dollar scholarship fund is created in the state treasury as a separate fund under the control of the commission. All moneys deposited or paid into the fund are appropriated and made available to the commission to be used for scholarships awarded as provided under this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2018 Acts, ch 1067, §12, 15; 2018 Acts, ch 1172, §24
C2020, §261.131
2020 Acts, ch 1117, §16, 17; 2022 Acts, ch 1107, §1; 2023 Acts, ch 19, §2636, 2641
C2024, §256.228
2024 Acts, ch 1162, §22 – 24; 2025 Acts, ch 6, §15; 2025 Acts, ch 157, §29; 2026 Acts, ch 1040, §58; 2026 Acts, ch 1155, §21 – 23

Referred to in §15H.10, 84A.1B, 84A.13, 256.7, 256.229
Subsection 1, paragraph g, subparagraph (5) amended
Subsection 4, paragraph b amended

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Subsection 4, paragraph d stricken and rewritten
Subsection 5 amended

256.229 Future ready Iowa skilled workforce grant program — fund.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Approved virtual institution" means a nonprofit institution of higher learning that satisfies all of the following requirements:

(1) Is accredited by a national accrediting agency recognized by the United States department of education.

(2) Provides instruction using exclusively a competency-based educational model.

(3) Adopts a policy to require that the nonprofit institution of higher learning shall, by December 15 of each year, file a report with the governor and the general assembly providing information and statistics for the previous five academic years on the number of Iowa resident students per year who are veterans who received education credit for military education, training, and service, that number as a percentage of veterans known to be enrolled at the nonprofit institution of higher learning, the average number of credits received by students, and the average number of credits applied towards the award or completion of a course of instruction, postsecondary diploma, degree, or other evidences of distinction. For purposes of this subparagraph, *"veteran"* means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member's commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36, or 10 U.S.C. ch. 1606 or 1607, respectively.

b. "Commission" means the college student aid commission.

c. "Eligible institution" means an institution of higher learning governed by the state board of regents, an accredited private institution as defined in section 256.183, or an approved virtual institution, that meets all of the following criteria:

(1) Applies to and is approved by the commission to participate in the future ready Iowa skilled workforce grant program.

(2) Requires eligible students to complete and file application forms required by the commission, apply for all available state and federal financial aid, apply to the eligible institution to participate in the program, attend orientation in person or virtually, register for classes with the assistance of an academic advisor, and participate in academic and career advising sessions required under the program.

(3) Facilitates the assignment of a volunteer mentor or a mentor who is a member of the faculty of the eligible institution to each eligible student based on the eligible student's interest. A volunteer mentor shall have successfully passed a background investigation and a check of the national sex offender registry as required under section 15H.10, subsection 2, and both the eligible student and the volunteer mentor shall have entered into a written agreement as provided in section 15H.10, subsection 3.

(4) Facilitates connections through campus career centers and services to internships and similar local, state, and federal programs.

(5) Markets the eligible institution's eligible program and optional incentives, which may include but not be limited to credit for military experience, on the eligible institution's internet site and to other relevant agencies and organizations as recommended by the college student aid commission, the commission on volunteer service, or the department of workforce development.

(6) Submits annually information and data regarding the eligible program operated by the eligible institution, the students and volunteer mentors participating in the eligible program, and statistics on employment outcomes for eligible program participants by industry, to the commission in the manner required by the commission.

d. "Eligible program" means a program of study or an academic major jointly approved by the commission and the department of workforce development, in consultation with the eligible institution, that leads to a bachelor's degree aligned with a high-demand job designated by the workforce development board pursuant to section 84A.1B, subsection 3. If the department of workforce development removes a high-demand job from the list

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created under section 84A.1B, subsection 3, an eligible student who received a grant for a program based on that high-demand job shall continue to receive the grant until achieving a bachelor's degree as long as the student continues to meet all other eligibility requirements.

e. "Eligible student" means an Iowa resident who meets all of the following requirements:

(1) Completes and submits application forms required by the commission, including the free application for federal student aid; applies for all available state and federal financial aid; attends orientation in person or virtually; registers for classes with the assistance of an academic advisor; and participates in academic and career advising sessions required under the eligible program. To receive a renewal of a grant awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

(2) Is at least twenty-five years of age at the time the individual enrolls in an eligible program.

(3) Enrolls in at least six semester hours, or the equivalent, in an eligible program. However, an eligible student may enroll in fewer than six semester hours, or the equivalent, if the eligible student needs fewer than six semester hours of credit, or the equivalent, to achieve a bachelor's degree under the eligible program.

(4) Is making satisfactory academic progress as defined by the eligible institution.

(5) Remains continuously enrolled unless granted a leave of absence by the eligible institution based on criteria adopted by rule by the commission.

f. "Full-time" means enrollment in at least twelve semester hours or the equivalent.

g. "Part-time" means enrollment in at least six but less than twelve semester hours or the equivalent.

2. *Allowable activities.* An eligible student may work with an assigned volunteer mentor, or a mentor who is a member of the faculty of the eligible institution, to help the student meet the requirements of this section or the requirements of an eligible program, identify and participate in work-based learning opportunities with the approval of the eligible institution, and make other career-related connections.

3. *Grant limitations — requirements.*

a. A full-time eligible student may receive a future ready Iowa skilled workforce grant annually for not more than four semesters, or the equivalent, or until the eligible student earns a bachelor's degree under the program, whichever occurs first. A part-time eligible student may receive the grant for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student earns a bachelor's degree under the eligible program, whichever occurs first.

b. The amount of a future ready Iowa skilled workforce grant to a full-time eligible student shall be at least one thousand dollars annually. The amount of a future ready Iowa skilled workforce grant to a part-time eligible student shall be equal to the amount that would be awarded to a full-time student except that the commission shall prorate the amount based on the recipient student's semester hour or equivalent enrollment.

c. A future ready Iowa skilled workforce grant shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Payments under the grant shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph *"e"*.

d. If a grant recipient discontinues attendance before the end of any semester, or the equivalent, after receiving grant payments, the entire amount of any refund due that recipient, up to the full amount of grant payments made during that semester, or the equivalent, shall be paid by the eligible institution to the commission.

4. *Commission's duties and responsibilities.* Subject to an appropriation of funds by the general assembly for purposes of this section, the commission shall administer the future ready Iowa skilled workforce grant program and shall do all of the following:

a. Provide application forms for distribution to students by eligible institutions.

b. Adopt rules under chapter 17A, in collaboration with the department of workforce development, for administration of this section, including but not limited to establishing the duties and responsibilities of eligible institutions under the program; defining residence and satisfactory academic progress for purposes of the program; and establishing procedures

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for grant application, processing, and approval. The rules shall provide for determining the priority awarding of grants if funds available for purposes of this section are insufficient to pay all eligible students. Priority shall be given to fully awarding eligible students approved for grants based on the date of application, rather than prorating grant awards among all eligible students.

c. Approve and award grants on an annual basis.

d. Use the compilation of information, data, and statistics submitted in accordance with subsection 1, paragraph *"c"*, subparagraph (6), to compile the annual report required under section 256.228, subsection 4, paragraph *"d"*.

5. *Fund created.* A future ready Iowa skilled workforce grant fund is created in the state treasury as a separate fund under the control of the commission. All moneys deposited or paid into the fund are appropriated and made available to the commission to be used for grants awarded as provided under this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section in subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2018 Acts, ch 1067, §13, 15
C2020, §261.132
2021 Acts, ch 170, §20; 2023 Acts, ch 19, §2637, 2641; 2023 Acts, ch 111, §15 – 18
C2024, §256.229
2025 Acts, ch 6, §16; 2025 Acts, ch 157, §30; 2026 Acts, ch 1040, §59
Referred to in §15H.10, 84A.1B, 84A.13
Subsection 5 amended

SUBPART N

IOWA WORKFORCE GRANT AND INCENTIVE PROGRAM

256.230 Iowa workforce grant and incentive program — fund.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Commission" means the college student aid commission.

b. "Eligible institution" means an institution of higher learning governed by the state board of regents.

c. "Eligible program" means any of the following:

(1) A program of study or an academic major jointly approved by the workforce development board and the state board of regents pursuant to section 84A.1B, subsection 5. If a job is removed from the list created under section 84A.1B, subsection 5, an eligible student who received a grant for a program based on that job shall continue to receive the grant until the eligible program is completed as long as the student continuously enrolls and continues to meet all other eligibility requirements.

(2) A teacher preparation program that leads to a bachelor's degree, or initial or intern teaching license issued under this chapter.

d. "Eligible student" means an Iowa resident who has established financial need and who meets all of the following requirements:

(1) Completes and submits application forms required by the commission, including the free application for federal student aid, by the deadline prescribed by the commission.

(2) Enrolls in at least three semester hours, or the equivalent, in an eligible program.

(3) Is making satisfactory academic progress as defined by the eligible institution.

e. "Financial need" means the difference between the student's financial resources available, including those available from the student's parents as determined by a completed parents' confidential statement, and the student's anticipated expenses while attending an eligible institution.

f. "Full-time" means enrollment in at least twelve semester hours or the equivalent.

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g. *"Part-time"* means enrollment in at least three semester hours or the equivalent but less than twelve semester hours or the equivalent.

2. *Student eligibility.* An eligible institution shall report promptly to the commission information requested to establish or verify student eligibility.

3. *Grant limitations — requirements.*

a. A full-time eligible student may receive an Iowa workforce grant for not more than four semesters, or the equivalent, or until the eligible student completes the eligible program, whichever occurs first. A part-time eligible student may receive the grant for not more than eight semesters, or the equivalent, on a prorated basis, or until the eligible student completes the eligible program, whichever occurs first.

b. The amount of an Iowa workforce grant to a full-time eligible student shall not exceed two thousand dollars per semester, or the equivalent. The amount of an Iowa workforce grant to a part-time eligible student shall be equal to the amount that would be awarded to a full-time student except that the commission shall prorate the amount based on the recipient student's semester hour or equivalent enrollment.

c. An Iowa workforce grant shall be awarded on an annual basis, requiring reapplication by an eligible student each year. Payments under the grant shall be allocated equally among the semesters, or the equivalent, and paid upon certification by the eligible institution that the student meets the requirements of subsection 1, paragraph *"d"*.

d. If a grant recipient discontinues attendance before the end of any semester, or the equivalent, after receiving grant payments, the entire amount of any refund due that recipient, up to the full amount of grant payments made during that semester, or the equivalent, shall be paid by the eligible institution to the commission.

4. *Annual submission of applications.* To receive a renewal of a grant awarded under this section, an eligible student must annually submit a new application to the commission for reevaluation of eligibility.

5. *Priority for grant awards.* In making awards under this section, the commission shall give priority to:

a. Applicants who received an award under this section in the prior academic year.

b. Applicants with the least financial ability to pay, using a metric that ranks relative financial ability among all applicants.

6. *Iowa workforce incentive payment.* Notwithstanding the grant limitations in subsection 3, an individual who was an eligible student who received an Iowa workforce grant in the academic year in which the eligible program is completed, and who accepts and begins employment in an aligned occupation in this state within six months of completing the eligible program, may apply for one incentive payment of up to two thousand dollars. The incentive payment shall be paid upon completion of twelve consecutive months of full-time employment in the aligned occupation in this state, following completion of the eligible program.

7. *Commission's duties and responsibilities.* Subject to an appropriation of moneys by the general assembly for purposes of this section, the commission shall administer the Iowa workforce grant and incentive program and shall do all of the following:

a. Provide application forms for distribution to students by eligible institutions.

b. Adopt rules under chapter 17A for administration of this section, including establishing the duties and responsibilities of eligible institutions under the program, defining residence and satisfactory academic progress for purposes of the program, determining financial need, and establishing procedures for grant and incentive payment application, processing, and approval. The rules shall provide for determining the priority awarding of grants and incentives if moneys available for purposes of this section are insufficient to pay all eligible applicants.

c. Approve and award grants and incentive payments on an annual basis.

8. *Fund created.* An Iowa workforce grant and incentive program fund is created in the state treasury under the control of the commission. All moneys deposited or paid into the fund are appropriated to the commission to be used for grants and incentive payments awarded as provided in this section. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall

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remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the college student aid commission for purposes of administering any program described in this part 4 of subchapter VII.

2023 Acts, ch 111, §13; 2025 Acts, ch 157, §31; 2026 Acts, ch 1040, §60
Referred to in §84A.1B
Subsection 8 amended

SUBPART O

PROGRAMS — LEGAL PROFESSIONS

256.231 Court reporter equipment grant program.

1. A court reporter equipment grant program is established to be administered by the college student aid commission. A person is eligible to apply for a grant award under the program if the person is enrolled in a court reporter training program in this state.

2. Each applicant for the court reporter equipment grant program shall, in accordance with the rules of the commission, complete and file an application for a grant award. The individual shall be responsible for the prompt submission of any information required by the commission.

3. A recipient of a grant under the court reporter equipment grant program must use the moneys awarded by the college student aid commission for the purchase of court reporter equipment and software for the court reporter training program in which the recipient is participating.

4. The college student aid commission shall do all of the following:

a. Establish the evaluation criteria to be used in evaluating applications submitted under this section. The college student aid commission shall give priority to applicants who are doing court-related work.

b. Establish grant application materials, eligibility requirements, award criteria, and award amounts.

5. A court reporter equipment grant program fund is created in the state treasury under the control of the college student aid commission. All moneys deposited or paid into the fund are appropriated to the college student aid commission to be used for grants awarded as provided under this section. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

6. The college student aid commission shall adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 157, §13

256.232 Attorney loan repayment program — fund.

1. *Program established.* The college student aid commission shall establish an attorney loan repayment program to encourage attorneys to remain and practice law in this state.

2. *Eligibility.* An individual is eligible to apply to enter into a program agreement with the college student aid commission pursuant to subsection 3 if the individual meets all of the following requirements:

a. Is a graduate of an accredited law school within five years of the time of application to the program.

b. Is licensed to practice law in Iowa.

c. Is practicing law in Iowa at the time of application or commits to begin practicing law in this state upon execution of a program agreement.

3. *Program agreements.* An agreement must be entered into by an eligible attorney and the college student aid commission. Under the agreement, to receive loan repayments pursuant to subsection 5, an eligible attorney shall agree to and fulfill all of the following requirements:

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a. Remain and practice law in Iowa in the area designated pursuant to the attorney's preference determination during each year for which loan repayment assistance is received.

b. Provide not less than the number of hours per year of legal services as an indigent defense attorney as designated pursuant to the attorney's preference determination.

4. *Priority.*

a. In awarding loan repayment assistance under this section, the commission shall give priority to attorneys who practice law in this state in the following order, with preference within each of the following subparagraphs to attorneys who graduated from an Iowa law school, an Iowa high school, or completed private instruction pursuant to chapter 299A:

(1) Attorneys who reside and practice law in rural areas of the state and provide a minimum of fifty hours of indigent defense services annually.

(2) Attorneys who practice law in rural areas of the state and provide a minimum of one hundred hours of indigent defense services annually.

(3) Attorneys who practice law in Iowa and provide two hundred hours of indigent defense services annually.

b. For purposes of this subsection, *"rural area"* means a county or municipality that has a population of less than twenty-six thousand and is located more than twenty miles from a city with a population of at least fifty thousand, based on the most recent federal decennial census.

5. *Loan repayment assistance.* An eligible attorney who enters into and remains in compliance with a program agreement pursuant to subsection 3 shall receive loan repayment assistance in an amount not to exceed ten thousand dollars per year or the outstanding balance of the attorney's eligible loans, whichever is less. In the event an attorney who receives loan repayment assistance under this section ceases to practice law in accordance with the program agreement, the loan repayment assistance shall terminate immediately, the loan repayment assistance shall be prorated for the months the attorney complied with the agreement, and no further payment shall be made. Loan repayment assistance may be provided for each year of eligible practice during a period of not more than six consecutive years. The total amount of loan repayment assistance an attorney may receive under the program shall not exceed the total outstanding balance of the attorney's eligible student loans at the time the program agreement is executed. For purposes of this subsection, "*eligible loan*" means the attorney's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the attorney's federal graduate plus loans, or the attorney's federal Perkins loan, including principal and interest. Loan payment assistance received pursuant to this section is not subject to Iowa income tax.

6. *Trust fund established.* An attorney loan repayment program trust fund is created in the state treasury under the control of the college student aid commission. The commission may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. All moneys deposited in the trust fund are appropriated and made available to the commission to be used for purposes of meeting the requirements of this section. Notwithstanding section 8.33, moneys in the fund shall not revert but shall remain available for purposes of this section and to provide loan repayment assistance to attorneys in this state. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund and are appropriated to the commission for purposes of administering the attorney loan repayment program under this section.

7. *Rules.* The college student aid commission shall adopt rules to administer this section.

8. *Limitation.* The program shall not provide assistance for more than twenty-five attorneys in a single year, and shall not provide assistance to more than one hundred fifty attorneys at any time.

9. *Repeal.* This section is repealed July 1, 2041.

2026 Acts, ch 1192, §20
Referred to in §422.7(48)(a), 422.7(48)(b), 602.8108
NEW section

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CHAPTER 256A

CHILD DEVELOPMENT ASSISTANCE

Referred to in §256C.4, 273.2, 279.51

256A.1 Title.
256A.2 Child development coordinating council established.
256A.3 Duties of council.
256A.4 Family support programs.
256A.5 District advisory committees.

256A.1 Title.

This chapter shall be known as the *"Child Development Assistance Act"*.

88 Acts, ch 1130, §2

256A.2 Child development coordinating council established.

1. A child development coordinating council is established to promote the provision of child development services to at-risk three-year-old and four-year-old children. The council shall consist of the following members:

a. The director of the department of education or the director's designee.

b. The director of health and human services or the director's designee.

c. An early childhood specialist of an area education agency selected by the area education agency administrators.

d. The dean of the college of human sciences at Iowa state university of science and technology or the dean's designee.

e. The dean of the college of education from the university of northern Iowa or the dean's designee.

f. The professor and head of the department of pediatrics at the university of Iowa or the professor's designee.

g. A resident of this state who is a parent of a child who is or has been served by a federal head start program.

2. Staff assistance for the council shall be provided by the department of education. Members of the council shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and shall receive per diem compensation at the level authorized under section 7E.6, subsection 1, paragraph *"a"*.

88 Acts, ch 1130, §3; 89 Acts, ch 206, §7; 91 Acts, ch 109, §5, 6; 2007 Acts, ch 22, §58; 2020 Acts, ch 1022, §2; 2023 Acts, ch 19, §990

256A.3 Duties of council.

The child development coordinating council shall:

1. Develop a definition of at-risk children for the purposes of this chapter. The definition shall include income, family structure, the child's level of development, and availability or accessibility for the child of a head start or other child care program as criteria.

2. Establish minimum guidelines for comprehensive early child development services for at-risk three-year-old and four-year-old children. The guidelines shall reflect current research findings on the necessary components for cost-effective child development services.

3. At least biennially, develop an inventory of child development services provided to at-risk three-year-old and four-year-old children in this state and identify the number of children receiving and not receiving these services, the types of programs under which the services are received, the degree to which each program meets the council's minimum guidelines for a comprehensive program, and the reasons children not receiving the services are not being served. The council is not required to conduct independent research in developing the inventory, but shall determine information needs necessary to provide a more complete inventory.

4. Subject to the availability of funds appropriated or otherwise available for the purpose of providing child development services, award grants for programs that provide new or additional child development services to at-risk children.

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a. In awarding program grants to an agency or individual, the council shall consider the following:

(1) The quality of the staff and staff background in child development services.

(2) The degree to which the program is or will be integrated with existing community resources and has the support of the local community.

(3) The ability of the program to provide for child care in addition to child development services for families needing full-day child care.

(4) A staff-to-children ratio within the guidelines established under subsection 2, but not less than one staff member per eight children.

(5) The degree to which the program involves and works with the parents, and includes home visits, instruction for parents on parenting skills, on enhancement of skills in providing for their children's learning and development, and the physical, mental, and emotional development of children, and experiential education.

(6) The manner in which health, medical, dental, and nutrition services are incorporated into the program.

(7) The degree to which the program complements existing programs and services for at-risk three-year-old and four-year-old children available in the area, including other child care services, services provided through the school district, and services available through area education agencies.

(8) The degree to which the program can be monitored and evaluated to determine its ability to meet its goals.

(9) The provision of transportation or other auxiliary services that may be necessary for families to participate in the program.

(10) The provision of staff training and development, and staff compensation sufficient to assure continuity.

b. Program grants funded under this subsection may integrate children not meeting at-risk criteria into the program and shall establish a fee for participation in the program in the manner provided in section 279.49, but grant funds shall not be used to pay the costs for those children.

c. Programs awarded grants under this subsection shall meet the national association for the education of young children program standards and accreditation criteria, the Iowa quality preschool program standards and criteria, or other approved program standards as determined by the department of education. Programs awarded grants prior to July 1, 2015, shall continue to be evaluated and assessed based on eligibility and award criteria established under rules adopted by the state board of education pursuant to section 279.51 prior to June 30, 2015.

5. Encourage the submission of grant requests from all potential providers of child development services and shall be flexible in evaluating grants, recognizing that different types of programs may be suitable for different locations in the state.

a. Requests for grants must contain a procedure for evaluating the effectiveness of the program and accounting procedures for monitoring the expenditure of grant moneys.

b. The council shall seek to use performance-based measures to evaluate programs. Not more than five percent of any state funds appropriated for child development purposes may be used for administration and evaluation.

6. Annually, submit recommendations to the governor and the general assembly on the need for investment in child development services in the state.

7. Subject to a decision by the council to initiate the programs, develop criteria for and award grants under section 279.51, subsection 2.

8. Encourage the establishment of programs that will enhance the skills of parents in parenting and in providing for the learning and development of their children.

88 Acts, ch 1130, §4; 89 Acts, ch 135, §54, 55; 89 Acts, ch 206, §8, 9; 92 Acts, ch 1221, §3; 99 Acts, ch 192, §33; 2003 Acts, ch 108, §45; 2004 Acts, ch 1086, §53; 2010 Acts, ch 1069, §71; 2015 Acts, ch 140, §10, 58, 59; 2021 Acts, ch 62, §1; 2026 Acts, ch 1040, §61

Referred to in §256.163, 279.51

Subsections 2 and 3 amended

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256A.4 Family support programs.

1. *a.* The board of directors of each school district may develop and offer a family support program which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from birth through age five, who reside within district boundaries, in educational family support experiences designed to assist parents in learning about the physical, mental, and emotional development of their children. A board may contract with another school district or public or private nonprofit agency for provision of the approved program or program site.

b. A family support program shall meet multicultural gender fair guidelines. The program shall encourage parents to be aware of practices that may affect equitable development of children. The program shall include parents in the planning, implementation, and evaluation of the program. A program shall be designed to meet the needs of the residents of the participating district and may use unique approaches to provide for those needs. The goals of a family support program shall include but are not limited to the following:

(1) Family involvement as a key component of school improvement with an emphasis on communication and active family participation in family support programming.

(2) Family participation in the planning and decision-making process for the program and encouragement of long-term parental involvement in their children's education.

(3) Meeting the educational and developmental needs of expectant parents and parents of young children.

(4) Developmentally appropriate activities for children that include those skills necessary for adaptation to both the home and school environments.

2. The department of education shall develop guidelines for family support programs. Program components may include, but are not limited to, all of the following:

a. Instruction, techniques, and materials designed to educate parents about the physical, mental, character, and emotional development of children.

b. Instruction, techniques, and materials designed to enhance the skills of parents in assisting in their children's learning and development.

c. Assistance to parents about learning experiences for both children and parents.

d. Activities, such as developmental screenings, designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems and referrals to appropriate agencies, authorities, or service providers.

e. Activities and materials designed to encourage parents' and children's self-esteem and to enhance parenting skills and both parents' and children's appreciation of the benefits of education.

f. Information on related community resources, programs, or activities.

g. Role modeling and mentoring techniques for families of children who meet one or more of the criteria established for the definition of at-risk children by the child development coordinating council.

3. Family support programs shall be provided by family support program educators who have completed a minimum of thirty clock hours of an approved family support preservice or in-service training program and meet one of the following requirements:

a. The family support program educator is licensed in elementary education, early childhood education, early childhood special education, home economics, or consumer and homemaking education, or is licensed or certified in occupational child care services and has demonstrated an ability to work with young children and their parents.

b. The family support program educator has achieved child development associate recognition in early childhood education, has completed programming in child development and nursing, and has demonstrated an ability to work with young children and their parents.

c. The family support program educator has completed sixty college credit hours and possesses two years of experience in a program working with young children and their parents.

d. The family support program educator possesses five years of experience in a program working with young children and their parents.

4. Each district shall maintain a separate account within the district budget for moneys

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allocated for family support programs. A district may receive moneys from state and federal sources, and may solicit funds from private sources, for deposit into the account.

5. A district shall coordinate a family support program with district special education and career and technical education programs and with any related services or programs provided by other state, federal, or private nonprofit agencies.

92 Acts, ch 1158, §4; 2001 Acts, ch 159, §4; 2003 Acts, ch 180, §8; 2010 Acts, ch 1061, §42; 2016 Acts, ch 1108, §35

256A.5 District advisory committees.

1. The board of directors of a school district shall appoint an advisory committee for each family support program. The members shall include participating parents and members of the community which participates in the program, such as members of the district's local early childhood education committees and representatives of local businesses, service organizations, educators, head start educators, parents, private child care providers, county home extension economists, area education agencies, the school board, the community education advisory board, local social services organizations, the local board of health, public health care practitioners, maternal and child health care providers, and persons knowledgeable about developmentally appropriate learning and parent or family education programs. The committee shall be responsible for assessing current programs and services for expectant parents and parents of children who are less than six years of age. The committee shall also assist the board in developing, planning, and monitoring the program and shall submit any recommendations in a report to the board.

2. The child development coordinating council shall develop a resource directory of parent involvement programs to assist districts in planning family support programs.

92 Acts, ch 1158, §5; 2021 Acts, ch 76, §150

CHAPTER 256B

SPECIAL EDUCATION

Referred to in §237A.1, 256.16, 256.25, 256.146, 256.166, 256E.7, 256E.23, 257.36, 261E.9, 273.2, 273.3, 273.5, 273.9, 273.23, 279.65A, 279.82, 280.7A, 280.8, 282.3, 282.8, 282.18, 282.35, 299.18, 299.22, 299A.9

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256B.1 Division of special education created.

There is created within the department of education a division of special education for the promotion, direction, and supervision of education for children requiring special education in the schools under the supervision and control of the department. The director of the department of education may organize the division and employ the necessary qualified personnel to implement this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.1]

85 Acts, ch 212, §22; 86 Acts, ch 1245, §1476

C93, §256B.1

256B.2 Definitions — policies — funds.

1. As used in this chapter:

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a. *"Children requiring special education"* means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. *"Children requiring special education"* includes children receiving special education services, who reach the age of twenty-one during an academic year, and who elect to receive special education services until the end of the academic year.

b. *"Special education"* means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in this subsection; transportation and corrective and supporting services required to assist children requiring special education, as defined in this subsection, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.

2. *a.* It is the policy of this state to require school districts and state-operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. Children requiring special education shall, consistent with the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., attend regular classes and shall be educated with children who do not require special education.

b. (1) Whenever appropriate, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education.

(2) Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.

(3) Individualized education programs for children requiring special education within the regular school environment and behavioral intervention plans shall not include provisions for clearing all other students out of the regular classroom in order to calm the child requiring special education or the child for whom a behavioral intervention plan has been implemented except as provided in section 279.51A.

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapter 263 or chapter 256, subchapter V, upon the request of the board of directors of an area education agency, the department of health and human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the department of education to provide the services required by this chapter.

3. Special aids and services shall be provided to children requiring special education who are less than five years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age.

4. Every child requiring special education shall, if reasonably possible, receive a level of education commensurate with the level provided each child who does not require special education. The cost of providing such an education shall be paid as provided in section 273.9, this chapter, and chapter 257. It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been licensed, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program or service cannot more economically and

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equably be obtained from the area education agency, another school district, another group of school districts, a qualified private agency, or in cooperation with one or more other districts.

5. Moneys received by the school district of the child's residence for the child's education, derived from moneys received through chapter 257, this chapter, and section 273.9 shall be paid by the school district of the child's residence to the appropriate education agency, private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in section 273.3, subsections 5 and 6.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.2]

83 Acts, ch 3, §1; 83 Acts, ch 96, §157, 159; 85 Acts, ch 24, §1; 89 Acts, ch 135, §82; 89 Acts, ch 265, §41; 92 Acts, ch 1022, §1; 92 Acts, ch 1163, §63

C93, §256B.2

96 Acts, ch 1129, §68, 113; 97 Acts, ch 23, §24; 2009 Acts, ch 133, §224; 2010 Acts, ch 1016, §1; 2015 Acts, ch 30, §88; 2020 Acts, ch 1108, §5; 2023 Acts, ch 19, §991, 2484; 2023 Acts, ch 64, §38

Referred to in §237.3, 256.7, 256.20, 256B.8, 273.1, 273.2, 273.7, 422.7(22)(c), 598.21B

256B.3 Powers and duties of division of special education.

The division of special education has the following duties and powers:

1. To aid in the organization of special schools, classes and instructional facilities for children requiring special education, and to supervise the system of special education for children requiring special education.

2. To administer rules adopted by the state board that are consistent with this chapter for the approval of plans for special education programs and services submitted by the director of special education of the area education agency.

3. To adopt plans for the establishment and maintenance of day classes, schools, home instruction, and other methods of special education for children requiring special education.

4. To purchase and otherwise acquire special equipment, appliances, and other aids for use in special education, and to loan or lease the same under such rules and regulations as the department may prescribe.

5. To prescribe courses of study, and curricula for special schools, special classes and special instruction of children requiring special education, including physical and psychological examinations, and to prescribe minimum requirements for children requiring special education to be admitted to any such special schools, classes or instruction.

6. To provide for certification by the director of special education of the eligibility of children requiring special education for admission to, or discharge from, special schools, classes or instruction.

7. To initiate the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in cooperation with the management thereof and local school districts or area education agency boards.

8. To cooperate with school districts or area education agency boards in arranging for any child requiring special education to attend school in a district other than the one in which the child resides when there is no available special school, class, or instruction in the districts in which the child resides.

9. To cooperate with existing agencies such as the department of health and human services, the Iowa school for the deaf, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

10. To investigate and study the needs, methods and costs of special education for children requiring special education.

11. To provide for the employment and establish standards for the performance of special education support personnel required to assist in the identification of and educational programs for children requiring special education.

12. To provide for the establishment of special education research and demonstration projects and models for special education program development.

13. To establish a special education resource, materials and training system for the

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purposes of developing specialized instructional materials and provide in-service training to personnel employed to provide educational services to children requiring special education.

14. To approve the acquisition and use of special facilities designed for the purpose of providing educational services to children requiring special education.

15. To submit copies of all reports the division provides to the United States department of education under part B of the federal Individuals with Disabilities Education Act, as amended, including but not limited to any report concerning disproportionate representation in special education based on race or ethnicity, to the general assembly on the date each such report is provided to the United States department of education.

16. Beginning July 1, 2024, oversee the operation of each area education agency to ensure the area education agency complies with all applicable federal and state laws related to special education.

17. Develop and distribute to school districts and accredited nonpublic schools a process to facilitate the development of individualized education programs and assist individualized education program teams with decisions regarding free appropriate public education and placement for students enrolled in accredited nonpublic schools.

18. Provide professional learning and other support materials and tools for individualized education program teams, including students, families, teacher service providers, and administrators of both school districts and accredited nonpublic schools to help such individuals understand the processes required under the federal law that are relevant to students enrolled in accredited nonpublic schools and to promote informed participation in individualized education program meetings of students enrolled in accredited nonpublic schools.

19. Provide information to individualized education program teams and public agencies that nonpublic schools shall be considered a placement option so long as the individualized education program of a child with a disability does not require some other arrangement.

20. Develop and distribute to school districts professional learning and other materials for meaningful consultation for representatives of area education agencies, school districts, and accredited nonpublic schools.

21. Establish sustainable accountability and data collection systems related to special education that meet federal and state legal requirements and encourage innovative models for meeting the needs of students.

22. Develop and distribute to school districts and accredited nonpublic schools an implementation plan related to identifying, evaluating, and promoting strategies and models for providing special education and related services with accredited nonpublic schools that improve the experiences and outcomes for students with disabilities.

23. To make rules to carry out the powers and duties provided for in this section.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.3]

83 Acts, ch 96, §160; 83 Acts, ch 101, §64; 86 Acts, ch 1245, §1477, 1478

C93, §256B.3

2010 Acts, ch 1016, §2; 2011 Acts, ch 34, §64; 2020 Acts, ch 1102, §11; 2023 Acts, ch 19, §992, 2485; 2024 Acts, ch 1002, §2; 2026 Acts, ch 1040, §62

Subsection 4 amended

256B.4 Powers of board of directors.

1. The board of directors of a school district or area education agency, with the approval of the director of the department of education, may provide special education programs and services as defined in this chapter. If services are provided by the area education agency, the board of directors of the area education agency with the cooperation of the local school districts within its jurisdiction may:

a. Establish and operate special education programs and classes for the education of children requiring special education.

b. Acquire, maintain, and construct facilities in which to provide education, corrective services, and supportive services for children requiring special education.

c. Make arrangements with participating school districts for the provision of special

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education, corrective, and supportive services to the children requiring special education residing in the school districts.

d. Employ special education teachers and personnel required to furnish corrective or supportive services to children requiring special education services.

e. Provide transportation for children requiring special education services that are in need of transportation in connection with any programs, classes, or services.

f. Receive, administer, and expend funds appropriated for its use.

g. Receive, administer, and expend the proceeds of any issue of school bonds or other bonds intended wholly or partly for its benefit.

h. Apply for, accept, and utilize grants, gifts, or other assistance.

i. Participate in, and make its employees eligible to participate in, any retirement system, group insurance system, or other program of employee benefits, on the same terms as govern school districts and their employees.

j. Do such other things as are necessary and incidental to the execution of any of its powers.

2. The board of directors of the local school district or the area education agency shall employ qualified teachers certified by the authority provided by law as teachers for children requiring such special education. The maximum number of pupils per teacher shall be determined by the board of directors of the local school district or the area education agency board in accordance with the rules and regulations of the state board of education.

3. The board of directors of the local school district or the area education agency may establish and operate one or more special education centers to provide diagnostic, therapeutic, corrective, and other services, on a more comprehensive, expert, economical, and efficient basis than can be reasonably provided by a single school district. The services, if offered by the area education agency board, may be provided in the regular schools using personnel and equipment of the area education agency or, if it is impractical or inefficient to provide them on the premises of a regular school, the area education agency may provide services in its own facilities. To the maximum extent feasible, centers shall be established at and in conjunction with, or in close proximity to, one or more elementary and secondary schools. Local school districts or the area education agencies may accept diagnostic and evaluation studies conducted by other individuals, hospitals, or centers, if determined to be competent. Children requiring special education services may be identified in any way that the department of education determines to be reliable. Centers established pursuant to this section may contain classrooms and other educational facilities and equipment to supplement instruction and other services to children with disabilities in the regular schools, and to provide separate instruction to children whose degree or type of educational disability makes it impractical or inappropriate for them to participate in classes with normal children.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.4]
86 Acts, ch 1245, §1479, 1480
C93, §256B.4
96 Acts, ch 1129, §113; 2010 Acts, ch 1061, §180; 2026 Acts, ch 1040, §63
Subsections 2 and 3 amended

256B.5 Information available upon request by bureau.

The department of health and human services shall furnish to the state bureau of special education upon request information obtained from birth certificates relative to the name, address, and disability of any case of developmental disability. The state child health specialty clinics of the university of Iowa shall upon request furnish to the state bureau of special education the name, address, and disability of all children of their register.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.5]
C93, §256B.5
94 Acts, ch 1091, §15; 2023 Acts, ch 19, §993

256B.6 Parent's or guardian's duties — review.

1. When the school district or area education agency has provided special education services and programs as provided in this chapter for any child requiring special education,

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either by admission to a special class or by supportive services, it shall be the duty of the parent or guardian to enroll the child for instruction in such special classes or supportive services as may be established, except in the event a doctor's certificate is filed with the secretary of the school district showing that it is inadvisable for medical reasons for the child requiring special education to receive the special education provided; all the provisions and conditions of chapter 299 shall be applicable to this section, and any violations shall be punishable as provided in chapter 299.

2. A child, or the parent or guardian of the child, or the school district in which the child resides, may obtain a review of an action or omission of local authorities pursuant to the procedures established by the state board of education on the ground that the child has been or is about to be:

a. Denied entry or continuance in a program of special education appropriate to the child's condition and needs.

b. Placed in a special education program which is inappropriate to the child's condition and needs.

c. Denied educational services because no suitable program of education or related services is maintained.

d. Provided with special education which is insufficient in quantity to satisfy the requirements of law.

e. Assigned to a program of special education when the child does not have a disability.

3. When a child requiring special education attains the age of majority or is incarcerated in an adult or juvenile, state or local, correctional institution, all rights accorded to the parent or guardian under this chapter transfer to the child except as provided in this subsection. Any notice required by this chapter shall be provided to both the child who has reached the age of majority or is incarcerated in an adult or juvenile, state or local, correctional institution and the parent or guardian. If rights under this chapter have transferred to the child and the child has been determined to be incompetent by a court or determined unable to provide informed educational consent by a court or other competent authority, then rights under this chapter shall be exercised by the person who has been appointed to represent the educational interest of the child. The director of the department of education may establish standards for determining whether a public agency, as defined in section 28E.2, is competent to determine whether a child is unable to provide informed educational consent, and the procedures by which such determination shall be made and reviewed.

4. Notwithstanding section 17A.11, the state board of education shall adopt rules for the appointment of an impartial administrative law judge employed by the division of administrative hearings created by section 10A.801 for special education appeals. The rules shall comply with federal statutes and regulations.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.6]

84 Acts, ch 1070, §1; 88 Acts, ch 1109, §22

C93, §256B.6

96 Acts, ch 1129, §69; 2010 Acts, ch 1016, §3; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §136; 2023 Acts, ch 19, §1717

Referred to in §256B.7, 299.5

256B.7 Examinations of children.

In order to render proper instruction to each child requiring special education, the school districts shall certify children requiring special education for special instruction in accordance with the requirements set up by the division of special education and shall provide examinations for children preliminary to making certification. The examinations necessary for the certification of children requiring special education shall be prescribed by the state division of special education. Disputes concerning a child's eligibility for special education shall be addressed under rules and procedures adopted by the state board of education pursuant to section 256B.6 and consistent with the federal Individuals with Disabilities Education Act of 2004, 20 U.S.C. §1400 et seq.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.7]

86 Acts, ch 1245, §1481

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C93, §256B.7
2013 Acts, ch 88, §3
Referred to in §299.5

256B.8 Exceptions.

1. It is not incumbent upon the school districts to keep a child requiring special education in regular instruction when the child cannot sufficiently profit from the work of the regular classroom, nor to keep a child requiring special education in the special class or instruction for children requiring special education when it is determined by the diagnostic educational team that the child can no longer benefit from the instruction or needs more specialized instruction available in special schools. However, the school district shall count the child requiring special education in the enrollment as provided in sections 256B.9, 257.6, and 273.9 and shall ensure that appropriate educational provisions are made for the child requiring special education.

2. An area education agency director of special education may request approval from the department of education to continue the special education program of a person beyond the period specified in section 256B.2, subsection 1, paragraph *"a"*, if the person had an accident or prolonged illness that resulted in delays in the initiation of or interruptions in that person's special education program. Approval may be granted by the department to continue the special education program of that person for up to three years or until the person's twenty-fourth birthday.

3. No provision of this chapter shall be construed to require or compel any person who is a member of a well-recognized church or religious denomination and whose religious convictions, in accordance with the tenets or principles of the person's church or religious denomination, are opposed to medical or surgical treatment for disease to take or follow a course of physical therapy, or submit to medical treatment, nor shall any parent or guardian who is a member of such church or religious denomination and who has such religious convictions be required to enroll a child in any course or instruction which utilizes medical or surgical treatment for disease.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.8]
84 Acts, ch 1001, §1; 89 Acts, ch 135, §83
C93, §256B.8
93 Acts, ch 101, §102; 2010 Acts, ch 1016, §4

256B.9 Weighting plan — audits — evaluations — expenditures.

1. In order to provide funds for the excess costs of instruction of children requiring special education, above the costs of instruction of pupils in a regular curriculum, a special education weighting plan for determining enrollment in each school district is adopted as follows:

a. Pupils in a regular curriculum are assigned a weighting of one.

b. Children requiring special education who require special adaptations while assigned to a regular classroom for basic instructional purposes and pupils with disabilities placed in a special education class who receive part of their instruction in regular classrooms are assigned a weighting of one and eight-tenths. This paragraph also applies to children requiring special education who require specially designed instruction while assigned to a regular classroom for basic instructional purposes.

c. Children requiring special education who require full-time, self-contained special education placement with little integration into a regular classroom are assigned a weighting of two and two-tenths. This paragraph also applies to children requiring special education who require substantial modifications, adaptations, or special education accommodations in order to benefit from instruction in an integrated classroom.

d. Children requiring special education who have severe disabilities or who have multiple disabilities are assigned a weighting of four and four-tenths. This paragraph also applies to children requiring special education who have severe and profound disabilities.

e. Shared-time and part-time pupils of school age who require special education shall be placed in the proper category and counted in the proportion that the time for which they are enrolled or receive instruction for the school year bears to the time that full-time pupils,

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carrying a normal course schedule, in the same school district, for the same school year are enrolled and receive instruction.

2. The weighting for each category of child multiplied by the number of children in each category in the enrollment of a school district, as identified and certified by the director of special education for the area, determines the weighted enrollment to be used in that district for purposes of computations required under the state school foundation plan in chapter 257.

3. The weight that a child is assigned under this section shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. Enrollment for the purpose of this section, and all payments to be made pursuant thereto, includes all children for whom a special education program or course is to be provided pursuant to section 256.12, subsection 2, sections 273.1 through 273.9, and this chapter, whether or not the children are actually enrolled upon the records of a school district.

4. On December 1, 1987, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the director of the department of education shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and for providing services to nonpublic school students pursuant to section 256.12, subsection 2, and the director of the department of education shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year and shall report the plan to the director of the department of education. The school budget review committee may establish weights to the nearest hundredth. The school budget review committee shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The state board of education shall adopt rules under chapter 17A to implement the weighting plan for each year and to assist in identification and proper indexing of each child in the state who requires special education.

5. The division of special education shall audit the reports required in section 273.5 to determine that all children in the area who have been identified as requiring special education have received the appropriate special education instructional and support services, and to verify the proper identification of pupils in the area who will require special education instructional services during the school year in which the report is filed. The division shall certify to the director of the department of management the correct total enrollment of each school district in the state, determined by applying the appropriate pupil weighting index to each child requiring special education, as certified by the directors of special education in each area.

6. The division may conduct an evaluation of the special education instructional program or special education support services being provided by an area education agency, school district, or private agency, pursuant to sections 273.1 through 273.9 and this chapter, to determine if the program or service is adequate and proper to meet the needs of the child; if the child is benefiting from the program or service; if the costs are in proportion to the educational benefits being received; and if there are any improvements that can be made in the program or service. A written report of the evaluation shall be sent to the area education agency, school district, or private agency evaluated and to the president of the senate and speaker of the house of representatives of the general assembly.

7. The costs of special education instructional programs include the costs of purchase of transportation equipment to meet the special needs of children requiring special education with the approval of the director of the department of education. The state board of education shall adopt rules under chapter 17A for the purchase of transportation equipment pursuant to this section.

8. Commencing with the school year beginning July 1, 1976, a school district may expend an amount not to exceed two-sevenths of an amount equal to the district cost of a school district for the costs of regular classroom instruction of a child certified under the special

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education weighting plan in subsection 1, paragraph *"b"*, as a pupil with disabilities who is enrolled in a special class, but who receives part of the pupil's instruction in a regular classroom. Unencumbered funds generated for special education instructional programs for the school year beginning July 1, 1975, and for the school year beginning July 1, 1976, shall not be expended for such purpose.

9. Funds generated for special education instructional programs under this chapter and chapter 257 shall not be expended for modifications of school buildings to make them accessible to children requiring special education.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.9]

83 Acts, ch 3, §2; 85 Acts, ch 212, §21; 86 Acts, ch 1237, §18; 86 Acts, ch 1245, §1482; 88 Acts, ch 1134, §64; 89 Acts, ch 135, §84; 91 Acts, ch 39, §1

C93, §256B.9

94 Acts, ch 1161, §2; 96 Acts, ch 1129, §70, 71; 2010 Acts, ch 1069, §30; 2021 Acts, ch 80, §137; 2022 Acts, ch 1021, §51

Referred to in §256.12, 256.25A, 256B.8, 256C.4, 256E.8, 257.6, 257.11, 257.19, 257.31, 273.3, 273.5, 273.9, 273.23, 282.31, 298.1

256B.10 Deaf and hard-of-hearing children. Transferred to §256.106; 2023 Acts, ch 19, §2513.

256B.11 Program plans.

1. Program plans submitted to the department of education pursuant to section 273.5 for approval by the director of the department of education shall establish all of the following:

a. That there are sufficient children requiring special education within the area.

b. That the service or program will be provided by the most appropriate educational agency.

c. That the educational agency providing the service or program has employed qualified special educational personnel.

d. That the instruction is a natural and normal progression of a planned course of instruction.

e. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.

f. Other factors as the state board may require.

2. Notwithstanding subsection 1 and section 273.5, subsection 6, the director of the department of education may authorize the area education agency to submit a statement assuring that the requirements of subsection 1 are satisfied in lieu of submitting a special education instructional and support program plan.

[C73, 75, 77, 79, 81, §281.11]

86 Acts, ch 1245, §1483

C93, §256B.11

2010 Acts, ch 1016, §5

Referred to in §298.1

256B.12 through 256B.14 Reserved.

256B.15 Reimbursement for special education services.

1. The state board of education in conjunction with the department of education shall develop a program to utilize federally funded health care programs, except the federal medically needy program for individuals who have a spend-down, to share in the costs of services which are provided to children requiring special education.

2. The department of education shall designate an area education agency to develop a system for collecting the information necessary to implement procedures for billing and collecting the costs of the services. The area education agency shall begin to develop the system immediately. The area education agency shall consult with and work jointly with state agencies and federal agencies to determine procedures and standards which shall be initiated by all area education agencies to qualify for receipt of benefits under federal programs.

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3. The department of education, in conjunction with the area education agency, shall determine those specific services which are covered by federally funded health care programs, which shall include, but not be limited to, physical therapy, audiology, speech language therapy, and psychological evaluations. The department shall also determine which other special services may be subject to reimbursement and the qualifications necessary for personnel providing those services. If it is determined that services are required from other service providers, these providers shall be reimbursed for those services.

4. All services referred to in subsection 1 shall be initially funded by the area education agency and shall be provided regardless of subsequent subrogation collections. The area education agency shall make a claim for reimbursement to federally funded health care programs.

5. Not later than July 1, 1988, the area education agency designated by the department of education shall have developed the program for collecting for the services provided. The program shall be distributed to all of the area education agencies in the state. All area education agencies shall begin collecting the information on July 1, 1988.

6. Effective November 1, 1988, all area education agencies in the state shall participate in the program and begin billing for and collecting for the covered services and shall bill for services provided retroactive to July 1, 1988. Retroactive Tit. XIX billing is contingent upon state plan approval. Nothing contained in this section shall be construed to allow nonlicensed individuals to perform services which otherwise require licenses under the laws of this state or to allow licensed providers to perform services outside their scope of practice.

7. The area education agencies shall transfer to the department of health and human services an amount equal to the nonfederal share of the payments to be received from the medical assistance program pursuant to chapter 249A. The nonfederal share amount shall be transferred to the medical assistance account prior to claims payment. This requirement does not apply to medical assistance reimbursement for services provided by an area education agency under part C of the federal Individuals With Disabilities Education Act. Funds received under this section shall not be considered or included as part of the area education agencies' budgets when calculating funds that are to be received by area education agencies during a fiscal year.

8. Students or their parents or guardians covered by a federal health care program shall provide health care information to an area education agency or local school district.

9. The department of education and the department of health and human services shall adopt rules to implement this section.

10. The department of health and human services shall offer assistance to the area education agencies in the identification of children eligible for reimbursement for services under this section.

88 Acts, ch 1155, §1
C89, §281.15
89 Acts, ch 296, §25; 91 Acts, ch 125, §1, 2; 92 Acts, ch 1021, §1
C93, §256B.15
94 Acts, ch 1120, §12; 2000 Acts, ch 1223, §24; 2001 Acts, ch 41, §1, 2; 2006 Acts, ch 1030, §32; 2008 Acts, ch 1181, §23; 2010 Acts, ch 1016, §6; 2023 Acts, ch 19, §999

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CHAPTER 256C

STATEWIDE PRESCHOOL PROGRAM FOR YOUNG CHILDREN

Referred to in §256.11, 256.146, 256.163, 257.16, 285.1, 298A.2, 299.1A

256C.1 Definitions.
256C.2 Statewide preschool program for young children — purpose.
256C.3 Preschool program requirements.
256C.4 Funding provisions — enrollment.
256C.5 Funding formula.
256C.6 Phase-in — appropriations. Repealed by its own terms; 2007 Acts, ch 148, §6.

256C.1 Definitions.

As used in this chapter:

1. *"Approved local program"* means a school district's program or community-based provider's program for young children approved by the department of education to provide high-quality preschool instruction.

2. *"Community-based provider approved to directly participate in the preschool program"* means a community-based provider that meets the community-based provider requirements under section 256C.3 and has been approved by the department to directly participate in the preschool program. *"Community-based provider approved to directly participate in the preschool program"* does not mean a community-based provider that partners with a school district's approved local program.

3. *"Department"* means the department of education.

4. *"Director"* means the director of the department of education.

5. *"Preschool program"* means the statewide preschool program for young children created in accordance with this chapter.

6. *"School district approved to participate in the preschool program"* means a school district that meets the school district requirements under section 256C.3 and has been approved by the department to participate in the preschool program.

7. *"State board"* means the state board of education.

8. *"Young children"* means children who are four years of age or who are five years of age on specified dates as provided in section 256C.3, subsection 1, paragraph *"a"*.

2007 Acts, ch 148, §1; 2026 Acts, ch 1086, §78, 79, 101; 2026 Acts, ch 1174, §1, 2, 10
2026 amendment to subsections 1 and 5 apply to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10
Subsection 8 applies to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10
See Code editor's note on simple harmonization at the beginning of this Code volume
Subsection 1 amended
NEW subsection 2 and subsections 2 and 3 renumbered as 3 and 4
Former subsection 4 amended and renumbered as 5
Former subsections 5 and 6 renumbered as 6 and 7
NEW subsection 8

256C.2 Statewide preschool program for young children — purpose.

1. A statewide preschool program for young children is established. The purpose of the preschool program is to provide an opportunity for all young children in the state to enter school ready to learn by expanding voluntary access to quality preschool curricula.

2. The state board shall adopt rules in accordance with chapter 17A as necessary to implement the preschool program as provided in this chapter.

2007 Acts, ch 148, §2; 2026 Acts, ch 1174, §3, 10
2026 amendment applies to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10
Section amended

256C.3 Preschool program requirements.

1. *Eligible children.*

a. A child who is a resident of Iowa and who is either four years of age on or before September 15 of a school year or who reaches five years of age on or after March 15 but on or before September 15 of the calendar year during which the school year begins shall be eligible to enroll in the preschool program under this chapter. If such a child is enrolled under this chapter, the child shall be considered to be of compulsory attendance age as provided in section 299.1A, subsection 3. If a child enrolled in the preschool program pursuant to this

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paragraph has been counted for state funding purposes under this chapter for a prior school year, the child shall not be counted for state funding purposes.

b. If space and funding are available, including funding from another school district account or fund from which preschool program expenditures are authorized by law, a school district approved to participate in the preschool program or community-based provider approved to directly participate in the preschool program may enroll and pay the cost of attendance for a child in the preschool program who does not satisfy the requirements under paragraph *"a"*; however, the child shall not be counted for state funding purposes.

2. *Teacher requirements.*

a. An individual serving as a teacher in the preschool program must meet all of the following qualifications:

(1) The individual is either employed by or under contract with the school district, or with the community-based provider approved to directly participate in the preschool program, that is implementing the program.

(2) The individual is appropriately licensed under chapter 256, subchapter VII, part 3, and meets requirements under chapter 284.

(3) The individual possesses a bachelor's or graduate degree from an accredited college or university with a major in early childhood education or other appropriate major identified in rule by the department.

b. A teacher in the preschool program shall collaborate with other agencies, organizations, and boards in the community to further the program's capacity to meet the diverse needs of the children taught by the teacher and the families of the children, such as needs for early care, health, and human services. In addition, a teacher in the preschool program shall work to maintain relationships with each child's family in order to enhance the child's development in all settings by collaborating with providers of parent education and family support opportunities.

3. *Program requirements.* The state board shall adopt rules to further define the following preschool program requirements which shall be used to determine whether or not a local program implemented by a school district approved to implement the preschool program or a community-based provider directly approved to implement the preschool program qualifies as an approved local program:

a. Maximum and minimum teacher-to-child ratios and class sizes.

b. Applicable state and federal program standards.

c. Student learning standards.

d. Provisions for the integration of children from other state and federally funded preschools.

e. Collaboration with participating families, early care providers, and community partners including but not limited to early childhood Iowa area boards, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, licensed child care centers, registered child development homes, area education agencies, child care resource and referral services provided under section 237A.26, early childhood special education programs, services funded by Tit. I of the federal Elementary and Secondary Education Act of 1965, and family support programs.

f. A minimum of ten hours per week of instruction delivered on the skills and knowledge included in the student learning standards developed for the preschool program.

g. Parental involvement in the local program.

h. Provision for ensuring that children receiving care from other child care arrangements can participate in the preschool program with minimal disruption due to transportation and movement from one site to another. The children participating in the preschool program may be transported by the school district or community-based provider to activities associated with the program along with other children.

4. *School district requirements.* The state board shall adopt rules to further define the following requirements of school districts implementing the preschool program:

a. Methods of demonstrating community readiness to implement high-quality instruction in a local program shall be identified. The potential provider shall submit a collaborative program proposal that demonstrates the involvement of multiple community stakeholders

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including but not limited to, and only as applicable, parents, the school district, accredited nonpublic schools and faith-based representatives, the area education agency, the early childhood Iowa area board, representatives of business, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, center-based and home-based providers of child care services, human services, public health, and economic development programs. The methods may include but are not limited to a school district providing evidence of a public hearing on the proposed programming and written documentation of collaboration agreements between the school district, existing community providers, and other community stakeholders addressing operational procedures and other critical measures.

b. (1) Subject to implementation of chapter 28E agreements between a school district and community-based providers of services to four-year-old children and eligible five-year-old children, a four-year-old child or eligible five-year-old child who is enrolled in a child care center or child development home licensed or registered under chapter 237A, or in an existing public or private preschool program, shall be eligible for services provided by the school district's local preschool program.

(2) Upon the request of a community-based provider, a school district shall enter into a chapter 28E agreement with a community-based provider to allow the community-based provider to provide high-quality instruction as part of the approved local program. A community-based provider participating in the statewide voluntary preschool program pursuant to this paragraph shall comply with the requirements of subsections 2 and 3 under the authority of the local school district.

(3) A chapter 28E agreement entered into pursuant to this paragraph shall not limit the number of eligible students who may receive high-quality instruction from a community-based provider as part of the approved local program.

(4) (a) This paragraph shall not be construed to authorize the state or any political subdivision of the state to exercise authority over any community-based provider or construed to require a community-based provider to modify its academic standards for admission or educational program in order to receive preschool foundation aid pursuant to section 256C.4, subsection 1, paragraph *"h"*.

(b) This paragraph shall not be construed to expand the authority of the state or any political subdivision of the state to impose regulations upon any community-based provider that are not necessary to implement the community-based provider's participation in the preschool program.

(c) A community-based provider that accepts preschool foundation aid pursuant to section 256C.4, subsection 1, paragraph *"h"*, is not an agent of this state or of a political subdivision of this state.

(d) Rules adopted by the state board to implement this chapter that impose an undue burden on a community-based provider are invalid.

(e) A community-based provider that accepts preschool foundation aid pursuant to section 256C.4, subsection 1, paragraph *"h"*, shall be given the maximum freedom possible to provide for the educational needs of the children participating in the community-based provider's program, consistent with state and federal law.

c. A school district shall participate in data collection and performance measurement processes and reporting as defined by rule.

d. Professional development for school district preschool teachers shall be addressed in the school district's professional development plan implemented in accordance with section 284.6.

5. *Community-based provider requirements.* The state board shall adopt rules to further define the following requirements of community-based providers approved to directly participate in the preschool program in implementing the preschool program:

a. Methods of demonstrating readiness to implement high-quality instruction in the local program shall be identified.

b. A community-based provider shall participate in data collection and performance measurement processes and reporting as defined by rule.

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c. Professional development for community-based provider preschool teachers shall be addressed in the community-based provider's professional development plan.

6. *Department requirements.*

a. The department shall implement an application and selection process for school district participation and community-based provider participation in the preschool program that includes but is not limited to the enrollment requirements provided under section 256C.4.

b. The department shall track the progress of students served by a school district preschool program or community-based provider preschool program and the students' performance in elementary and secondary education.

c. The department shall implement procedures to monitor the quality of the programming provided under the preschool program.

d. The state board, in collaboration with the department, shall ensure that the administrative rules adopted to support the preschool program emphasize that children's access to the program is voluntary, that the preschool foundation aid provided to a school district or a community-based provider is provided based upon the enrollment of eligible students in the school district's or community-based provider's local program regardless of whether an eligible student is a resident of the school district, and that agreements entered into by a school district for the provision of programming in settings other than the school district's facilities are between the school district and the private provider.

2007 Acts, ch 148, §3; 2007 Acts, ch 215, §100; 2008 Acts, ch 1032, §42; 2008 Acts, ch 1181, §67, 74; 2010 Acts, ch 1031, §303, 304; 2013 Acts, ch 78, §1; 2015 Acts, ch 140, §30, 58, 59; 2017 Acts, ch 153, §12, 14, 15; 2023 Acts, ch 19, §2553; 2026 Acts, ch 1086, §80 – 85, 101; 2026 Acts, ch 1120, §2; 2026 Acts, ch 1174, §4, 5, 10

Referred to in §256C.1, 256C.4

2026 amendments to subsections 1 and 4 by 2026 Acts, ch 1174, apply to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10

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

Subsection 1, paragraphs a and b amended

Subsection 2, paragraph a, subparagraph (1) amended

Subsection 3, unnumbered paragraph 1 amended

Subsection 3, paragraph h amended

Subsection 4, paragraph b amended

NEW subsection 5

Former subsection 5 amended and renumbered as 6

256C.4 Funding provisions — enrollment.

1. *State funding for school district approved to participate in the preschool program.*

a. State funding provided under the preschool program to school districts shall be based upon the enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program.

b. A school district approved to participate in the preschool program may authorize expenditures for the district's preschool programming from any of the revenue sources available to the district from the sources listed in chapter 298A, provided the expenditures are within the uses permitted for the revenue source. In addition, the use of the revenue source for preschool or prekindergarten programming must have been approved prior to any expenditure from the revenue source for the district's approved local program.

c. Funding provided under the preschool program is intended to supplement, not supplant, existing public funding for preschool programming.

d. Preschool foundation aid funding shall not be commingled with the other state aid payments made under section 257.16 to a school district and shall be accounted for by the local school district separately from the other state aid payments. Preschool foundation aid payments made to school districts are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for preschool foundation aid payments received and expenditures made. A school district shall certify to the department of education that preschool foundation aid funding received by the school district was used to supplement, not supplant, moneys otherwise received and used by the school district for preschool programming.

e. Preschool foundation aid funding shall not be used for the costs of constructing a

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facility in connection with an approved local program. Preschool foundation aid funding may be used by approved local programs and community-based providers that partner with a school district's local program for any purpose determined by the board of directors of the school district to meet standards for high-quality preschool instruction and for purposes that directly or indirectly benefit students enrolled in the approved local program, including but not limited to professional development for preschool teachers, instructional equipment and supplies, material and equipment designed to develop pupils' large and small motor skills, translation services, playground equipment and repair costs, food and beverages used by children in the approved local program, safety equipment, facility rental fees, and for other direct costs that enhance the approved local program, including by contracting with community partners for any such services. Preschool foundation aid funding may be used by approved local programs for the costs of transportation involving children participating in the preschool program. The costs of transporting other children associated with the preschool program or transported as provided in section 256C.3, subsection 3, paragraph "*h*", may be prorated by the school district. Preschool foundation aid funding received by an approved local program that remains unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2017, shall be used to build the approved local program's preschool program capacity in the next succeeding fiscal year excluding that portion of such unexpended and unobligated funding that the school district authorizes for transfer for deposit in the school district's flexibility account established under section 298A.2, subsection 2, if the statutory requirements for the use of such funding are met. For purposes of determining whether a school district has authority to transfer preschool foundation aid funding for deposit in the school district's flexibility account established under section 298A.2, subsection 2, the school district must have provided preschool programming during the fiscal year for which funding remains unexpended and unobligated to all eligible students for whom a timely application for enrollment was submitted.

f. The receipt of funding by a school district for the purposes of this chapter, the need for additional funding for the purposes of this chapter, or the enrollment count of eligible students under this chapter shall not be considered to be unusual circumstances, create an unusual need for additional funds, or qualify under any other circumstances that may be used by the school budget review committee to grant supplemental aid to or establish a modified supplemental amount for a school district under section 257.31.

g. For the fiscal year beginning July 1, 2015, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not more than five percent may be used by the school district for administering the district's approved local program. Outreach activities and rent for facilities not owned by the school district are permissive uses of the administrative funds.

h. For the fiscal year beginning July 1, 2015, and each succeeding fiscal year, of the amount of preschool foundation aid received by a school district for a fiscal year in accordance with section 257.16, not less than ninety-five percent of the per pupil amount shall be passed through to a community-based provider for each pupil enrolled in the district's approved local program. For the fiscal year beginning July 1, 2015, and each succeeding fiscal year, not more than ten percent of the amount of preschool foundation aid passed through to a community-based provider may be used by the community-based provider for administrative costs. The costs of outreach activities and rent for facilities not owned by the school district are permissive administrative costs. The costs of transportation involving children participating in the preschool program and other children may be prorated.

2. *State preschool funding for community-based providers approved to directly participate in the preschool program.*

a. State preschool funding shall not be used for the costs of constructing a facility in connection with an approved local program. Preschool foundation aid funding may be used by community-based providers for any purpose determined by the community-based provider to meet standards for high-quality preschool instruction and for purposes that directly or indirectly benefit students enrolled in the approved local program, including but not limited to professional development for preschool teachers, instructional equipment

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and supplies, material and equipment designed to develop pupils' large and small motor skills, translation services, playground equipment and repair costs, food and beverages used by children in the approved local program, safety equipment, facility rental fees, and for other direct costs that enhance the approved local program, including by contracting with other community partners for any such services. State preschool funding may be used by approved local programs for the costs of transportation involving children participating in the preschool program. Preschool foundation aid funding received by a community-based provider approved to directly participate in the preschool program that remains unexpended and unobligated at the end of a fiscal year shall be used to build the community-based provider's capacity in the next succeeding fiscal year.

b. For the fiscal year beginning July 1, 2026, and each succeeding fiscal year, of the amount of state preschool funding received by a community-based provider approved to directly participate in the preschool program for a fiscal year, not more than five percent may be used by the community-based provider for administering the approved local program. Outreach activities and rent for facilities not owned by the community-based provider are permissive uses of the administrative funds.

3. *Eligible student enrollment.*

a. To be included as an eligible student in the enrollment count of the preschool programming provided by a school district approved to participate in the preschool program or a community-based provider approved to directly participate in the preschool program, a child must satisfy the age requirements of section 256C.3, subsection 1, paragraph *"a"*, in the base year and be attending the school district's or community-based provider's approved local program.

b. The enrollment count of eligible students shall not include a child who is included in the enrollment count determined under section 257.6 or a child who is served by a program already receiving state or federal funds for the purpose of the provision of four-year-old or five-year-old preschool programming while the child is being served by the program. Such preschool programming includes but is not limited to child development assistance programs provided under chapter 256A, special education programs provided under section 256B.9, school ready children grant programs and other programs provided under chapter 256I, and federal head start programs and the services funded by Tit. I of the federal Elementary and Secondary Education Act of 1965.

2007 Acts, ch 148, §4; 2008 Acts, ch 1181, §68, 74; 2010 Acts, ch 1031, §305; 2012 Acts, ch 1138, §23, 42; 2013 Acts, ch 121, §10, 42, 103, 108; 2015 Acts, ch 140, §31, 58, 59; 2016 Acts, ch 1132, §8; 2017 Acts, ch 153, §13 – 15; 2017 Acts, ch 154, §1; 2026 Acts, ch 1086, §86 – 88, 101; 2026 Acts, ch 1174, §6, 10; 2026 Acts, ch 1200, §22, 32, 33

Referred to in §256C.3, 256C.5

2026 amendment to subsection 3 by 2026 Acts, ch 1174, applies to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10

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

Subsection 1 amended

NEW subsection 2

Former subsection 2 amended and renumbered as 3

256C.5 Funding formula.

1. *Definitions.* For the purposes of this section and section 256C.4:

a. "Base year", *"budget year"*, *"regular program state cost per pupil"*, and *"school district"* mean the same as defined or described in chapter 257.

b. "Eligible student" means a child who meets eligibility requirements under section 256C.4.

c. "Preschool budget enrollment" means the figure that is equal to fifty percent of the actual enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program or a community-based provider approved to directly participate in the preschool program on October 1 of the base year, or the first Monday in October if October 1 falls on a Saturday or Sunday.

d. "Preschool foundation aid" means the product of the regular program state cost per pupil for the budget year multiplied by the school district's preschool budget enrollment or the community-based provider's preschool budget enrollment.

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2. *Preschool foundation aid district amount.*

a. For the initial school year for which a school district approved to participate in the preschool program receives that approval and implements the preschool program, the funding for the preschool foundation aid payable to that school district shall be paid from the appropriation made for that school year in section 256C.6, Code 2011, or in another appropriation made for purposes of this chapter. For that school year, the preschool foundation aid payable to the school district is the product of the regular program state cost per pupil for the school year multiplied by sixty percent of the school district's eligible student enrollment on the date in the school year determined by rule.

b. For budget years subsequent to the initial school year for which a school district approved to participate in the preschool program receives that initial approval and implements the preschool program, the funding for the preschool foundation aid payable to that school district shall be paid from the appropriation made in section 257.16. Continuation of a school district's participation in the preschool program for a second or subsequent budget year is subject to the approval of the department based upon the school district's compliance with accountability provisions and the department's on-site review of the school district's implementation of the preschool program.

3. *Preschool foundation aid community-based provider amount.* For the initial school year for which a community-based provider approved to directly participate in the preschool program receives that approval and implements the preschool program, the preschool foundation aid payable to the community-based provider is the product of the regular program state cost per pupil for the school year multiplied by fifty percent of the community-based provider's eligible student enrollment on the date in the school year determined by rule. For budget years subsequent to the initial year for which a community-based provider approved to directly participate in the preschool program receives that initial approval and implements the preschool program, the preschool foundation aid is the same as calculated pursuant to subsection 1. The funding for the preschool foundation aid payable to the community-based provider shall be paid from the appropriation made in section 257.16. Continuation of a community-based provider's participation in the preschool program for a second or subsequent budget year is subject to the approval of the department based upon the community-based provider's compliance with accountability provisions and the department's on-site review of the community-based provider's implementation of the preschool program.

4. *Aid payments.*

a. Preschool foundation aid shall be paid as part of the state aid payments made to school districts in accordance with section 257.16.

b. Preschool foundation aid paid directly to community-based providers shall be paid to the community-based provider in monthly installments beginning on September 15 of a budget year and ending on or about June 15 of the budget year as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

5. *Administration and oversight.* Except as otherwise provided by law for a fiscal year, of the amount appropriated for that fiscal year for payment of preschool foundation aid statewide, the department may use an amount sufficient to fund up to three full-time equivalent positions which shall be in addition to the number of positions authorized for the fiscal year, as necessary to provide administration and oversight of the preschool program.

2007 Acts, ch 148, §5; 2008 Acts, ch 1181, §69, 74; 2011 Acts, ch 131, §91, 101; 2012 Acts, ch 1023, §35; 2026 Acts, ch 1086, §89 – 91, 101

Subsection 1, paragraphs c and d amended
NEW subsection 3
Former subsection 3 amended and renumbered as 4
Former subsection 4 renumbered as 5

256C.6 Phase-in — appropriations. Repealed by its own terms; 2007 Acts, ch 148, §6.

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CHAPTER 256D

IOWA EARLY INTERVENTION BLOCK GRANT PROGRAM

Repealed pursuant to terms of former §256D.9; 2013 Acts, ch 121, §104

CHAPTER 256E

CHARTER SCHOOLS

Referred to in §29E.1, 97B.1A, 232E.1, 256.9, 257.6, 261E.8, 297.24

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CHARTER SCHOOLS

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256E.6 Charter school contract.
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SUBCHAPTER I

CHARTER SCHOOLS

Referred to in §16.163, 256.163, 256E.23, 256E.30, 257.35, 273.2, 280.13D, 321.178

256E.1 Establishment of charter schools — purpose.

1. Charter schools shall be part of the state's program of public education.

2. A charter school may be established by either of the following methods:

a. A school board may create a founding group to apply to the state board or the university of northern Iowa for approval to establish and operate a charter school within and as a part of the school district by establishing a new attendance center, creating a new school within an existing attendance center, or by converting an existing attendance center to charter status.

b. A founding group may apply to the state board or the university of northern Iowa for approval to establish and operate a charter school within the boundaries of the state that operates as a new attendance center independently from a public school district.

3. The purpose of a charter school established pursuant to this subchapter shall be to accomplish the following:

a. Improve student learning, well-being, and postsecondary success.

b. Increase learning opportunities for students in areas of need in this state, including but not limited to science, technology, engineering, and math (STEM), and science, technology, engineering, arts, and math (STEAM).

c. Increase opportunities for work-based learning, early literacy intervention, and serving at-risk populations.

d. Accelerating student learning to prevent learning loss during significant disruptions to student learning.

e. Encourage the use of evidence-based practices in innovative environments.

f. Require the measurement and evaluation of program implementation and learning outcomes.

g. Establish models of success for Iowa schools.

h. Create new professional opportunities for teachers and other educators.

i. Investigate and establish different organizational structures for schools to use to implement a multi-tiered system of supports for students.

j. Allow greater flexibility to meet the education needs of a diverse student population and changing workforce needs.

k. Allow for the flexible allocation of resources through implementation of specialized school budgets for the benefit of the schools served.

l. Allow greater flexibility for districts and schools to focus on closing gaps in student opportunity and achievement for all students from preschool through postsecondary preparation.

4. The state board of education and the university of northern Iowa shall be the only authorizers of charter schools under this subchapter.

2021 Acts, ch 112, §1; 2026 Acts, ch 1086, §6 – 9, 101
Subsection 2, paragraphs a and b amended
Subsection 3, unnumbered paragraph 1 amended
Subsection 3, paragraph d amended
Subsection 4 amended

256E.2 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Attendance center"* means a school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

2. *"Charter school"* means a school established in accordance with this subchapter.

3. *"Department"* means the department of education.

4. *"Education service provider"* means an education management organization, charter school management organization, or other person with whom a charter school contracts for educational program implementation or comprehensive management.

5. *"Founding group"* means a person, group of persons, or education service provider that develops and submits an application for a charter school to the state board or the university of northern Iowa under this subchapter.

6. *"Governing board"* means the independent board of a charter school whose members are elected or selected pursuant to the charter school contract, subject to the requirements of section 256E.7, subsection 11.

7. *"School board"* means a board of directors regularly elected by the registered voters of an accredited public school district.

8. *"State board"* means the state board of education.

2021 Acts, ch 112, §2; 2026 Acts, ch 1086, §10, 11, 101
Unnumbered paragraph 1 amended
Subsections 2 and 5 amended

256E.3 Department — duty to monitor.

The department shall monitor the effectiveness of charter schools and shall implement the applicable provisions of this subchapter.

2021 Acts, ch 112, §3; 2026 Acts, ch 1086, §12, 101
Section amended

256E.4 School board-state board model.

1. A school board may create a founding group to apply to the state board or the university of northern Iowa for approval to establish and operate a charter school within and as a part of the school district by establishing a new attendance center, creating a new school within an existing attendance center, or by converting an existing attendance center. The application shall demonstrate the founding group's academic and operational vision and plans for the

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proposed charter school, demonstrate the founding group's capacity to execute the vision and plans, and provide the state board or the university of northern Iowa a clear basis for assessing the founding group's plans and capacity.

2. The state board, in consultation with the university of northern Iowa, shall adopt rules to establish appropriate application timelines and deadlines for the submission of charter school applications under this section.

3. The instructions for completing an application shall include or otherwise inform applicants of all of the following:

a. The performance framework adopted by the state board, in consultation with the university of northern Iowa, for charter school oversight and evaluation requirements in accordance with sections 256E.9 and 256E.10.

b. The criteria the state board or the university of northern Iowa will use in evaluating applications.

c. The requirements concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

4. An application submitted under this section shall also include all of the following items related to the proposed charter school:

a. An executive summary.

b. The mission and vision of the proposed charter school, including identification of the targeted student population and the community the charter school intends to serve.

c. The location of the proposed charter school or the proposed geographic area within the school district where the school is proposed to be located.

d. Identification of the grades to be served each school year during the duration of the charter school contract.

e. Minimum, planned, and maximum enrollment per grade for each school year during the duration of the charter school contract.

f. Evidence of need and community support for the proposed charter school.

g. Background information on the members of the founding group and background information on the governing board, administration, and management personnel of the proposed charter school, if available.

h. The charter school's proposed operations calendar and sample daily schedule.

i. A description of the academic program and identification of ways the program aligns with state academic standards.

j. A description of the charter school's instructional model, including the type of learning environment, class size and structure, curriculum overview, and teaching methods.

k. The charter school's plan for using internal and external assessments to measure and report student progress on the performance framework in accordance with section 256E.9.

l. Plans for identifying and serving students with disabilities, students who are English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

m. A description of cocurricular and extracurricular programs and how the programs will be funded and delivered.

n. Plans and timelines for student recruitment, enrollment, and transfers, including enrollment preferences and procedures for conducting transparent admissions selections, including admissions lotteries.

o. The proposed code of student conduct, including applicable procedures and disciplinary sanctions for both general students and special education students.

p. A chart or description of the charter school's organizational structure and the duties and powers of each position or group, including the delineation of authority and reporting between the governing board, administration, staff, and any related bodies or external organizations that have a role in managing the charter school.

q. A staffing chart for the charter school's first year and a staffing plan for the duration of the charter school contract.

r. Plans for recruiting and developing school administrators, staff, and governing board members and the charter school's employment policies, including performance evaluation plans.

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s. Proposed governing bylaws for the charter school.

t. Identification and explanation of any partnerships or contractual relationships with the founding group or any of the founding group or school board's members that are related to the charter school's operations or mission.

u. The charter school's plans for providing transportation services, food service, and all other operational or ancillary services.

v. Proposed opportunities and expectations for parent involvement.

w. A detailed school start-up plan and five-year plan, including all relevant assumptions used, identifying timelines for charter school finances, budget, and insurance coverage, facility construction, preparation, and contingencies, and the identification of persons or positions responsible for each such item.

x. Evidence of anticipated fundraising contributions, if any.

y. Evidence of the founding group's success in serving student populations similar to that which is proposed in the application and if the founding group operates other charter schools, evidence of past performance of such other charter schools and evidence of the founding group's capacity for an additional charter school.

z. A description of the proposed charter school's staff performance evaluation measures and compensation structure, methods of contract oversight and dispute resolution, investment disclosures, and conflicts of interest.

aa. A proposed duration and outline of the charter school contract, including designation of roles, authority, and duties of the governing board and the charter school staff.

ab. The specific statutes and administrative rules with which the charter school does not intend to comply. The department, in consultation with the university of northern Iowa, shall provide technical assistance to the applicant concerning statutes and administrative rules that may be waived under the charter school contract in order to facilitate the goals of the charter school.

5. If the founding group proposes to establish a charter school by converting an existing attendance center of the school district, the state board or the university of northern Iowa shall not approve the application unless the founding group submits evidence that the attendance center's teachers and parents or guardians of students enrolled at the existing attendance center voted in favor of the conversion. A vote in favor of conversion under this subsection requires the support of a majority of the teachers employed at the school on the date of the vote and a majority of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process. The state board, in consultation with the university of northern Iowa, shall establish procedures by rule for voting under this subsection. A parent or guardian voting in accordance with this subsection must be a resident of this state.

6. In reviewing and evaluating charter school applications, the state board and the university of northern Iowa shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review shall include thorough evaluation of the written application, an in-person interview with the founding group, and an opportunity in a public forum for local residents to learn about and provide input on each application.

7. Following review of a charter school application and completion of the process required under subsection 6, the state board or the university of northern Iowa shall do all of the following:

a. Approve a charter school application only if the founding group has demonstrated competence in each element of the approval criteria and if the founding group is likely to open and operate a successful charter school.

b. Make application decisions on documented evidence collected through the application review process.

c. Adhere to the policies and criteria that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

8. The state board or the university of northern Iowa shall approve a charter school application if the application satisfies the requirements of this subchapter. The state board or the university of northern Iowa shall approve or deny a charter school application no

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later than seventy-five calendar days after the application is received. If the state board or the university of northern Iowa denies an application, the state board or the university of northern Iowa shall provide notice of denial to the founding group in writing within thirty days after the state board's or the university of northern Iowa's action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons. An approval decision may include, if appropriate, reasonable conditions that the founding group must meet before a charter school contract may be executed pursuant to section 256E.6. An approved charter application shall not serve as a charter school contract.

9. A decision of the state board or the university of northern Iowa relating to an application under this section is not appealable.

10. An unsuccessful applicant under this section may subsequently reapply to the state board or the university of northern Iowa.

2021 Acts, ch 112, §4; 2022 Acts, ch 1011, §3; 2026 Acts, ch 1086, §13, 14, 101
Referred to in §256E.7
Subsections 1, 2, 3, 5, 6, 7, 8, 9, and 10 amended
Subsection 4, paragraph ab amended

256E.5 Founding group-state board model.

1. A founding group may apply to the state board or the university of northern Iowa for approval to establish and operate a charter school within the boundaries of the state that operates as a new attendance center independently from a public school district. The application shall demonstrate the founding group's academic and operational vision and plans for the proposed charter school, demonstrate the founding group's capacity to execute the vision and plans, and provide the state board or the university of northern Iowa a clear basis for assessing the founding group's plans and capacity.

2. The governing board of a charter school that is approved under this section shall be designated a local education agency for the purpose of receiving federal funds for all attendance centers that are under the jurisdiction of the governing board.

3. The state board, in consultation with the university of northern Iowa, shall adopt rules to establish appropriate application timelines and deadlines for the submission of charter school applications under this section.

4. The instructions for completing an application shall include or otherwise inform applicants of all of the following:

a. The performance framework adopted by the state board, in consultation with the university of northern Iowa, for charter school oversight and evaluation requirements in accordance with sections 256E.9 and 256E.10.

b. The criteria the state board or the university of northern Iowa will use in evaluating applications.

c. The requirements concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

5. The applications submitted under this section shall also include all of the following items related to the proposed charter school:

a. An executive summary.

b. The mission and vision of the proposed charter school, including identification of the targeted student population and the community the school intends to serve.

c. The location of the proposed charter school or the proposed geographic area within the state where the school is proposed to be located.

d. Identification of the grades to be served each school year during the duration of the charter school contract.

e. Minimum, planned, and maximum enrollment per grade for each school year during the duration of the charter school contract.

f. Evidence of need and community support for the proposed charter school.

g. Background information on the members of the founding group and background information on the governing board, administration, and management personnel of the proposed charter school, if available.

h. The charter school's proposed operations calendar and sample daily schedule.

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i. A description of the academic program and identification of ways the program aligns with state academic standards.

j. A description of the charter school's instructional model, including the type of learning environment, class size and structure, curriculum overview, and teaching methods.

k. The charter school's plan for using internal and external assessments to measure and report student progress on the performance framework in accordance with section 256E.9.

l. Plans for identifying and serving students with disabilities, students who are English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

m. A description of cocurricular and extracurricular programs and how the programs will be funded and delivered.

n. Plans and timelines for student recruitment, enrollment, and transfers, including enrollment preferences and procedures for conducting transparent admissions selections, including admissions lotteries.

o. The proposed code of student conduct, including applicable procedures and disciplinary sanctions for both general students and special education students.

p. A chart or description of the charter school's organizational structure and the duties and powers of each position or group, including the delineation of authority and reporting between the governing board, staff, and any related bodies or external organizations that have a role in managing the charter school.

q. A staffing chart for the charter school's first year and a staffing plan for the duration of the charter school contract.

r. Plans for recruiting and developing school administrators, staff, and governing board members and the charter school's employment policies, including performance evaluation plans.

s. Proposed governing bylaws for the charter school.

t. Identification and explanation of any partnerships or contractual relationships with an education service provider that are related to the charter school's operations or mission.

u. The charter school's plans for providing transportation services, food service, and all other operational or ancillary services.

v. Proposed opportunities and expectations for parent involvement.

w. A detailed school start-up plan and five-year plan, including all relevant assumptions used, identifying timelines for charter school finances, budget, and insurance coverage, facility construction, preparation, and contingencies, and the identification of persons or positions responsible for each such item.

x. Evidence of anticipated fundraising contributions, if any.

y. If the application includes a proposal that the governing board contracts with an education service provider, evidence of the education service provider's success in serving student populations similar to that which is proposed in the application and if the education service provider operates other charter schools, evidence of past performance of such other charter schools and evidence of the education service provider's capacity for growth.

z. If the application includes a proposal that the governing board contracts with an education service provider, a description of the education service provider's staff performance evaluation measures and compensation structure, methods of contract oversight and dispute resolution, investment disclosures, and conflicts of interest.

aa. A proposed duration and outline of the charter school contract, including designation of roles, authority, and duties of the governing board and the charter school staff.

ab. The specific statutes and administrative rules with which the charter school does not intend to comply. The department, in consultation with the university of northern Iowa, shall provide technical assistance to the applicant concerning statutes and administrative rules that may be waived under the charter school contract in order to facilitate the goals of the charter school.

6. In reviewing and evaluating charter school applications, the state board and the university of northern Iowa shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review shall include thorough evaluation of the written application, an

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in-person interview with the applicant, and an opportunity in a public forum for local residents of the public school district within which the applicant proposes to locate the charter school to learn about and provide input on each application.

7. Following review of a charter school application and completion of the process required under subsection 6, the state board or the university of northern Iowa shall do all of the following:

a. Approve a charter school application only if the applicant has demonstrated competence in each element of the state board's or the university of northern Iowa's published approval criteria and the applicant is likely to open and operate a successful charter school.

b. Make application decisions on documented evidence collected through the application review process.

c. Adhere to the policies and criteria that are transparent, based on merit, and avoid conflicts of interest or any appearance thereof.

8. A charter school application under this section shall not be approved if the founding group has another pending application under this section.

9. The state board or the university of northern Iowa shall approve a charter school application if the application satisfies the requirements of this subchapter. The state board or the university of northern Iowa shall approve or deny a charter school application no later than seventy-five calendar days after the application is received. If the state board or the university of northern Iowa denies an application, the state board or the university of northern Iowa shall provide notice of denial to the applicant in writing within thirty days after board action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons. An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter school contract may be executed pursuant to section 256E.6. An approved charter application shall not serve as a charter school contract.

10. An unsuccessful charter school applicant may subsequently reapply to the state board or the university of northern Iowa.

11. A decision of the state board or the university of northern Iowa relating to an application under this section is not appealable.

2021 Acts, ch 112, §5; 2022 Acts, ch 1011, §4; 2026 Acts, ch 1086, §15 – 17, 101
Referred to in §280.13A
Section amended and editorially internally renumbered

256E.6 Charter school contract.

1. Within the later of thirty days following approval of a charter school application or upon the satisfaction of all reasonable conditions imposed on the applicant in the charter school approval, if any, an enforceable and renewable charter school contract shall be executed between the founding group and the state board or the university of northern Iowa, as applicable, setting forth the academic and operational performance expectations and measures by which the charter school will be evaluated pursuant to sections 256E.9 and 256E.10 and the other rights and duties of the parties.

2. An initial charter school contract shall be granted for a term of five school budget years, commencing with the school budget year in which the charter school opens. The charter school contract shall include the beginning and ending dates of the charter school contract term. An approved charter school shall open on the first day of the school year that is two school years immediately subsequent to the school year in which the charter school contract is executed under subsection 1; provided, however, that the approved charter school may open on the first day of the school year that is immediately subsequent to the school year in which the charter school contract is executed under subsection 1 if the approved charter school demonstrates adequate preparation to the state board or the university of northern Iowa. If the charter school requires an opening delay of more than two school years immediately subsequent to the school year in which the charter school contract is executed under subsection 1, the charter school may request an extension from the state board or the university of northern Iowa.

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3. Each charter school contract shall be signed by the president of the state board or the president of the university of northern Iowa, as applicable, and the president or appropriate officer of the governing body of the founding group.

4. Within fifteen days of the execution of a charter school contract entered into by the state board or the university of northern Iowa, the state board or the university of northern Iowa shall notify the department and the department of management of the name of the charter school and any applicable education service provider, the proposed location of the charter school, and the charter school's first year projected enrollment.

5. A charter school approved under this subchapter shall not commence operations without a valid charter school contract executed in accordance with this section and approved in an open session of the state board or by the university of northern Iowa.

6. The contract may provide for requirements or conditions to govern and monitor the start-up progress of an approved charter school from the date the charter school contract is executed through the date the charter school opens, including but not limited to conditions to ensure that the charter school meets all building, health, safety, insurance, and other legal requirements.

7. A charter school contract may be amended to govern multiple charter schools operated by the same applicant and approved by the state board or the university of northern Iowa. However, each charter school that is part of a charter school contract shall be separate and distinct from any other charter school governed by the contract.

2021 Acts, ch 112, §6; 2026 Acts, ch 1086, §18, 60, 101

Referred to in §256E.4, 256E.5

2026 amendment applies to charter school contracts that are executed or renewed pursuant to this chapter on or after May 12, 2026; 2026 Acts, ch 1086, §60

Section amended

256E.7 General operating powers and duties.

1. In order to fulfill the charter school's public purpose, a charter school established under this subchapter shall be organized as a nonprofit education organization and shall have all the powers necessary for carrying out the terms of the charter school contract including but not limited to the following, as applicable:

a. Receive and expend funds for charter school purposes.

b. Secure appropriate insurance and enter into contracts and leases.

c. Contract with an education service provider for the management and operation of the charter school so long as the governing board retains oversight authority over the charter school.

d. Incur debt in anticipation of the receipt of public or private funds.

e. Pledge, assign, or encumber the charter school's assets to be used as collateral for loans or extensions of credit.

f. Solicit and accept gifts or grants for charter school purposes unless otherwise prohibited by law or by the terms of its charter school contract.

g. Acquire from public or private sources real property for use as a charter school or a facility directly related to the operations of the charter school.

h. Sue and be sued in the charter school's own name.

i. Operate an education program that may be offered by any noncharter public school or school district.

2. A charter school established under this subchapter is exempt from all state statutes and rules and any local rule, regulation, or policy, applicable to a noncharter school, except that the charter school shall do all of the following:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or disability. If approved under section 256E.4, the charter school shall be subject to any court-ordered desegregation in effect for the school district at the time the charter school application is approved, unless otherwise specifically provided for in the desegregation order.

b. Operate as a nonsectarian, nonreligious school.

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c. Be free of tuition and application fees to Iowa resident students between the ages of five and twenty-one years.

d. Be subject to and comply with the requirements of section 29E.1 relating to the sharing of records or information, and the communication, collaboration, and coordination of efforts to best serve students, in the same manner as a school district.

e. Be subject to and comply with chapters 216 and 216A relating to civil and human rights.

f. Provide special education services in accordance with chapter 256B.

g. Be subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit shall be consistent with the requirements of sections 11.6, 11.14, 11.19, and 279.29, and section 256.9, subsection 20, except to the extent deviations are necessary because of the program at the school. The department, the university of northern Iowa, the auditor of state, or the legislative services agency may conduct financial, program, or compliance audits.

h. Be subject to and comply with the requirements of section 256.7, subsection 21, and the educational standards of section 256.11, unless specifically waived by the state board or the university of northern Iowa during the application process; provided, however, that the state board or the university of northern Iowa shall not waive any of the following educational standards:

(1) The educational standards of section 256.11 relating to the human growth and development curriculum for grades five through eight or the health curriculum for grades nine through twelve.

(2) The educational standards of section 256.11, subsection 2, related to the kindergarten program.

(3) The educational standards of section 256.11, subsection 3, paragraph *"a"*, subparagraph (5), related to the health curriculum.

(4) The educational standards of section 256.11, subsection 4, paragraph *"a"*, subparagraph (5), related to the health curriculum.

(5) The educational standards established in section 256.11, subsection 5, paragraph *"a"*, related to the use of instruction related to agriculture to fulfill a portion of the unit requirements related to science.

(6) The educational standards established in section 256.11, subsection 5, paragraph *"e"*, related to the use of instruction related to agriculture or applied sciences, technology, engineering, or manufacturing to fulfill a portion of the unit requirements related to mathematics.

i. Provide instruction for at least the number of days or hours required by section 279.10, subsection 1, unless specifically waived by the state board or the university of northern Iowa as part of the application process.

j. Be subject to and comply with sections 279.13 and 279.69 relating to state criminal history checks for teachers and registry checks for school employees in the same manner as a school district.

k. Be subject to and comply with the requirements of section 279.14B relating to prohibiting retaliation against employees or contractors for disclosing certain specified information in the same manner as a school district.

l. Be subject to and comply with the requirements of section 279.65 relating to student handbooks in the same manner as a school district.

m. Be subject to and comply with the requirements of section 279.65A relating to the adoption of policies related to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault in the same manner as a school district.

n. Be subject to and comply with the requirements of section 279.65B relating to the discipline of students who cause violent or nonviolent disruptions in the same manner as a school district.

o. Be subject to and comply with section 279.76 relating to physical examinations, health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

p. Be subject to and comply with the requirements of section 279.78 relating to

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prohibitions and requirements related to the gender identity of students in the same manner as a school district.

q. Be subject to and comply with the requirements of section 279.79 relating to student, employee, and contractor participation in surveys, analyses, activities, or evaluations in the same manner as a school district.

r. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender theory instruction in kindergarten through grade six in the same manner as a school district.

s. Be subject to and comply with the requirements of section 279.81 relating to prohibiting students from serving on any committees that determine, or provide recommendations related to, whether a material in a school library should be removed in the same manner as a school district.

t. Be subject to and comply with the requirements of section 279.89 relating to protected speech or expression in the same manner as a school district.

u. Be subject to and comply with the requirements of section 279.91 relating to student instructional technology standards in the same manner as a school district.

v. Be subject to and comply with the requirements of section 280.9A, subsection 2, related to the administration of a civics test in the same manner as a school district.

w. Be subject to and comply with the requirements of section 283A.6 relating to the preparation of meals provided to students, and prohibited ingredients in meals provided to students, in the same manner as a school district, if the charter school provides a breakfast or lunch program through the national school lunch program or the school breakfast program administered by the food and nutrition service of the United States department of agriculture.

x. Be subject to and comply with the requirements of section 280.34 relating to the reporting and investigation of an incident involving the possible commission of a felony by any person who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners in the same manner as a school district.

y. Be subject to and comply with the requirements of section 280.35 relating to the requirement to view the board of educational examiners' public license information prior to hiring an individual who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners in the same manner as a school district.

z. Be subject to and comply with the requirements of section 280.36 relating to the establishment of a multidisciplinary school safety assessment team in the same manner as a school district.

aa. Be subject to and comply with the requirements of section 280.37 relating to offering an elective junior fire fighter program to students enrolled in grades eleven and twelve in the same manner as a school district.

ab. Be subject to and comply with the requirements of section 280.38 relating to the verification of the employment eligibility of newly hired employees in the same manner as a school district.

ac. Be subject to and comply with the requirements of section 299.1, subsection 5, relating to absences from school because of involvement in a school-sponsored activity, program, competition, or project in the same manner as a school district.

ad. Comply with the requirements of this subchapter.

3. *a.* The governing board's meetings shall be conducted in a manner that is open to the public and the governing board shall be a governmental body for purposes of chapter 21.

b. The governing board shall be a government body for purposes of chapter 22 and all records, documents, and electronic data of the charter school and of the governing board shall be public records and shall be subject to the provisions of chapter 22 relating to the examination of public records.

4. *a.* A charter school shall employ or contract with teachers as defined in section 256.145, who hold valid licenses with an endorsement for the type of instruction or service for which the teachers are employed or under contract.

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b. The chief administrator of the charter school shall be one of the following:

(1) An administrator who holds a valid license under chapter 256, subchapter VII, part 3.

(2) A teacher who holds a valid license under chapter 256, subchapter VII, part 3.

(3) An individual who holds an authorization to be a charter school administrator issued by the board of educational examiners under chapter 256, subchapter VII, part 3. The board of educational examiners shall adopt rules for the issuance of such authorizations not later than December 31, 2021, and such authorizations shall only be valid for service or employment as a charter school administrator.

5. A charter school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school may limit admission to students who are within a particular range of ages or grade levels or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school.

6. A charter school shall enroll an eligible student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. Upon enrollment of an eligible student, the charter school shall notify the public school district of residence not later than March 1 of the school year preceding the school year of enrollment.

7. Each charter school governing board shall be required to adopt a conflict of interest policy and a code of ethics for all board members and employees.

8. Each charter school governing board shall adopt a policy regarding the hiring of family members to avoid nepotism in hiring and supervision. The policy shall include but is not limited to a disclosure to the governing board of potential nepotism in hiring and supervision. Any person subject to the policy with a conflict shall not be involved in the hiring decision or supervision of a potential employee.

9. Individuals compensated by an education service provider are prohibited from serving as a voting member on the governing board of any charter school unless the state board or the university of northern Iowa waives such prohibition.

10. If the charter school is operated by an education service provider, the governing board of the charter school shall have access to all records of the education service provider that are necessary to evaluate any provision of the contract or evaluate the education service provider's performance under the contract.

11. A majority of the membership of each charter school's governing board shall be residents of the geographic area served by the charter school. Each member of the governing board must be a citizen of the United States. Not more than one member of the governing board may be a resident of another state.

12. The governing board shall post the charter school's annual budget on the charter school's internet site for public viewing within ten days of approval of the budget. Each posted budget shall continue to be accessible for public viewing on the internet site for all subsequent budget years.

2021 Acts, ch 112, §7; 2021 Acts, ch 139, §35; 2022 Acts, ch 1036, §1; 2023 Acts, ch 19, §2554; 2023 Acts, ch 91, §5, 6; 2023 Acts, ch 95, §6; 2023 Acts, ch 96, §3; 2023 Acts, ch 100, §1; 2024 Acts, ch 1164, §2; 2025 Acts, ch 1, §24; 2025 Acts, ch 34, §1; 2025 Acts, ch 59, §2; 2025 Acts, ch 103, §2; 2025 Acts, ch 127, §3; 2026 Acts, ch 1086, §19 – 23, 101; 2026 Acts, ch 1119, §1; 2026 Acts, ch 1120, §3; 2026 Acts, ch 1129, §7, 11, 16; 2026 Acts, ch 1134, §2; 2026 Acts, ch 1137, §4; 2026 Acts, ch 1156, §15, 35; 2026 Acts, ch 1183, §14 – 16

Referred to in §256E.2, 282.9

Subsection 2, paragraph w applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1129, §11

Subsection 1, unnumbered paragraph 1 amended

Subsection 2 amended and editorially internally redesignated and renumbered

Subsection 9 amended

256E.8 Funding.

1. Each student enrolled in a charter school established under this subchapter shall be counted, for state school foundation purposes, in the student's district of residence pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (9), including any applicable

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amounts under section 256B.9. For purposes of this section, residence means a residence under section 282.1.

2. *a.* The charter school in which the student is enrolled shall receive under paragraph *"c"* an amount equal to the sum of the regular program state cost per pupil for the budget year plus the teacher leadership supplement state cost per pupil, the teacher salary supplement state cost per pupil, the professional development supplement state cost per pupil, and the early intervention supplement state cost per pupil for the budget year as provided in section 257.9 plus any moneys that would be due to the school district of residence for the student as a result of the non-English speaking weighting under section 280.4, subsection 3, for the budget year multiplied by the state cost per pupil for the budget year. If a student is an eligible pupil under section 261E.6, the charter school shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

b. For a student requiring special education, the school district of residence shall pay to the charter school, pursuant to the timeline in section 282.20, subsection 3, the actual costs incurred in providing the appropriate special education.

c. The amount required to be paid to the charter school under paragraph *"a"* shall be paid by the department to the charter school during the school year for which the student is enrolled in the charter school. The amount paid to the charter school under this paragraph shall result in an equal reduction to the school district of residence's state aid payment amount under chapter 257 for the school budget year following the school year for which the payment to the charter school is made, so long as the student was counted in the district of residence's actual enrollment in the school year for which the student attended the charter school.

d. There is appropriated annually from the general fund of the state to the department of education an amount necessary to pay all applicable amounts to charter schools under paragraph *"c"*.

3. The charter school shall complete and provide to the students' school districts of residence all documentation necessary to seek Medicaid reimbursement for eligible services.

4. If necessary, and pursuant to rules adopted by the state board, in consultation with the university of northern Iowa, funding amounts required under this section for the first school year of a new charter school shall be based on enrollment estimates for the charter school included in the charter school contract. The department, in consultation with the university of northern Iowa, shall adopt rules to establish a process for determining estimated enrollments for charter school funding purposes in school years after the first school year of a charter school. Amounts paid using estimated enrollments shall be reconciled during subsequent payments based on actual enrollment of the charter school during each school year.

2021 Acts, ch 112, §8; 2022 Acts, ch 1149, §20, 21, 23; 2024 Acts, ch 1168, §1; 2026 Acts, ch 1086, §24, 62, 66, 101

2026 amendment to subsection 2, paragraph a applies to school budget years beginning on or after July 1, 2026; 2026 Acts, ch 1086, §66

Subsections 1 and 4 amended

Subsection 2, paragraph a amended

256E.9 Performance framework.

1. The performance provisions within the charter school contract shall be based on a performance framework adopted by the state board, in consultation with the university of northern Iowa, that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the evaluation of the charter school by the state board or the university of northern Iowa, without compromising individual student privacy. The performance framework shall include but is not limited to indicators, measures, and metrics for all of the following:

a. Student academic proficiency.

b. Student academic growth.

c. Achievement gaps in both proficiency and growth between specified populations or groups of students, including groups based on gender, race, poverty, special education status, English learner status, and gifted status.

d. Attendance.

e. Enrollment attrition.

f. Postsecondary readiness for students in grades nine through twelve.

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g. Goals specified in the charter school's mission.

h. Financial performance and sustainability.

i. Governing board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the charter contract.

2. Annual performance targets shall be agreed upon between each charter school and the state board, in consultation with the university of northern Iowa, if applicable. Such performance targets shall be contained in the charter school contract and shall be designed to help each charter school meet applicable federal, state, and local standards. The performance targets contained in the charter school contract may be amended by mutual agreement after the charter school is operating and has collected initial achievement data for the charter school's students.

3. The state board is responsible for collecting, analyzing, and reporting all data from state assessments and other state data sources in accordance with the performance framework. However, all efforts shall be made by all parties to the charter school contract to eliminate or reduce duplicative data reporting requirements.

4. Multiple charter schools operating under a single charter school contract shall be required to report their performance data as separate, individual schools, with each charter school held independently accountable for performance.

5. Each charter school established under this subchapter shall be evaluated and graded by the department pursuant to the attendance center performance ranking system developed and adopted by the department.

2021 Acts, ch 112, §9; 2022 Acts, ch 1011, §5; 2026 Acts, ch 1086, §25, 26, 101
Referred to in §256E.4, 256E.5, 256E.6, 256E.10, 256E.23
Subsection 1, unnumbered paragraph 1 amended
Subsections 2 and 5 amended

256E.10 Oversight — corrective action — contract renewal — revocation.

1. The state board and the university of northern Iowa shall monitor the performance and compliance of each charter school approved by the state board or the university of northern Iowa, including collecting and analyzing data according to the charter school contract in order to meet the requirements of this subchapter. Such oversight may include inquiries and investigation of the charter school so long as the activities are consistent with the intent of this subchapter, adhere to the terms of the charter school contract, and do not unduly inhibit the autonomy granted to the charter school. Any performance report resulting from an inquiry or investigation under this section shall, upon conclusion of such action, be included in the annual report required under section 256E.12.

2. As part of the charter school contract, the charter school shall submit an annual report to the state board or the university of northern Iowa to assist the state board or the university of northern Iowa in evaluating the charter school's performance and compliance with the performance framework.

3. If a charter school's performance under the charter school contract or compliance with applicable laws or rules is unsatisfactory, the state board shall notify the charter school of the perceived problem and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation, in which case the revocation provisions of this section apply.

4. The state board may take appropriate corrective actions or impose sanctions, other than revocation, in response to deficiencies in the charter school's performance or compliance with applicable laws and rules. Such actions or sanctions may include requiring the charter school to develop and execute a corrective action plan within a specified time period.

5. A charter school contract may be renewed for periods of time not to exceed an additional five years.

6. Annually, by June 30, the state board or the university of northern Iowa, as applicable, shall issue a charter school performance report and charter school contract renewal application guidance to each charter school whose charter school contract will expire during the following school budget year. The performance report shall summarize the charter school's performance record to date based on the data required by the charter school contract and by this subchapter and shall identify concerns that may jeopardize renewal

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of the charter school contract if not remedied. The charter school shall have sixty days to respond to the performance report and submit any corrections or clarifications for the report.

7. The renewal application guidance shall, at a minimum, include the criteria that will be used when assessing charter school contract renewal decisions and provide an opportunity for the charter school to:

a. Present additional evidence, beyond the data contained in the performance report.

b. Describe improvements undertaken or planned for the charter school.

c. Describe the charter school's plans, including any proposed modifications, for the next charter school contract term.

8. No later than October 1, the governing board of a charter school seeking renewal shall submit a renewal application to the state board or the university of northern Iowa pursuant to the renewal application guidance. A renewal or denial shall be approved by resolution of the state board, or by the university of northern Iowa, within sixty days following the filing of the renewal application.

9. Unless eligible for expedited renewal under subsection 13, when reviewing a charter school contract renewal application, the state board or the university of northern Iowa shall do all of the following:

a. Use evidence of the school's performance over the term of the charter school contract in accordance with the applicable performance framework.

b. Ensure that data used in making renewal decisions is available to the charter school and the public.

c. Provide a report summarizing the evidence that served as a basis for the decision.

10. A charter school contract may be revoked at any time or not renewed if the state board or the university of northern Iowa determines that the charter school did any of the following:

a. Committed a material violation of any of the terms, conditions, standards, or procedures required under the charter school contract or this subchapter.

b. Failed to meet or make sufficient progress toward the performance expectations set forth in the charter school contract.

c. Failed to meet generally accepted standards of fiscal management.

d. Violated a provision of law from which the charter school was not exempted.

11. The state board, in consultation with the university of northern Iowa, shall develop charter school contract revocation and nonrenewal standards and procedures that do all of the following:

a. Provide the charter school with a timely notice of the possibility of revocation or nonrenewal and of the reasons therefor.

b. Allow the charter school a reasonable period of time in which to prepare a response to any notice received.

c. Provide the charter school an opportunity to submit documents and give testimony challenging the decision to revoke the charter school contract or the decision to not renew the contract.

d. Allow the charter school the opportunity to hire legal representation and to call witnesses.

e. Permit the audio or video recording of such proceedings described in paragraphs "*c*" and "*d*".

f. Require a final decision to be conveyed in writing to the charter school.

12. A decision to revoke or to not renew a charter school contract shall be by resolution of the state board, or by the university of northern Iowa, and shall clearly state the reasons for the revocation or nonrenewal.

13. If a charter school has been evaluated and graded to be in the exceptional category, or the highest rated category under a succeeding evaluation system, under the evaluation and grading required under section 256E.9, subsection 5, for the immediately preceding two school years, and the charter school is in compliance with the current charter school contract and all provisions of this subchapter, the charter school's application renewal under subsection 8 shall be renewed for an additional period of time equal to the length of the original charter school contract or the most recent renewal of the contract, whichever is longer, unless the state board or the university of northern Iowa provides written notice to

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the charter school of the state board's or the university of northern Iowa's rejection of the expedited renewal within sixty days of the filing of the application. The state board or the university of northern Iowa shall not reject an expedited renewal application unless the state board or the university of northern Iowa finds exceptional circumstances for the rejection or seeks material changes to the charter school contract.

2021 Acts, ch 112, §10; 2021 Acts, ch 139, §36; 2026 Acts, ch 1086, §27 – 31, 101
Referred to in §256E.4, 256E.5, 256E.6, 282.18
Subsections 1, 2, 6, 8, 12, and 13 amended
Subsection 9, unnumbered paragraph 1 amended
Subsection 10, unnumbered paragraph 1 amended
Subsection 10, paragraph a amended
Subsection 11, unnumbered paragraph 1 amended

256E.11 Procedures for charter school closure — student enrollment.

1. Prior to any charter school closure decision, the state board, in consultation with the university of northern Iowa, shall develop a charter school closure protocol to ensure timely notice to parents and guardians, provide for the orderly transition of students and student records to new schools, and to provide proper disposition of school funds, property, and assets in accordance with the requirements of this subchapter. The protocol shall specify required actions and timelines and identify responsible parties for each such action.

2. In the event of a charter school closure, the assets of the charter school shall be used first to satisfy outstanding payroll obligations for employees of the school and any liabilities due and owing to the Iowa public employees' retirement system, then to creditors of the school, then to the public school district in which the charter school operated, if applicable, and then to the state general fund. If the assets of the charter school are insufficient to pay all obligations of the charter school, the prioritization of the distribution of assets shall be consistent with this subsection and otherwise determined by the district court.

2021 Acts, ch 112, §11; 2026 Acts, ch 1086, §32, 71, 101
Section amended

256E.12 Reports.

1. Each charter school shall prepare and file an annual report with the department. The department, in consultation with the university of northern Iowa, shall prescribe by rule the required contents of the report, but each such report shall include information regarding student achievement, including annual academic growth and proficiency, graduation rates, and financial performance and sustainability. The reports are public records and the examination, publication, and dissemination of the reports are governed by the provisions of chapter 22.

2. The state board, in consultation with the university of northern Iowa, shall prepare and file with the general assembly by December 1, annually, a comprehensive report with findings and recommendations relating to the charter school program in the state and whether the charter school program under this subchapter is meeting the goals and purposes of the program. The report also shall contain, for each charter school, a copy of the charter school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and the number and qualifications of teachers and administrators.

2021 Acts, ch 112, §12; 2026 Acts, ch 1086, §33, 101
Referred to in §256E.10
Section amended

256E.13 Students receiving instruction over internet — participation in activities in district of residence.

1. A student enrolled in a charter school who receives educational instruction and course content primarily over the internet may participate in any cocurricular or extracurricular activities offered to children in the student's grade or group and sponsored by the district of residence under the same conditions and requirements as the students enrolled in the district of residence. The student may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility,

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conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

2. If a student participates in a cocurricular or extracurricular activity in accordance with this section, the district of residence may charge the charter school up to two hundred dollars per activity, for up to two activities. For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which a resident district may charge up to two hundred dollars per activity for up to two activities under this section include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A student may participate in additional extracurricular activities at the discretion of the resident district. The resident district may charge the student a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident students.

2024 Acts, ch 1168, §7

256E.14 through 256E.19 Reserved.

SUBCHAPTER II

LEGACY CHARTER SCHOOLS

256E.20 Authorization and purpose.

1. Charter schools shall be part of the state's program of public education.

2. A charter school may be established by creating a new school within an existing public school or converting an existing public school to charter status.

3. The purpose of a charter school established pursuant to this subchapter shall be to accomplish the following:

a. Improve student learning.

b. Increase learning opportunities for students.

c. Encourage the use of different and innovative methods of teaching.

d. Require the measurement of learning outcomes and create different and innovative forms of measuring outcomes.

e. Establish new forms of accountability for schools.

f. Create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

g. Create different organizational structures for continuous learner progress.

h. Allow greater flexibility to meet the education needs of a diverse and constantly changing student population.

i. Allow for the allocation of resources in innovative ways through implementation of specialized school budgets for the benefit of the schools served.

2002 Acts, ch 1124, §1, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.1
2010 Acts, ch 1001, §2 – 5; 2026 Acts, ch 1086, §34 – 36, 59, 101
C2027, §256E.20
Referred to in §256E.24
Section transferred from §256F.1 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Subsection 1 amended
Subsection 3, unnumbered paragraph 1 amended
Subsection 4 stricken

256E.21 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Advisory council"* means a council appointed by the school board of directors of a charter school pursuant to section 256E.24, subsection 4.

2. *"Attendance center"* means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

3. *"Charter school"* means a charter school established in accordance with this subchapter.

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4. *"Department"* means the department of education.

5. *"School board"* means a board of directors regularly elected by the registered voters of a school district.

6. *"State board"* means the state board of education.

2002 Acts, ch 1124, §2, 16; 2003 Acts, ch 79, §7, 8

CS2003, §256F.2

2010 Acts, ch 1001, §6 – 9; 2010 Acts, ch 1069, §32; 2014 Acts, ch 1026, §62; 2015 Acts, ch 30, §89; 2026 Acts, ch 1086, §37 – 39, 59, 101

C2027, §256E.21

Section transferred from §256F.2 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Unnumbered paragraph 1 amended
Subsections 1 and 3 amended
Subsections 5 and 6 stricken and former subsections 7 and 8 renumbered as 5 and 6

256E.22 Monitoring — no new approvals — adoption of rules.

1. The department shall monitor the effectiveness of charter schools and shall implement the applicable provisions of this subchapter.

2. The state board shall not approve a new charter school under this subchapter on or after July 1, 2021.

3. The state board shall adopt rules in accordance with chapter 17A for the implementation of this subchapter. If federal rules or regulations relating to the distribution or utilization of federal funds allocated to the department pursuant to this section are adopted that are inconsistent with the provisions of this subchapter, the state board shall adopt rules to comply with the requirements of the federal rules or regulations. The state board shall identify inconsistencies between federal and state rules and regulations as provided in this subsection and shall submit recommendations for legislative action to the chairpersons and ranking members of the senate and house standing committees on education at the next meeting of the general assembly.

2002 Acts, ch 1124, §3, 16; 2003 Acts, ch 79, §1, 7, 8

CS2003, §256F.3

2006 Acts, ch 1152, §7, 17; 2010 Acts, ch 1001, §10; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1193, §45; 2018 Acts, ch 1057, §7; 2021 Acts, ch 112, §13; 2022 Acts, ch 1011, §6; 2026 Acts, ch 1040, §64; 2026 Acts, ch 1086, §40, 59, 101

C2027, §256E.22

Section transferred from §256F.3 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
See Code editor's note on simple harmonization at the beginning of this Code volume
Section amended

256E.23 General operating requirements.

1. Although a charter school may elect to comply with one or more provisions of statute or administrative rule, a charter school is exempt from all statutes and rules applicable to a school, a school board, or a school district, except that the charter school shall do all of the following:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or disability. A charter school located within the boundaries of a school district subject to court-ordered desegregation at the time the charter school application is approved shall be subject to the desegregation order unless otherwise specifically provided for in the desegregation order.

b. Operate as a nonsectarian, nonreligious public school.

c. Be free of tuition and application fees to Iowa resident students between the ages of five and twenty-one years.

d. Be subject to and comply with the requirements of section 29E.1 relating to the sharing of records or information, and the communication, collaboration, and coordination of efforts to best serve students, in the same manner as a school district.

e. Be subject to and comply with chapters 216 and 216A relating to civil and human rights.

f. Provide special education services in accordance with chapter 256B.

g. Be subject to the same financial audits, audit procedures, and audit requirements as a

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school district. The audit shall be consistent with the requirements of sections 11.6, 11.14, 11.19, 256.9, subsection 20, and section 279.29, except to the extent deviations are necessary because of the program at the school. The department, the auditor of state, or the legislative services agency may conduct financial, program, or compliance audits.

h. Be subject to and comply with chapter 284 relating to the student achievement and teacher quality program. A charter school that complies with chapter 284 shall receive state moneys or be eligible to receive state moneys calculated as provided in section 257.10, subsections 9 and 10, and section 257.37A as if it did not operate under a charter school contract.

i. Be subject to and comply with chapters 20 and 279 relating to contracts with and discharge of teachers and administrators.

j. Be subject to and comply with the provisions of chapter 285 relating to the transportation of students.

k. Meetings and records of the advisory council are subject to the provisions of chapters 21 and 22.

l. Be subject to and comply with section 279.76 relating to physical examinations, health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

m. Be subject to and comply with the requirements of section 279.78 relating to prohibitions and requirements related to the gender identity of students in the same manner as a school district.

n. Be subject to and comply with the requirements of section 279.79 relating to student, employee, and contractor participation in surveys, analyses, activities, or evaluations in the same manner as a school district.

o. Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender theory instruction in kindergarten through grade six in the same manner as a school district.

p. Be subject to and comply with the requirements of section 279.81 relating to prohibiting students from serving on any committees that determine, or provide recommendations related to, whether a material in a school library should be removed in the same manner as a school district.

q. Be subject to and comply with the requirements of section 256.11, subsection 2, relating to the kindergarten program in the same manner as a school district.

r. Be subject to and comply with the requirements of section 256.11, subsection 3, paragraph "*a*", subparagraph (5), relating to the health curriculum in the same manner as a school district.

s. Be subject to and comply with the requirements of section 256.11, subsection 4, paragraph "*a*", subparagraph (5), relating to the health curriculum in the same manner as a school district.

t. Be subject to and comply with the requirements of section 279.89 relating to protected speech or expression in the same manner as a school district.

u. Be subject to and comply with the requirements of section 256.11, subsection 5, paragraph "*a*", relating to the use of instruction related to agriculture to fulfill a portion of the unit requirements related to science in the same manner as a school district.

v. Be subject to and comply with the requirements of section 256.11, subsection 5, paragraph "*e*", relating to the use of instruction related to agriculture or applied sciences, technology, engineering, or manufacturing to fulfill a portion of the unit requirements related to mathematics in the same manner as a school district.

w. Be subject to and comply with the requirements of section 280.36 relating to the establishment of a multidisciplinary school safety assessment team in the same manner as a school district.

x. Be subject to and comply with the requirements of section 256.11 relating to the human growth and development curriculum for grades five through eight, and the health curriculum for grades nine through twelve, in the same manner as a school district.

y. Be subject to and comply with the requirements of section 280.9A, subsection 2, relating to the administration of a civics test in the same manner as a school district.

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z. Be subject to and comply with the requirements of section 256E.9 related to the incorporation into the charter school contract of a performance framework that is used by the state board to evaluate the charter school in the same manner as a charter school established under subchapter I.

aa. Be subject to and comply with the requirements of section 279.91 relating to student instructional technology standards in the same manner as a school district.

ab. Be subject to and comply with the requirements of section 283A.6 relating to the preparation of meals provided to students, and prohibited ingredients in meals provided to students, in the same manner as a school district, if the charter school or innovation zone school provides a breakfast or lunch program.

ac. Be subject to and comply with the requirements of section 280.37 relating to offering an elective junior fire fighter program to students enrolled in grades eleven and twelve in the same manner as a school district.

ad. Be subject to and comply with the requirements of section 280.38 relating to the verification of the employment eligibility of newly hired employees in the same manner as a school district.

ae. Be subject to and comply with the requirements of section 279.65B relating to the discipline of students who cause violent or nonviolent disruptions in the same manner as a school district.

2. A charter school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school may limit admission to students who are within a particular range of ages or grade levels or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school.

3. A charter school shall enroll an eligible resident student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. A charter school may enroll an eligible nonresident student who submits a timely application in accordance with the student admission policy established pursuant to section 256E.24, subsection 1. If the charter school enrolls an eligible nonresident student, the charter school shall notify the school district of residence and the sending district not later than March 1 of the preceding school year. Transportation for the student shall be in accordance with section 282.18, subsection 10. The sending district shall make payments to the charter school in the manner required under section 282.18, subsection 7.

4. A charter school shall provide instruction for at least the number of days or hours required by section 279.10, subsection 1.

5. Notwithstanding subsection 1, a charter school shall meet the requirements of section 256.7, subsection 21.

6. A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid pursuant to chapter 257.

7. A charter school may enter into contracts in accordance with chapter 26.

2002 Acts, ch 1124, §4, 16; 2002 Acts, ch 1175, §81; 2003 Acts, ch 35, §46, 49; 2003 Acts, ch 79, §2, 7, 8

CS2003, §256F.4

2006 Acts, ch 1185, §127; 2010 Acts, ch 1001, §11 – 14; 2013 Acts, ch 121, §80, 85; 2021 Acts, ch 90, §1, 4; 2022 Acts, ch 1036, §2; 2023 Acts, ch 91, §7, 8; 2024 Acts, ch 1164, §3; 2025 Acts, ch 1, §25; 2025 Acts, ch 59, §3; 2025 Acts, ch 103, §3; 2025 Acts, ch 127, §4; 2026 Acts, ch 1040, §65; 2026 Acts, ch 1086, §41 – 45, 59, 61, 101; 2026 Acts, ch 1120, §4; 2026 Acts, ch 1129, §8, 11, 17; 2026 Acts, ch 1134, §3; 2026 Acts, ch 1137, §5; 2026 Acts, ch 1156, §16, 35; 2026 Acts, ch 1183, §17, 18

C2027, §256E.23

Subsection 1, paragraph z applies to charter school contracts entered into under section 256E.25 between a school board and the state board of education that are renewed on or after May 12, 2026; 2026 Acts, ch 1086, §61

Subsection 1, paragraph ab applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1129, §11

Section transferred from §256F.4 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59

Section amended and editorially internally renumbered and redesignated

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256E.24 Application — definition.

An application to the state board for the approval of a charter school shall include but shall not be limited to a description of the following:

1. The method for admission to the charter school.
2. The mission, purpose, innovation, and specialized focus of the charter school.
3. Performance goals and objectives in addition to those required under section 256.7, subsection 21, by which the school's student achievement shall be judged, the measures to be used to assess progress, and the current baseline status with respect to the goals.
4. The method for appointing or forming an advisory council for the charter school. The membership of an advisory council appointed or formed in accordance with this subchapter shall not include more than one member of a participating school board.
5. Procedures for teacher evaluation and professional development for teachers and administrators.
6. The charter school governance and bylaws.
7. The financial plan for the operation of the charter school including, at a minimum, a listing of the support services the school district will provide, and the charter school's revenues, budgets, and expenditures.
8. The educational program and curriculum, instructional methodology, and services to be offered to students.
9. The number and qualifications of teachers and administrators to be employed.
10. The organization of the charter school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the charter school.
11. The provision of school facilities.
12. A statement indicating how the charter school will meet the requirements of section 256E.20, as applicable; section 256E.23, subsection 1, paragraph "*a*"; and section 256E.23, subsection 2.
13. Assurance of the assumption of liability by the charter school.
14. The types and amounts of insurance coverage to be obtained by the charter school.
15. A plan of operation to be implemented if the charter school revokes or fails to renew its contract.
16. The means, costs, and plan for providing transportation for students enrolled in the charter school.
17. The specific statutes, administrative rules, and school board policies with which the charter school does not intend to comply.

2002 Acts, ch 1124, §5, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.5
2010 Acts, ch 1001, §15, 16; 2011 Acts, ch 34, §65; 2026 Acts, ch 1086, §46, 47, 59, 101
C2027, §256E.24
Referred to in §256E.21, 256E.23, 256E.25
Section transferred from §256F.5 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Unnumbered paragraph 1 amended
Subsections 1, 2, 4, 6, 7, 10, and 12 – 17 amended

256E.25 Contract.

1. *a.* An approved charter school application shall constitute an agreement, the terms of which shall, at a minimum, be the terms of a five-year enforceable, renewable contract between a school board and the state board. The terms of the contract may be revised at any time with the approval of both the state board and the school board, whether or not the stated provisions of the contract are being fulfilled. The contract must include all of the following:

(1) An operating agreement for the operation of the charter school.

(2) A performance framework as required under section 256E.23, subsection 1, paragraph "*z*".

b. A contract may be renewed by agreement of the school board and the state board.

c. The charter school shall provide parents and guardians of students enrolled in the charter school with a copy of the charter school application approved pursuant to section 256E.24.

2. The contract shall outline the reasons for revocation or nonrenewal of the contract.

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3. The state board of education shall provide by rule for the ongoing review of each party's compliance with a contract entered into in accordance with this subchapter.

2002 Acts, ch 1124, §6, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.6
2010 Acts, ch 1001, §17; 2010 Acts, ch 1193, §46; 2013 Acts, ch 90, §64; 2026 Acts, ch 1086, §48, 59, 61, 101
C2027, §256E.25
2026 amendment to subsection 1, paragraph a applies to charter school contracts entered into under this section between a school board and the state board of education that are renewed on or after May 12, 2026; 2026 Acts, ch 1086, §61
Section transferred from §256F.6 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Subsections 1 and 3 amended

256E.26 Employment and related matters.

1. A charter school shall employ or contract with necessary teachers and administrators, as defined in section 256.145, who hold a valid license with an endorsement for the type of service for which the teacher or administrator is employed.

2. The school board, in consultation with the advisory council, shall decide matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

3. Employees of a charter school shall be considered employees of the school district.

2002 Acts, ch 1124, §7, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.7
2010 Acts, ch 1001, §18; 2026 Acts, ch 1086, §49, 59, 101
C2027, §256E.26
Section transferred from §256F.7 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Section amended

256E.27 Procedures for revocation or nonrenewal of contract.

1. A contract for the establishment of a charter school may be revoked by the state board or the school board that established the charter school if the appropriate board determines that one or more of the following occurred:

a. Failure of the charter school to abide by and meet the provisions set forth in the contract, including educational goals.

b. Failure of the charter school to comply with all applicable law.

c. Failure of the charter school to meet generally accepted public sector accounting principles.

d. The existence of one or more other grounds for revocation as specified in the contract.

e. Assessment of student progress, which is administered in accordance with state and locally determined indicators established pursuant to rules adopted by the state board, does not show improvement in student progress over that which existed in the same student population prior to the establishment of the charter school.

2. The decision by a school board to revoke or to fail to take action to renew a charter school contract is subject to appeal under procedures set forth in chapter 290.

3. A school board that is considering revocation or nonrenewal of a charter school contract shall notify the advisory council, the parents or guardians of the students enrolled in the charter school, and the teachers and administrators employed by the charter school, sixty days prior to revoking or the date by which the contract must be renewed, but not later than the last day of classes in the school year.

4. If the state board determines that a charter school is in substantial violation of the terms of the contract, the state board shall notify the school board and the advisory council of its intention to revoke the contract at least sixty days prior to revoking a contract and the school board shall assume oversight authority, operational authority, or both oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The school board may request in writing an informal hearing before the state board within fourteen days of receiving notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the school board of the hearing date. The state board shall conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least

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disruptive to students enrolled in the charter school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under this section occurs prior to the last day of classes in the school year, a charter school student may enroll in the resident district.

5. The decision of the state board to revoke a contract under this section is solely within the discretion of the state board and is final.

6. A school board revoking a contract or a school board or advisory council that fails to renew a contract under this subchapter is not liable for that action to the charter school, a student enrolled in the charter school or the student's parent or guardian, or any other person.

2002 Acts, ch 1124, §8, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.8
2010 Acts, ch 1001, §19, 20; 2026 Acts, ch 1086, §50, 59, 101
C2027, §256E.27
Referred to in §282.18
Section transferred from §256F.8 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Subsections 1 – 4 and 6 amended

256E.28 Procedures after revocation — student enrollment.

If a charter school contract is revoked in accordance with this subchapter, a nonresident student who attended the school, and any siblings of the student, may submit an application to another school district according to section 282.18. Applications and notices required by section 282.18 shall be processed and provided in a prompt manner.

2002 Acts, ch 1124, §9, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.9
2009 Acts, ch 133, §234; 2010 Acts, ch 1001, §21; 2022 Acts, ch 1153, §32, 41; 2026 Acts, ch 1040, §66; 2026 Acts, ch 1086, §51, 59, 101
C2027, §256E.28
Section transferred from §256F.9 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
See Code editor's note on simple harmonization at the beginning of this Code volume
Section amended

256E.29 Reports.

1. A charter school shall report at least annually to the school board, advisory council, and the state board the information required by the school board, advisory council, or the state board. The reports are public records subject to chapter 22.

2. Not later than December 1 annually, the state board shall submit a comprehensive report with findings and recommendations to the general assembly. The report shall evaluate the state's charter school programs generally, including but not limited to an evaluation of whether the charter schools are fulfilling the purposes set forth in section 256E.23, subsection 1. The report also shall contain, for each charter school, a copy of the charter school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, the number and qualifications of teachers and administrators, and number of and comments on supervisory visits by the department of education.

2002 Acts, ch 1124, §10, 16; 2003 Acts, ch 79, §7, 8
CS2003, §256F.10
2010 Acts, ch 1001, §22; 2026 Acts, ch 1086, §52, 59, 101
C2027, §256E.29
Section transferred from §256F.10 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Section amended

256E.30 Operation of existing charter schools.

Charter schools established under this subchapter prior to July 1, 2021, shall continue to operate under and be subject to the requirements of this subchapter and shall not be subject to subchapter I.

2021 Acts, ch 112, §14
C2022, §256F.12

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2026 Acts, ch 1086, §53, 59, 101
C2027, §256E.30
Section transferred from §256F.12 in Code 2027 pursuant to directive in 2026 Acts, ch 1086, §59
Section amended

CHAPTER 256F

CHARTER SCHOOLS AND INNOVATION ZONE SCHOOLS

Transferred to chapter 256E, subchapter II, pursuant to directive; 2026 Acts, ch 1086, §59

CHAPTER 256G

RESEARCH AND DEVELOPMENT SCHOOL

Repealed by 2020 Acts, ch 1045, §24

CHAPTER 256H

INTERSTATE COMPACT ON EDUCATION OF MILITARY CHILDREN

256H.1 Interstate compact on educational opportunity for military children.
256H.2 Council on educational opportunity for military children.
256H.3 Compact commissioner — appointment.

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256H.1 Interstate compact on educational opportunity for military children.

The interstate compact on educational opportunity for military children is enacted into law and entered into by this state with any other state or jurisdiction legally joining the compact in the form substantially as follows:

1. *Article I — Purpose.* It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

a. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance and age requirements.

b. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

c. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

d. Facilitating the on-time graduation of children of military families.

e. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

f. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

g. Promoting coordination between this compact and other compacts affecting military children.

h. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

2. *Article II — Definitions.* As used in this compact, unless the context clearly requires a different construction:

a. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ch. 1209 and 1211.

b. "Children of military families" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

c. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to article VIII of this compact.

d. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

e. "Education records" or *"educational records"* means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

f. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include but are not limited to preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

g. "Interstate commission" means the commission on educational opportunity for military children that is created under article IX of this compact.

h. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

i. "Member state" means a state that has enacted this compact.

j. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any state. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

k. "Nonmember state" means a state that has not enacted this compact.

l. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

m. "Rule" means a written statement by the interstate commission promulgated pursuant to article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

n. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

o. "State" means the same as defined in section 4.1.

p. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

q. "Transition" means the formal and physical process of transferring from school to school or the period of time in which a student moves from one school in the sending state to another school in the receiving state.

r. "Uniformed service" means the army, navy, air force, marine corps, coast guard, commissioned corps of the national oceanic and atmospheric administration, or commissioned corps of the public health services.

s. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

3. *Article III — Applicability.*

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a. Except as otherwise provided in paragraph *"b"*, this compact shall apply to the children of:

(1) Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ch. 1209 and 1211.

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.

(3) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

b. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

c. The provisions of this compact shall not apply to the children of any of the following:

(1) Inactive members of the national guard and military reserves.

(2) Members of the uniformed services now retired, except as provided in paragraph *"a"*.

(3) Veterans of the uniformed services, except as provided in paragraph *"a"*.

(4) Other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

4. *Article IV — Educational records and enrollment.*

a. Unofficial or hand-carried education records. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

b. Official education records or transcripts. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

c. Immunizations. Compacting states shall give students thirty days from the date of enrollment or such time as is reasonably determined under the rules promulgated by the interstate commission, to obtain any immunization required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

d. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

5. *Article V — Placement and attendance.*

a. Course placement. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered, or both. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does

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not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

b. Educational program placement. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state. Such programs include but are not limited to gifted and talented programs and English as a second language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

c. Special education services. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program; and, in compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. §794, and with Tit. II of the Americans with Disabilities Act, 42 U.S.C. §12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing section 504 or Tit. II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

d. Placement flexibility. Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

e. Absence as related to deployment activities. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to such leave or deployment of the parent or guardian.

6. *Article VI — Eligibility.*

a. Eligibility for enrollment.

(1) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(2) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(3) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

b. Eligibility for extracurricular participation. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

7. *Article VII — Graduation.* In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

a. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

b. Exit exams.

(1) States shall accept any of the following in lieu of testing requirements for graduation in the receiving state:

(a) Exit or end-of-course exams required for graduation from the sending state.

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(b) National norm-referenced achievement tests.

(c) Alternative testing.

(2) In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of paragraph "*c*" shall apply.

c. Transfers during senior year. Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs "*a*" and "*b*".

8. *Article VIII — State coordination.*

a. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the director of the department of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

b. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

c. The compact commissioner responsible for the administration and management of the state's participation in this compact shall be appointed by the governor or as otherwise determined by each member state.

d. The compact commissioner and the military family education liaison designated in sections 256H.2 and 256H.3 shall be ex officio members of the state council, unless either is already a full voting member of the state council.

9. *Article IX — Interstate commission on educational opportunity for military children.* The member states hereby create the interstate commission on educational opportunity for military children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

a. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

b. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

(1) Each member state represented at a meeting of the interstate commission is entitled to one vote.

(2) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(3) A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from the compact commissioner's state for a specified meeting.

(4) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

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c. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members.

d. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

e. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of this compact including enforcement and compliance with the provisions of this compact, its bylaws and rules, and other such duties as deemed necessary. The United States department of defense shall serve as an ex officio, nonvoting member of the executive committee.

f. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent disclosure would adversely affect personal privacy rights or proprietary interests.

g. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in this compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would likely do any of the following:

(1) Relate solely to the interstate commission's internal personnel practices and procedures.

(2) Disclose matters specifically exempted from disclosure by federal and state statute.

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential.

(4) Involve accusing a person of a crime, or formally censuring a person.

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(6) Disclose investigative records compiled for law enforcement purposes.

(7) Specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

h. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission.

i. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

j. Create a process that permits military officials, education officials, and parents to inform

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the interstate commission if and when there are alleged violations of this compact or its rules or when issues subject to the jurisdiction of this compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

10. *Article X — Powers and duties of the interstate commission.* The interstate commission shall have the following powers:

a. To provide for dispute resolution among member states.

b. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

c. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this compact, its bylaws, rules, and actions.

d. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

e. To establish and maintain offices which shall be located within one or more of the member states.

f. To purchase and maintain insurance and bonds.

g. To borrow, accept, hire, or contract for services of personnel.

h. To establish and appoint committees including but not limited to an executive committee as required by article IX of this compact which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under this compact.

i. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

j. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

k. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

l. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

m. To establish a budget and make expenditures.

n. To adopt a seal and bylaws governing the management and operation of the interstate commission.

o. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.

p. To coordinate education, training, and public awareness regarding this compact, its implementation and operation for officials and parents involved in such activity.

q. To establish uniform standards for the reporting, collecting, and exchanging of data.

r. To maintain corporate books and records in accordance with the bylaws.

s. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

t. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

11. *Article XI — Organization and operation of the interstate commission.*

a. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of this compact, including but not limited to:

(1) Establishing the fiscal year of the interstate commission.

(2) Establishing an executive committee, and such other committees as may be necessary.

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(3) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission.

(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting.

(5) Establishing the titles and responsibilities of the officers and staff of the interstate commission.

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of this compact after the payment and reserving of all of its debts and obligations.

(7) Providing start-up rules for initial administration of this compact.

b. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

c. (1) The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to the following:

(a) Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission.

(b) Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions.

(c) Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

(2) The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

d. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state shall not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this paragraph "*d*" shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate

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commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

12. *Article XII — Rulemaking functions of the interstate commission.*

a. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted under this compact, then such an action by the interstate commission shall be invalid and have no force or effect.

b. Rules shall be made pursuant to a rulemaking process that substantially conforms to the model state administrative procedure Act of 1981, uniform laws annotated, as amended, as may be appropriate to the operations of the interstate commission.

c. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

d. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt this compact, then such rule shall have no further force and effect in any compacting state.

13. *Article XIII — Oversight, enforcement, and dispute resolution.*

a. Oversight.

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate this compact's purposes and intent. The provisions of this compact and the rules promulgated under this compact shall have standing as statutory law.

(2) All courts shall take judicial notice of this compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

(3) The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

b. Default, technical assistance, suspension, and termination.

(1) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

(a) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If the defaulting state fails to cure the default, the defaulting state shall be terminated from this compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date

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of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(3) Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

(5) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(6) The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

c. Dispute resolution.

(1) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to this compact and which may arise among member states and between member and nonmember states.

(2) The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

d. Enforcement.

(1) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) The interstate commission, may by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of this compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(3) The remedies in this compact shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

14. *Article XIV — Financing of the interstate commission.*

a. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

b. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

c. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

d. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

15. *Article XV — Member states, effective date, and amendment.*

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a. Any state is eligible to become a member state.

b. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of this compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of this compact by all states.

c. The interstate commission may propose amendments to this compact for enactment by the member states. An amendment shall not become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

16. *Article XVI — Withdrawal and dissolution.*

a. Withdrawal.

(1) Once effective, this compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from this compact by specifically repealing the statute which enacted this compact into law.

(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

(3) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of the notice.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting this compact or upon such later date as determined by the interstate commission.

b. Dissolution of compact.

(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in this compact to one member state.

(2) Upon the dissolution of this compact, this compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

17. *Article XVII — Severability and construction.*

a. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

b. The provisions of this compact shall be liberally construed to effectuate its purposes.

c. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

18. *Article XVIII — Binding effect of compact and other laws.*

a. Other laws.

(1) Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) All member states' laws conflicting with this compact are superseded to the extent of the conflict.

b. Binding effect of the compact.

(1) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

(2) All agreements between the interstate commission and the member states are binding in accordance with their terms.

(3) In the event any provision of this compact exceeds the constitutional limits imposed

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on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

2009 Acts, ch 31, §1, 4; 2011 Acts, ch 34, §66; 2017 Acts, ch 29, §61, 62
Referred to in §256H.2, 256H.3

256H.2 Council on educational opportunity for military children.

1. A council on educational opportunity for military children is created to provide advice and recommendations regarding this state's participation in and compliance with the interstate compact on educational opportunity for military children in accordance with section 256H.1.

2. The council shall consist of the following seven members:

a. The director of the department of education or the director's designee.

b. The superintendent, or the superintendent's designee, for the school district with the highest percentage per capita of military children during the previous school year.

c. Two members appointed by the governor, one of whom shall represent a military installation located within this state and one of whom shall represent the executive branch and possess experience in assisting military families in obtaining educational services for their children. The term of each member appointed under this paragraph shall be for four years, except that, in order to provide for staggered terms, the governor shall initially appoint one member to a term of two years and one member to a term of three years.

d. One member appointed jointly by the president of the senate and the speaker of the house of representatives as provided in sections 2.32A and 4A.13.

e. The compact commissioner appointed pursuant to section 256H.3 and the military family education liaison appointed in accordance with subsection 4, shall serve as nonvoting, ex officio members of the council unless already appointed to the council as voting members. The compact commissioner and the military family education liaison shall serve at the pleasure of the governor.

3. Nonlegislative members of the council shall serve without compensation, but shall receive their actual and necessary expenses and travel incurred in the performance of their duties. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments.

4. The council shall appoint a military family education liaison pursuant to section 256H.1, article VIII of the interstate compact on educational opportunity for military children, to assist military families and the state in facilitating the implementation of this compact.

5. The council shall comply with the requirements of chapters 21 and 22.

6. The department of education shall provide administrative support to the council.

2009 Acts, ch 31, §2, 4
Referred to in §256H.1

256H.3 Compact commissioner — appointment.

In accordance with section 256H.1, article VIII of the interstate compact on educational opportunity for military children, the governor shall designate a compact commissioner, who shall serve at the pleasure of the governor and who shall be responsible for the administration and management of this state's participation in the compact and shall serve as this state's voting representative on the interstate commission on educational opportunity for military children as provided in section 256H.1, article IX of the compact.

2009 Acts, ch 31, §3, 4
Referred to in §256H.1, 256H.2

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CHAPTER 256I

EARLY CHILDHOOD IOWA INITIATIVE

Referred to in §237A.26, 256C.4, 915.35

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256I.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Department"* means the department of health and human services.

2. *"Desired results"* means the set of desired results for improving the quality of life in this state for young children and their families identified in section 256I.2.

3. *"Early care"*, *"early care services"*, or *"early care system"* means the programs, services, support, or other assistance made available to a parent or other person who is involved with addressing the health and education needs of a child from zero through age five. *"Early care"*, *"early care services"*, or *"early care system"* includes but is not limited to public and private efforts and formal and informal settings.

4. *"Early childhood Iowa area"* means a geographic area designated in accordance with this chapter.

5. *"Early childhood Iowa area board"* or *"area board"* means the board for an early childhood Iowa area created in accordance with this chapter.

6. *"Early childhood Iowa program"* or *"program"* means the early childhood Iowa program established in section 256I.5.

7. *"Early childhood Iowa state board"* or *"state board"* means the early childhood Iowa state board created in section 256I.3.

2010 Acts, ch 1031, §278; 2023 Acts, ch 19, §1000

256I.2 Desired results — purpose and scope.

1. It is intended that through the early childhood Iowa initiative every community in Iowa will develop the capacity and commitment for using local, informed decision making to achieve the following set of desired results for improving the quality of life in this state for young children and their families:

a. Healthy children.

b. Children ready to succeed in school.

c. Safe and supportive communities.

d. Secure and nurturing families.

e. Secure and nurturing early learning environments.

2. The purpose of creating the early childhood Iowa initiative is to empower individuals, communities, and state level partners to achieve the desired results. The desired results will be achieved as private and public entities work collaboratively. This initiative creates a partnership between communities and state level partners to support children zero through age five and their families. The role of the early childhood Iowa state board, area boards, and other state and local government agencies is to provide support, leadership, and facilitation of the growth of individual, community, and state responsibility in addressing the desired results.

3. To achieve the desired results, the initiative's primary focus shall be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of

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early care, education, health, and human services provided to families with children from zero through age five.

2010 Acts, ch 1031, §279
Referred to in §256I.1

256I.3 Early childhood Iowa state board created.

1. The early childhood Iowa state board is created to promote a vision for a comprehensive early care, education, health, and human services system in this state. The board shall oversee state and local efforts. The vision shall be achieved through strategic planning, funding identification, guidance, and decision-making authority to assure collaboration among state and local early care, education, health, and human services systems.

2. *a.* The board shall consist of nineteen voting members with fifteen citizen members and four state agency members. The state agency members shall be the directors or their designees of the following agencies: economic development authority, education, health and human services, and workforce development. The designees of state agency directors shall be selected on an annual basis. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

b. The governor's appointees shall be selected from individuals nominated by area boards. The nominations shall reflect the range of interests represented on the area boards so that the governor is able to appoint one or more members each for early care, education, health, human services, business, faith, and public interests. At least one of the citizen members shall be a service consumer or the parent of a service consumer. The term of office of the citizen members is three years. A citizen member vacancy on the board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

3. In addition to the voting members, the state board shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives and by the minority leader of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

4. The state board shall elect a chairperson from among the citizen members and may select other officers from the voting members as determined to be necessary by the board. The board shall meet as determined by the board, upon the call of the board's chairperson, or upon the call of a majority of voting members.

2010 Acts, ch 1031, §280; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1021, §56; 2019 Acts, ch 85, §85; 2023 Acts, ch 19, §1001; 2024 Acts, ch 1170, §106
Referred to in §256I.1
Confirmation; see §2.32

256I.4 Early childhood Iowa state board duties.

The state board shall perform the following duties:

1. Provide oversight of early childhood Iowa areas.

2. Manage and coordinate the provision of grant funding and other moneys made available to early childhood Iowa areas by combining all or portions of appropriations or other revenues as authorized by law.

3. Approve the geographic boundaries for the early childhood Iowa areas throughout the state and approve any proposed changes in the boundaries.

4. Create a strategic plan that supports a comprehensive system of early care, education, health, and human services. The strategic plan shall be developed with extensive community involvement. The strategic plan shall be annually updated and disseminated to the public.

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Specific items to be addressed in the strategic plan shall include but are not limited to all of the following:

a. Provisions to strengthen the state structure including interagency levels of collaboration, coordination, and integration.

b. Provisions for building public-private partnerships.

c. Provisions to support consolidating, blending, and redistributing state-administered funding streams and the coordination of federal funding streams. The strategic plan shall also address integration of services provided through area boards, other state and local commissions, committees, and other bodies with overlapping and similar purposes which contribute to redundancy and fragmentation in early care, education, health, and human services programs provided to the public.

d. Provisions for improving the efficiency of working with federally mandated bodies.

e. Identification of indicators that measure the success of the various strategies that impact communities, families, and children. The indicators shall be developed with input from area boards.

5. Adopt common performance measures and data reporting requirements, applicable statewide, for services, programs, and activities provided by area boards. The data from common performance measures and other data shall be posted on the early childhood Iowa internet site and disseminated by other means and shall also be aggregated to provide statewide information. The state board shall establish a submission deadline for the annual budget and any budget amendments submitted by early childhood Iowa area boards in accordance with section 256I.8, subsection 1, paragraph *"d"*, that allow a reasonable period of time for preparation by the area boards and for review and approval or request for modification of the materials by the state board.

6. Coordinate and respond to requests from an area board relating to any of the following:

a. Waiver of existing rules, federal regulation, or amendment of state law, or removal of other barriers. The state board shall consider a community's current coverage of family support programs and services when responding to an area board's request for a waiver from the requirement in section 256I.9, subsection 3, paragraph *"b"*.

b. Pooling and redirecting of existing federal, state, or other public or private funds.

c. Seeking of federal waivers.

d. Consolidating community-level committees, planning groups, and other bodies with common memberships formed in response to state requirements.

7. Develop and implement a designation process for area boards. Allow for flexibility and creativity of area boards in implementing area board responsibilities and provide authority for the area boards to support the communities in the areas served. The process shall provide for action to address poor performing areas as well as higher performing areas. The state board shall determine how often area boards are reviewed under the process.

8. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of area boards and the administration of this chapter. The state board shall provide for area board input in the rules adoption process.

9. Develop guidelines for recommended insurance or other liability coverage and take other actions to assist area boards in acquiring such coverage at a reasonable cost. Moneys expended by an area board to acquire necessary insurance or other liability coverage shall be considered an administrative cost.

10. In January each year, submit an annual report to the governor and general assembly that includes but is not limited to all of the following:

a. Any updates to the strategic plan.

b. The status and results of the early childhood Iowa initiative efforts to engage the public regarding the early care, education, health, human services, and other needs of children zero through age five.

c. The status and results of the efforts to develop and promote private sector involvement with the early care system.

d. The status of the early childhood Iowa initiative and the overall early care system in achieving the set of desired results.

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e. The data and common performance measures addressed by the strategic plan, which shall include but is not limited to funding amounts.

f. The indicators addressed by the strategic plan along with associated data trends and their source.

11. Integrate statewide quality standards and results indicators adopted by other boards and commissions into the state board's funding requirements for investments in early care, health, education, and human services.

12. Ensure alignment of other state departments' activities with the strategic plan.

13. Develop and keep current memoranda of agreements between the state agencies represented on the state board to promote system development and integration and to clarify the roles and responsibilities of partner agencies.

14. Work with the early childhood Iowa program in building public-private partnerships for promoting the collaborative early care, education, health, and human services system.

15. Support and align the early childhood Iowa internet site with other agencies and improve internet communication.

16. Except for the fiscal oversight measures to be adopted by the department, adopt rules to implement this chapter. The rules shall include but are not limited to the following:

a. Indicators of the effectiveness of early childhood Iowa areas, area boards, and the services provided under the auspices of the area boards. The indicators shall be developed with input from area boards and shall build upon the core indicators of effectiveness for the school ready children grant program.

b. Minimum standards to further the provision of equal access to services subject to the authority of area boards.

c. Core functions for family support services, parent education programs, preschool services provided under a school ready children grant, and other programs and services provided under this chapter. The state board shall also develop guidelines and standards for state-supported family support programs, based upon existing guidelines and standards for the services.

17. Address other measures to advance the initiative. The measures may include any of the following:

a. Advance the development of integrated data systems.

b. Expand efforts to improve quality and utilize evidence-based practices.

c. Further develop kindergarten assessment approaches that are tied to state early learning standards.

18. Serve as the state advisory council required under the federal Improving Head Start for School Readiness Act of 2007, Pub. L. No. 110-134, as designated by the governor.

2010 Acts, ch 1031, §281; 2015 Acts, ch 140, §11, 12, 58, 59; 2016 Acts, ch 1113, §2, 3; 2017 Acts, ch 29, §63; 2023 Acts, ch 19, §1002; 2024 Acts, ch 1170, §292; 2026 Acts, ch 1164, §12

Referred to in §256I.13

Subsection 6 stricken and former subsections 7 – 19 renumbered as 6 – 18

256I.5 Early childhood Iowa coordination staff.

1. The department shall provide administrative support for implementation of the early childhood Iowa initiative and for the state board. The department shall adopt rules in consultation with the state board to provide fiscal oversight of the initiative. The fiscal oversight measures adopted shall include but are not limited to all of the following:

a. Reporting and other requirements to address the financial activities employed by area boards.

b. Regular audits and other requirements of fiscal agents for area boards.

c. Requirements for area boards to undertake and report on fiscal and performance reviews of the programs, contracts, services, and other functions funded by the area boards.

2. An early childhood Iowa program is established in the department to provide leadership for facilitation, communication, and coordination for the early childhood Iowa initiative activities and funding and for improvement of the early care, education, health, and human services systems. An administrator for the early childhood Iowa program shall

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be appointed by the director of the department. Other staff may also be designated, subject to appropriation made for this purpose.

3. The state agencies represented on the state board may designate additional staff, as part of the early childhood Iowa initiative, to work as a technical assistance team with the program in providing coordination and other support to the state's comprehensive early care, education, health, and human services system.

4. The program shall work with the state and area boards to provide leadership for comprehensive system development. The program shall also do all of the following:

a. Enter into memoranda of agreement with the departments of education and workforce development and the economic development authority to formalize the commitments of the respective departments and the authority to collaborating with and integrating a comprehensive early care, education, health, and human services system. Items addressed in the memoranda shall include but are not limited to data sharing and providing staffing to the technical assistance team.

b. Work with private businesses, foundations, and nonprofit organizations to develop sustained funding.

c. Maintain the internet site in accordance with section 256I.10.

d. Propose any needed revisions to administrative rules based on stakeholder input.

e. Provide technical support to the state and area boards and to the early childhood Iowa areas through staffing services made available through the state agencies that serve on the state board.

f. Develop, collect, disseminate, and provide guidance for common performance measures for the programs receiving funding under the auspices of the area boards.

g. If a disagreement arises within an early childhood Iowa area regarding the interests represented on the area's board, board decisions, or other disputes that cannot be locally resolved, upon request, provide state or regional technical assistance as deemed appropriate by the program to assist the area in resolving the disagreement.

2010 Acts, ch 1031, §282; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1021, §57; 2023 Acts, ch 19, §1003, 1004, 1358

Referred to in §256I.1, 256I.9

256I.6 Early childhood Iowa areas.

1. The purpose of an early childhood Iowa area is to enable local citizens to lead collaborative efforts involving early care, education, health, and human services on behalf of the children, families, and other citizens residing in the area. Leadership functions may include but are not limited to strategic planning for and oversight and managing of such programs and the funding made available to the early childhood Iowa area for such programs from federal, state, local, and private sources. The focus of the area shall be to achieve the desired results and to improve other results for families with young children.

2. An early childhood Iowa area shall be designated by using existing county boundaries to the extent possible.

3. The designation of an early childhood Iowa area's boundaries and the creation of an area board are both subject to the approval of the state board. The state board shall determine if a proposed area board can efficiently and effectively administer the responsibilities and authority of the area to be served. The state board may apply additional criteria for designating areas and approving area boards, but shall apply all of the following minimum criteria:

a. An area cannot encompass more than four counties.

b. The counties encompassing a multicounty area must have contiguous borders.

c. A single county area shall have a minimum population of children zero through age five in excess of five thousand, based on the most recent population estimates issued by the United States bureau of the census.

4. If the state board determines exceptional circumstances exist, the state board may waive any of the criteria otherwise specified in subsection 3.

2010 Acts, ch 1031, §283

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256I.7 Early childhood Iowa area boards created.

1. *a.* The early childhood Iowa initiative functions for an area shall be performed under the authority of an early childhood Iowa area board. The members of an area board shall be elected officials or members of the public who are not employed by a provider of services to or for the area board. In addition, the membership of an area board shall include representation from education, health, human services, business, and faith interests, and at least one parent, grandparent, or guardian of a child from zero through age five. However, not more than one member shall represent the same entity or interest.

b. Terms of office of area board members shall be not more than three years and the terms shall be staggered.

2. An area board may designate an advisory council consisting of persons employed by or otherwise paid to represent an entity listed in subsection 1 or other provider of service. However, the deliberations of and documents considered by such an advisory council shall be public.

3. An area board shall elect a chairperson from among the members who are citizens or elected officials.

4. An area board is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. For purposes of implementing a formal organizational structure, an area board may utilize recommended guidelines and bylaws established for this purpose by the state board.

5. All meetings of an area board or any committee or other body established by an area board at which public business is discussed or formal action taken shall comply with the requirements of chapter 21. An area board shall maintain its records in accordance with chapter 22.

2010 Acts, ch 1031, §284; 2010 Acts, ch 1183, §18; 2013 Acts, ch 141, §11; 2016 Acts, ch 1113, §4; 2018 Acts, ch 1026, §75

256I.8 Early childhood Iowa area board duties.

1. An early childhood Iowa area board shall do all of the following:

a. Designate a public agency of this state, as defined in section 28E.2, a community action agency as defined in section 216A.91, an area education agency established under section 273.2, or a nonprofit corporation, to be the fiscal agent for grant moneys and for other moneys administered by the area board.

b. Administer early childhood Iowa grant moneys available from the state to the area board as provided by law and other federal, state, local, and private moneys made available to the area board. Eligibility for receipt of early childhood Iowa grant moneys shall be limited to those early childhood Iowa area boards that have developed an approved community plan in accordance with this chapter. An early childhood Iowa area board may apply to the state board for any private moneys received by the early childhood Iowa initiative outside of a state appropriation.

c. Develop a comprehensive community plan for providing services for children from zero through age five. At a minimum, the plan shall do all of the following:

(1) Describe community and area needs for children from zero through age five as identified through ongoing assessments.

(2) Describe the current and desired relationships and services between community providers.

(3) Identify federal, state, local, and private funding sources available in the early childhood Iowa area that will be used to provide services to children from zero through age five.

(4) Describe how funding sources will be used to support young children and their families.

(5) Identify the desired results and the community-wide indicators the area board expects to address through implementation of the comprehensive community plan.

d. Submit an annual report on the effectiveness of the community plan in addressing school readiness and children's health and safety needs to the state board and to the local government bodies in the area. The annual report shall indicate the effectiveness of the

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area board in addressing state and locally determined goals and the progress on each of the community-wide indicators identified by the area board under paragraph "*c*", subparagraph (5). The report shall include an annual budget developed for the following fiscal year for the area's comprehensive school ready children grant for providing services for children from zero through age five, and provide other information specified by the state board, including budget amendments, as needed. In addition, each area board must comply with reporting provisions and other requirements adopted by the state board in implementing section 256I.9.

e. Function as a coordinating body for services offered by different entities directed to similar purposes within the area.

f. Assume other responsibilities established by law or administrative rule.

g. Cooperate with the state board, department of education, and school districts and other local education agencies in securing unique student identifiers, in compliance with all applicable federal and state confidentiality provisions.

2. An area board may do any of the following:

a. Designate one or more committees to assist with area board functions.

b. Utilize community bodies for input to the area board and implementation of services.

3. An area board shall not be a provider of services to or for the area board.

2010 Acts, ch 1031, §285; 2013 Acts, ch 141, §12; 2015 Acts, ch 140, §13, 58, 59; 2016 Acts, ch 1113, §5; 2018 Acts, ch 1026, §76, 77; 2021 Acts, ch 170, §13

Referred to in §256I.4

256I.9 School ready children grant program.

1. The state board shall develop and promote a school ready children grant program which shall provide for all of the following components:

a. Identify the performance measures that will be used to assess the effectiveness of the school ready children grants, including the amount of early intellectual stimulation of very young children, the basic skill levels of students entering school, the health status of children, the incidence of child abuse and neglect, the level of involvement by parents with their children, and the degree of quality of an accessibility to child care.

b. Identify guidelines and a process to be used for determining the readiness of an early childhood Iowa area board for administering a school ready children grant.

c. Provide for technical assistance concerning funding sources, program design, and other pertinent areas.

2. The state board shall provide maximum flexibility to grantees for the use of the grant moneys included in a school ready children grant, including but not limited to authorizing an area board to use grant moneys to pay for regular audits required pursuant to section 256I.5, subsection 1, if moneys distributed to an area board for administrative costs are insufficient to pay for the required audits.

3. A school ready children grant shall, to the extent possible, be used to support programs that meet quality standards identified by the state board. At a minimum, a grant shall be used to provide all of the following:

a. Preschool services provided on a voluntary basis to children deemed at risk.

b. (1) Family support services promoted to parents of children from zero through age five. Family support services shall include but are not limited to home visitation and parent education. Of the state funding that an area board designates for family support programs, at least sixty percent shall be committed to programs with a home visitation component.

(2) It is the intent of the general assembly that priority for family support program funding be given to programs using evidence-based or promising models for family support.

c. Other services to support the strategic plan developed by the state board.

d. Services to improve the quality and availability of all types of child care.

4. *a.* A school ready children grant shall be awarded to an area board annually, as funding is available. Receipt of continued funding is subject to submission of the required annual report data and the state board's determination that the area board is making progress, through the use of specific, quantifiable performance measures and locally identified community-wide indicators, toward achieving the desired results and other results identified in the community plan. Each area board shall participate in the

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designation process to measure the area's success. If the use of performance measures and community-wide indicators does not show that an area board has made progress toward achieving the results identified in the community plan, the state board shall require a plan of corrective action, provide technical assistance, withhold any increase in funding, or withdraw grant funding.

b. The state board shall distribute school ready children grant moneys to area boards with approved comprehensive community plans based upon a determination of an early childhood Iowa area's designation.

c. An area board's designation shall be determined by evidence of successful collaboration among public and private early care, education, health, and human services interests in the area or a documented program design that supports a strong likelihood of a successful collaboration between these interests.

d. The provisions for distribution of school ready children grant moneys shall be determined by the state board.

e. The amount of school ready children grant funding an area board may carry forward from one fiscal year to the succeeding fiscal year shall not exceed twenty percent of the grant amount for the fiscal year. All of the school ready children grant funds received by an area board for a fiscal year which remain unencumbered or unobligated at the close of a fiscal year shall be carried forward to the succeeding fiscal year. However, the grant amount for the succeeding fiscal year shall be reduced by the amount in excess of twenty percent of the grant amount received for the fiscal year.

2010 Acts, ch 1031, §286; 2011 Acts, ch 132, §10, 11, 106; 2016 Acts, ch 1113, §6, 7; 2017 Acts, ch 29, §64

Referred to in §256I.4, 256I.8, 256I.13

256I.10 Early childhood Iowa internet site.

1. The department shall provide for the operation of an internet site for purposes of widely distributing information regarding early care, education, health, and human services and other information provided by the departments represented on the state board and the public and private agencies addressing the comprehensive system for such services.

2. Information provided on the internet site shall include but is not limited to all of the following:

a. Information about the early childhood Iowa initiative for state and local use. The information shall include data from the indicators of success and performance measures adopted by the state board and fiscal information and other data developed by the department.

b. A link to a special internet site directed to parents, including parent-specific information on early care, education, health, and human services and links to other resources available on the internet and from other sources.

c. Program standards for early care, education, health, and human services that have been approved by state agencies.

2010 Acts, ch 1031, §287; 2016 Acts, ch 1113, §8

Referred to in §256I.5

256I.11 Early childhood Iowa fund.

1. An early childhood Iowa fund is created in the state treasury. The moneys credited to the fund are not subject to section 8.33 and moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided by law. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. A school ready children grants account is created in the fund under the authority of the director of the department. Moneys credited to the account are appropriated to and shall be distributed by the department in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law.

a. Moneys appropriated for deposit in the school ready children grants account for purposes of preschool tuition assistance shall be used for early care, health, and education

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programs to assist low-income parents with tuition for preschool and other supportive services for children ages three, four, and five who are not attending kindergarten in order to increase the basic family income eligibility requirement to not more than two hundred percent of the federal poverty level. In addition, if sufficient funding is available after addressing the needs of those who meet the basic income eligibility requirement, an early childhood Iowa area board may provide for eligibility for those with a family income in excess of the basic income eligibility requirement through use of a sliding scale or other copayment provisions.

b. Moneys appropriated for deposit in the school ready children grants account for purposes of family support services and parent education programs shall be targeted to families expecting a child or with newborn and infant children through age five and shall be distributed using the distribution formula approved by the early childhood Iowa state board and shall be used by an early childhood Iowa area board only for family support services and parent education programs targeted to families expecting a child or with newborn and infant children through age five.

3. Unless a different amount is authorized by law, up to five percent of the school ready children grant moneys distributed to an area board may be used by the area board for administrative costs.

4. *a.* An early childhood programs grant account is created in the fund under the authority of the director of the department. Moneys credited to the account are appropriated to and shall be distributed by the department in the form of grants to early childhood Iowa areas pursuant to criteria established by the state board in accordance with law. The criteria shall include but are not limited to a requirement that an early childhood Iowa area must be designated by the state board in order to be eligible to receive an early childhood programs grant.

b. An early childhood Iowa area receiving funding from the early childhood programs grant account shall comply with any federal reporting requirements associated with the use of that funding and other results and reporting requirements established by the state board. The department shall provide technical assistance in identifying and meeting the federal requirements. The availability of funding provided from the account is subject to changes in federal requirements and amendments to Iowa law.

c. The moneys distributed from the early childhood programs grant account shall be used by early childhood Iowa areas for the purposes of enhancing quality child care capacity in support of parent capability to obtain or retain employment. The moneys shall be used with a primary emphasis on low-income families and children from zero to age five. Moneys shall be provided in a flexible manner and shall be used to implement strategies identified by the early childhood Iowa area to achieve such purposes. The department may use a portion of the funding appropriated to the department under this subsection for provision of technical assistance and other support to the early childhood Iowa areas developing and implementing strategies with grant moneys distributed from the account.

d. Moneys from a federal block grant that are credited to the early childhood programs grant account but are not distributed to an early childhood Iowa area or otherwise remain unobligated or unexpended at the end of the fiscal year shall revert to the fund created in section 8.41 to be available for appropriation by the general assembly in a subsequent fiscal year.

5. A first years first account is created in the fund under the authority of the department. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department to be used for the early childhood-related purposes for which the moneys were received.

2010 Acts, ch 1031, §288; 2010 Acts, ch 1183, §19; 2015 Acts, ch 140, §14, 58, 59; 2016 Acts, ch 1113, §9; 2021 Acts, ch 170, §14; 2023 Acts, ch 19, §1005 – 1007; 2023 Acts, ch 112, §53

Referred to in §256.163

256I.12 Early childhood stakeholders alliance. Repealed by 2024 Acts, ch 1170, §368.

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256I.13 Family support program — funding intent.

1. In order to implement the legislative intent stated in section 256I.9, that priority for family support program funding be given to programs using evidence-based or promising models for family support, it is the intent of the general assembly that ninety percent of state funds expended for family support programs shall be used for evidence-based or promising program models. The remaining ten percent of funds may be used for innovative program models that do not yet meet the definition of evidence-based or promising programs.

2. For the purposes of this section, unless the context otherwise requires or unless otherwise provided under federal law:

a. "Evidence-based program" means a program that is based on scientific evidence demonstrating that the program model is effective. An evidence-based program shall be reviewed on site and compared to program model standards by the model developer or the developer's designee at least every five years to ensure that the program continues to maintain fidelity with the program model. The program model shall have had demonstrated significant and sustained positive outcomes in an evaluation utilizing a well-designed and rigorous randomized controlled research design or a quasi-experimental research design, and the evaluation results shall have been published in a peer-reviewed journal.

b. "Family support programs" includes group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

c. "Promising program" means a program that meets all of the following requirements:

(1) The program conforms to a clear, consistent family support model that has been in existence for at least three years.

(2) The program is grounded in relevant empirically based knowledge.

(3) The program is linked to program-determined outcomes.

(4) The program is associated with a national or state organization that either has comprehensive program standards that ensure high-quality service delivery and continuous program quality improvement or the program model has demonstrated through the program's benchmark outcomes that the program has achieved significant positive outcomes equivalent to those achieved by program models with published significant and sustained results in a peer-reviewed journal.

(5) The program has been awarded the Iowa family support credential and has been reviewed on site at least every five years to ensure the program's adherence to the Iowa family support standards approved by the state board or a comparable set of standards. The on-site review is completed by an independent review team that is not associated with the program or the organization administering the program.

3. *a.* The data reporting requirements adopted by the state board pursuant to section 256I.4 for the family support programs targeted to families expecting a child or with newborn and infant children through age five and funded through the state board shall require the programs to participate in a state-administered internet-based data collection system. The state board's annual report submitted each January to the governor and general assembly under section 256I.4 shall include family support program outcomes.

b. The data on families served that is collected by the family support programs funded through the early childhood Iowa initiative shall include but is not limited to basic demographic information, services received, funding utilized, and program outcomes for the children and families served. The state board shall adopt performance benchmarks for the family support programs.

c. The state board shall identify minimum competency standards for the employees and supervisors of family support programs funded through the early childhood Iowa initiative.

d. The state board shall adopt criminal and child abuse record check requirements for the

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employees and supervisors of family support programs funded through the early childhood Iowa initiative.

e. The state board shall develop a plan to implement a coordinated intake and referral process for publicly funded family support programs in order to engage the families expecting a child or with newborn and infant children through age five in all communities in the state.

2013 Acts, ch 141, §13; 2016 Acts, ch 1113, §10; 2023 Acts, ch 19, §1009, 1010; 2026 Acts, ch 1164, §28
Subsection 1 amended

CHAPTER 257

FINANCING SCHOOL PROGRAMS

Referred to in §256.25A, 256B.2, 256B.9, 256C.4, 256C.5, 256E.8, 256E.23, 260C.18B, 273.3, 273.9, 273.23, 274.3, 282.3, 284.11, 284.13, 284.15, 285.2, 298.1, 301.1, 331.512, 403.19, 465A.4

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257.1 State school foundation program — state aid.

1. *Program established.* A state school foundation program is established for the school year commencing July 1, 1991, and succeeding school years.

2. *State school foundation aid — foundation base.*

a. For a budget year, each school district in the state is entitled to receive foundation aid, in an amount per pupil equal to the difference between the amount per pupil of foundation property tax in the district, and the combined foundation base per pupil or the combined district cost per pupil, whichever is less. However, if the amount of foundation aid received by a school district under this chapter is less than three hundred dollars per pupil, the district is entitled to receive three hundred dollars per pupil unless the receipt of three hundred dollars per pupil plus the per pupil amount raised by the foundation property tax exceeds the combined district cost per pupil of the district for the budget year. In that case, the district is entitled to receive an amount per pupil equal to the difference between the per pupil amount raised by the foundation property tax for the budget year and the combined district cost per pupil for the budget year.

b. For the budget year commencing July 1, 1999, and for each succeeding budget year beginning before July 1, 2022, the regular program foundation base per pupil is eighty-seven and five-tenths percent of the regular program state cost per pupil. For the budget year commencing July 1, 2022, and for each succeeding budget year, the regular program foundation base per pupil is eighty-eight and four-tenths percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is seventy-nine percent of the special education support services state cost per pupil. The combined foundation base is the sum of the regular program foundation base, the special education support services foundation base, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district cost, the total teacher leadership supplement district cost, and the total area education agency teacher salary supplement district cost.

3. *Computations rounded.* In making computations and payments under this chapter, except in the case of computations relating to funding of special education support services, media services, and educational services under section 257.37, and the teacher salary supplement, the professional development supplement, the early intervention supplement, and the teacher leadership supplement, the department of management shall round amounts to the nearest whole dollar.

4. *Legislative review.* The provisions of this chapter shall be subject to legislative review at least every five years. The review shall be based upon a school finance formula status report containing the recommendations of a legislative interim committee appointed to conduct a review of the school finance formula, to be prepared with the assistance of the department of education, in association with the departments of management and revenue. The report shall include recommendations for school finance formula changes or revisions based upon demographic changes, enrollment trends, and property tax valuation fluctuations observed during the preceding five-year interval; an analysis of the operation of the school finance formula during the preceding five-year interval; and a summary of issues that have arisen since the previous review and potential approaches for their resolution. The first such report shall be submitted to the general assembly no later than January 1, 2005, with subsequent reports developed and submitted by January 1 at least every fifth year thereafter.

89 Acts, ch 135, §1; 91 Acts, ch 267, §517; 95 Acts, ch 130, §1; 96 Acts, ch 1197, §5, 6; 99 Acts, ch 2, §1, 4; 99 Acts, ch 178, §1, 10; 2000 Acts, ch 1186, §2; 2003 Acts, ch 145, §286; 2008 Acts, ch 1181, §93, 94; 2013 Acts, ch 121, §49, 50; 2016 Acts, ch 1036, §3; 2021 Acts, ch 177, §121; 2024 Acts, ch 1002, §23, 24, 37, 38

Referred to in §257.3, 257.4, 257.12, 257.15, 257.16B, 257.16D, 257.34

2024 amendments to section apply July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.2 Definitions.

As used in this chapter:

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1. *"Base year"* means the school year ending during the calendar year in which a budget is certified.

2. *"Budget adjustment"* means an adjustment to the regular program district cost of a school district for school districts in which the regular program district cost for a year would be less than the regular program district cost for the previous year.

3. *"Budget year"* means the school year beginning during the calendar year in which a budget is certified.

4. *"Combined district cost per pupil"* is an amount determined by adding together the regular program district cost per pupil for a year and the special education support services district cost per pupil for that year as calculated under section 257.10.

5. *"Combined state cost per pupil"* is a per pupil amount determined by adding together the regular program state cost per pupil for a year and the special education support services state cost per pupil for that year as calculated under section 257.9.

6. *"Committee"* means the school budget review committee.

7. *"Expenditures"* means the total amounts paid from the general fund of a school district.

8. *"Miscellaneous income"* means the receipts deposited to the general fund of the school district but not including any of the following:

a. Foundation aid.

b. Revenue obtained from the foundation property tax.

c. Revenue obtained from the additional property tax under section 257.4.

d. Property tax replacement payments received under section 257.16B.

e. Foundation base supplement payments received under section 257.16D.

9. *"Property tax adjustment"* means state aid distributed to those school districts in which the property tax revenues generated under this chapter would be higher than the revenues generated under chapter 442, Code 1991.

10. *"School district"* means a school corporation organized under chapter 274.

11. *"State percent of growth"* means the percent of growth which is established by statute pursuant to section 257.8, and which is used in determining the supplemental state aid.

12. *"Supplemental state aid"* means the amount by which state cost per pupil and district cost per pupil will increase from one budget year to the next as the result of the state percent of growth.

13. *"Unexpended fund balance"* means a school district's unreserved and undesignated fund balances.

89 Acts, ch 135, §2; 90 Acts, ch 1190, §1; 91 Acts, ch 267, §518; 94 Acts, ch 1023, §93; 2010 Acts, ch 1004, §1, 10; 2013 Acts, ch 121, §1, 9, 11 – 13, 42; 2018 Acts, ch 1007, §1, 6; 2019 Acts, ch 166, §1

Referred to in §256.25A, 273.13, 279.45, 285.2, 298.10

257.3 Foundation property tax.

1. *Amount of tax.*

a. (1) Except as provided in subsections 2 and 3, a school district shall cause to be levied each budget year beginning before July 1, 2028, for the school general fund, a foundation property tax equal to five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

(2) Except as provided in subsections 2 and 3, a school district shall cause to be levied for the budget year beginning July 1, 2028, for the school general fund, a foundation property tax equal to five dollars and ten cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

(3) Except as provided in subsections 2 and 3, a school district shall cause to be levied for the budget year beginning July 1, 2029, and each succeeding budget year, for the school general fund, a foundation property tax equal to four dollars and ninety cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

b. The amount paid to each school district for the tax replacement claim for industrial

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machinery, equipment, and computers under section 427B.19A shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 427B.19, subsection 3, paragraph *"a"*, as adjusted by section 427B.19, subsection 3, paragraph *"d"*, if any adjustment was made.

c. Replacement taxes under chapter 437A or chapter 437B shall be regarded as property taxes for purposes of this chapter.

d. The amount paid to each school district under section 441.21, subsection 5, paragraph *"e"*, shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the amount computed under section 441.21, subsection 5, paragraph *"e"*, subparagraph (4), subparagraph division (a), and such amount shall be prorated pursuant to section 441.21, subsection 5, paragraph *"e"*, subparagraph (2), if applicable.

2. *Tax for reorganized and dissolved districts.*

a. Notwithstanding subsection 1, a reorganized school district shall cause a foundation property tax at a rate equal to one dollar per thousand dollars of assessed valuation less than the rate under subsection 1, paragraph *"a"*, for the applicable budget year to be levied on all taxable property which, in the year preceding a reorganization, was within a school district affected by the reorganization as defined in section 275.1, or in the year preceding a dissolution was a part of a school district that dissolved if the dissolution proposal has been approved by the director of the department of education pursuant to section 275.55.

b. In succeeding school years, the foundation property tax levy on that portion shall be increased to the rate fifty cents per thousand dollars of assessed valuation less than the rate applicable to the budget year under subsection 1, paragraph *"a"*, for the first succeeding year, twenty-five cents per thousand dollars of assessed valuation less than the rate applicable to the budget year under subsection 1, paragraph *"a"*, for the second succeeding year, and the rate applicable to the budget year under subsection 1, paragraph *"a"*, for the third succeeding year and each year thereafter.

c. The foundation property tax levy reduction pursuant to this subsection shall be available if either of the following apply:

(1) In the year preceding the reorganization or dissolution, the school district affected by the reorganization or the school district that dissolved had a certified enrollment of fewer than six hundred pupils.

(2) In the year preceding the reorganization or dissolution, the school district affected by the reorganization or the school district that dissolved had a certified enrollment of six hundred pupils or greater, and entered into a reorganization or dissolution with one or more school districts with a certified enrollment of fewer than six hundred pupils. The amount of foundation property tax reduction received by a school district qualifying for the reduction pursuant to this subparagraph shall not exceed the highest reduction amount provided in paragraphs *"a"* and *"b"* received by any of the school districts with a certified enrollment of fewer than six hundred pupils involved in the reorganization pursuant to subparagraph (1) of this paragraph *"c"*.

d. For purposes of this section, a reorganized school district is one which absorbs at least thirty percent of the enrollment of the school district affected by a reorganization or dissolved during a dissolution and in which action to bring about a reorganization or dissolution is initiated by a vote of the board of directors or jointly by the affected boards of directors to take effect on or after July 1, 2007, and on or before July 1, 2035. Each district which initiated, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, 2007, and on or before July 1, 2035, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect.

3. *Railway corporations.* For purposes of section 257.1, the *"amount per pupil of foundation property tax"* does not include the tax levied under subsection 1 or 2 on the

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property of a railway corporation, or on its trustee if the corporation has been declared bankrupt or is in bankruptcy proceedings.

89 Acts, ch 135, §3; 91 Acts, ch 178, §1; 93 Acts, ch 180, §92 – 95; 95 Acts, ch 206, §34; 98 Acts, ch 1194, §27, 40; 2001 Acts, ch 126, §1 – 3; 2003 Acts, ch 180, §10, 71; 2007 Acts, ch 130, §1; 2010 Acts, ch 1061, §180; 2013 Acts, ch 94, §1, 35, 36; 2013 Acts, ch 123, §14, 22, 23; 2014 Acts, ch 1017, §1; 2019 Acts, ch 101, §1; 2021 Acts, ch 177, §122, 123; 2023 Acts, ch 66, §47; 2023 Acts, ch 115, §63, 64; 2026 Acts, ch 1115, §44, 45, 51; 2026 Acts, ch 1200, §95

Referred to in §275.55, 403.19, 425.50, 425A.3, 425A.5, 426.3, 426.6, 444.25

2026 amendment to subsection 1, paragraph a applies to fiscal years and school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §51

2026 amendment to subsection 2, paragraphs a and b applies to fiscal years and school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §51

Subsection 1, paragraph a amended

Subsection 2, paragraphs a and b amended

Subsection 2, paragraph d amended

257.4 Additional property tax.

1. *Computation of tax.*

a. A school district shall cause an additional property tax to be levied each year. The rate of the additional property tax levy in a school district shall be determined by the department of management and shall be calculated to raise the difference between the combined district cost for the budget year and the sum of the following:

(1) The product of the regular program foundation base per pupil times the weighted enrollment in the district.

(2) The product of special education support services foundation base per pupil times the special education support services weighted enrollment in the district.

(3) The total teacher salary supplement district cost.

(4) The total professional development supplement district cost.

(5) The total early intervention supplement district cost.

(6) The total area education agency teacher salary supplement district cost.

(7) The amount of the school district property tax replacement payment to be received by the school district under section 257.16B.

(8) The total teacher leadership supplement district cost.

(9) The amount of the foundation base supplement payment to be received by the school district under section 257.16D.

b. For the budget year beginning July 1, 2008, and succeeding budget years, the department of management shall annually determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, not to exceed the statewide average additional property tax levy rate, calculated by dividing the total adjusted additional property tax levy dollars statewide by the statewide total net taxable valuation. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1, and then reduced by the amount of the property tax replacement payment to be received under section 257.16B and the amount of the foundation base supplement payment to be received under section 257.16D. The district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy rate and the statewide maximum adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4, and the balance of the property tax equity and relief fund created in section 257.16A at the end of the calendar year.

2. *Supplemental aid.*

a. However, if the rate of the additional property tax levy determined under subsection 1 with the application of section 257.15 for a budget year for a reorganized school district is higher than the rate of additional property tax levy determined under subsection 1 with

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the application of section 257.15 for the year previous to the reorganization for a school district that had a certified enrollment of less than six hundred and that was within the school districts affected by the reorganization as defined in section 275.1, the department of management shall reduce the rate of the additional property tax levy in the portion of the reorganized district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization, for a five-year period. The department of management shall include in the state aid payments made to each reorganized school district under section 257.16 during each of the first five years of existence of the reorganized district as supplemental aid, moneys equal to the reduction in property tax revenues made under this subsection. For the budget year beginning July 1, 1991, the base year calculation shall be made using chapter 442, Code 1991.

b. For purposes of this section, a reorganized school district is one in which action to bring about a reorganization was initiated by a vote of the board of directors or jointly by the affected boards of directors prior to November 30, 1990, and the reorganization will take effect on or after July 1, 1991, and on or before July 1, 1993. Each district which initiated, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution by November 30, 1990, shall certify the date and the nature of the action taken to the department of education by September 1, 1991.

3. *Application of tax.* No later than June 15 of each year, the department of management shall notify the county auditor of each county the amount, in dollars and cents per thousand dollars of assessed value, of the additional property tax levy in each school district in the county. A county auditor shall spread the additional property tax levy for each school district in the county over all taxable property in the district.

89 Acts, ch 135, §4; 91 Acts, ch 178, §2; 93 Acts, ch 1, §3; 2001 Acts, ch 126, §4, 12; 2006 Acts, ch 1182, §38, 53; 2008 Acts, ch 1134, §1; 2008 Acts, ch 1181, §95; 2013 Acts, ch 121, §2, 3, 9, 51; 2019 Acts, ch 166, §2, 3; 2024 Acts, ch 1002, §25, 37, 38

Referred to in §257.2, 257.5, 257.15, 257.16, 257.31

2024 strike of subsection 1, paragraph a, former subparagraph (7) applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.5 Continuation of supplemental aid.

1. A reorganized school district, as defined in section 257.4, subsection 2, receiving supplemental aid prior to July 1, 1991, under section 442.9A, Code 1991, shall continue to receive supplemental aid as provided in that section for the five-year period specified in that section.

2. There is appropriated from the general fund of the state to the department of management for each fiscal year an amount sufficient to pay the supplemental aid to school districts under this section. Supplemental aid shall be paid in the manner provided in section 257.16.

3. For the purpose of the department of management's determination of the portion of a school district's budget that was property tax and the portion that was state aid under section 257.36, supplemental aid shall be considered property tax.

89 Acts, ch 135, §5; 91 Acts, ch 178, §3; 2016 Acts, ch 1011, §121

257.6 Enrollment.

1. *Actual enrollment.*

a. Actual enrollment is determined annually on October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, and includes all of the following:

(1) Resident pupils who were enrolled in public schools within the district in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

(2) Full-time equivalent resident pupils of high school age for which the district pays tuition to attend an Iowa community college.

(3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school

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district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil. This subparagraph applies to pupils enrolled in grades nine through twelve under section 299A.8 and to pupils from accredited nonpublic schools accessing classes or services on the accredited nonpublic school premises under section 256.12 or on the school district site, but excludes accredited nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

(4) Eleventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of section 282.18 do not apply.

(5) Resident pupils receiving competent private instruction from a licensed practitioner provided through a public school district pursuant to chapter 299A shall be counted as three-tenths of one pupil. Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this subparagraph shall be expended for the purpose for which the weighting was assigned under this subparagraph. If the school district determines that the expenditures associated with providing competent private instruction pursuant to chapter 299A are in excess of the revenue attributed to the school district's weighted enrollment for such instruction in accordance with this subparagraph, the school district may submit a request to the school budget review committee for a modified supplemental amount in accordance with section 257.31, subsection 5, paragraph "*n*". A home school assistance program shall not provide moneys received pursuant to this subparagraph, nor resources paid for with moneys received pursuant to this subparagraph, to parents or students utilizing the program. Moneys received by a school district pursuant to this subparagraph shall be used as provided in section 299A.12.

(6) Resident pupils receiving competent private instruction under dual enrollment pursuant to chapter 299A shall be counted as one-tenth of one pupil.

(7) A student attending an accredited nonpublic school or receiving competent private instruction under chapter 299A, who is assigned to a therapeutic classroom in accordance with section 256.25A or is participating in a program under chapter 261E, shall be counted as a shared-time student in the school district in which the nonpublic school of attendance is located for state foundation aid purposes.

(8) Pupils who are enrolled in public schools within the district under section 282.1, subsection 3, in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.

(9) Resident pupils enrolled in a charter school under chapter 256E.

b. A school district shall certify its actual enrollment to the department of education by October 15 of each year, and the department shall promptly forward the information to the department of management, but not later than thirty days after certification.

c. The department of management shall adjust the enrollment of the school district for the audit year based upon reports filed under section 11.6, and shall further adjust the budget of the second year succeeding the audit year for the property tax and state aid portions of the reported differences in enrollments for the fiscal year two years prior to the budget year.

2. *Basic enrollment.*

a. Basic enrollment for a budget year is the average of a district's actual enrollment for the base year, determined on the date specified under subsection 1, and the district's adjusted enrollment for the base year, determined on the date specified under subsection 7. Basic enrollment for the base year is the average of a district's actual enrollment for the year preceding the base year, determined on the date specified under subsection 1, and the district's adjusted enrollment for the year preceding the base year, determined on the date specified under subsection 7.

b. If the department of education discovers any discrepancy or disputes the basic enrollment count certified under subsection 2, or the adjusted enrollment count certified under subsection 7, the department shall notify the school district and the school district shall have five business days from the date of notification by the department to voluntarily

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resolve such dispute or discrepancy. Failure by a school district to timely resolve such dispute or discrepancy shall result in the department of education making a final determination of such enrollment counts for the school district.

3. *Additional enrollment because of special education.*

a. A school district shall determine its additional enrollment because of special education, as defined in this section, by November 1 of each year and shall certify its additional enrollment because of special education to the department of education by November 15 of each year, and the department shall promptly forward the information to the department of management.

b. For the purposes of this chapter, "*additional enrollment because of special education*" is determined by multiplying the weighting of each category of child under section 256B.9 times the number of children in each category totaled for all categories minus the total number of children in all categories.

4. *Budget enrollment.* Budget enrollment for the budget year is the basic enrollment for the budget year.

5. *Weighted enrollment.*

a. Weighted enrollment is the budget enrollment plus the district's additional enrollment because of special education calculated by November 1 of the base year plus additional pupils added due to the application of the supplementary weighting.

b. Weighted enrollment for special education support services costs is equal to the weighted enrollment minus the additional pupils added due to the application of the supplementary weighting.

6. *Students excluded.* For the school year beginning July 1, 2008, and each succeeding school year, a student shall not be included in a district's enrollment for purposes of this chapter or considered an eligible pupil under section 261E.6 if the student meets all of the following:

a. Was eligible to receive a diploma with the class in which they were enrolled and that class graduated in the previous school year.

b. Continues enrollment in the district to take courses either provided by the district or offered by community colleges under the provisions of section 257.11, or to take courses under the provisions of section 261E.6.

7. *Adjusted enrollment.*

a. Adjusted enrollment is determined annually on January 15, or the third Monday in January if January 15 falls on a Saturday or Sunday, and includes the same categories of pupils used to determine actual enrollment under subsection 1, paragraph "*a*".

b. A school district shall certify its adjusted enrollment to the department of education by January 30 of each year, and the department shall promptly forward the information to the department of management, but not later than twenty-one days after certification.

c. The department of management shall adjust the basic enrollment of the school district for the audit year based upon reports filed under section 11.6, and shall further adjust the budget of the second year succeeding the audit year for the property tax and state aid portions of the reported differences in such enrollments for the fiscal year two years prior to the budget year.

89 Acts, ch 135, §6; 92 Acts, ch 1187, §2; 92 Acts, ch 1230, §1, 2; 92 Acts, ch 1247, §47; 2001 Acts, ch 159, §6 – 8; 2001 Acts, ch 176, §32, 33; 2006 Acts, ch 1152, §22, 23; 2007 Acts, ch 22, §59; 2008 Acts, ch 1181, §45 – 47; 2008 Acts, ch 1191, §108, 113; 2009 Acts, ch 41, §100; 2009 Acts, ch 177, §15, 53, 57; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §34; 2010 Acts, ch 1183, §20; 2013 Acts, ch 88, §4; 2013 Acts, ch 121, §14, 42; 2018 Acts, ch 1172, §87; 2020 Acts, ch 1022, §3; 2020 Acts, ch 1108, §6; 2021 Acts, ch 112, §15; 2026 Acts, ch 1001, §11 – 13, 26; 2026 Acts, ch 1086, §54, 101

Referred to in §11.6, 256.25A, 256B.8, 256C.4, 256E.8, 257.9, 257.10, 257.11A, 257.13, 257.16, 257.16C, 257.16D, 257.31, 257.37, 261E.7, 273.22, 275.14, 275.33, 279.60, 282.8, 282.12, 282.18, 282.31, 299A.2, 299A.8, 299A.12, 423F.2

2026 amendments to section by 2026 Acts, ch 1001, apply to enrollment determinations occurring on or after July 1, 2026, used for school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1001, §26

Subsection 1, paragraph a, subparagraph (9) amended

Subsection 1, paragraphs b and c amended

Subsection 2 amended

NEW subsection 7

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257.7 Authorized expenditures.

1. *Budgets.* School districts are subject to chapter 24. The authorized expenditures of a school district during a base year shall not exceed the lesser of the budget for that year certified under section 24.17 plus any allowable amendments permitted in this section, or the authorized budget, which is the sum of the combined district cost for that year, the actual miscellaneous income received for that year, and the actual unspent balance from the preceding year.

2. *Budget amendments.* If actual miscellaneous income for a budget year exceeds the anticipated miscellaneous income in the certified budget for that year, or if an unspent balance has not been previously certified, a school district may amend its certified budget.

3. *Unspent balances.* For school budget years beginning on or after July 1, 2026, a school district's actual unspent balance from the preceding year used to calculate the authorized budget under subsection 1 shall not exceed an amount equal to thirty-five percent of the school district's authorized expenditures for the budget year immediately preceding the base year unless a greater amount is authorized by the school budget review committee based on one or more grounds authorized for the approval of a modified supplemental amount under section 257.31.

89 Acts, ch 135, §7; 90 Acts, ch 1190, §2; 2026 Acts, ch 1115, §84, 87
Referred to in §279.63A, 298.10, 298A.12
NEW subsection 3

257.8 State percent of growth — supplemental state aid.

1. *State percent of growth.* The state percent of growth for the budget year beginning July 1, 2024, is two and one-half percent. The state percent of growth for the budget year beginning July 1, 2025, is two percent. The state percent of growth for the budget year beginning July 1, 2026, is two percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year.

2. *Categorical state percent of growth.* The categorical state percent of growth for the budget year beginning July 1, 2024, is two and one-half percent. The categorical state percent of growth for the budget year beginning July 1, 2025, is two percent, except for calculating the appropriation to the transportation equity fund under section 257.16C. The categorical state percent of growth for purposes of calculating the appropriation to the transportation equity fund under section 257.16C for the budget year beginning July 1, 2025, is five percent. The categorical state percent of growth for the budget year beginning July 1, 2026, is two percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, the teacher leadership supplement, and for budget years beginning on or after July 1, 2020, transportation equity aid payments under section 257.16C.

3. *Supplemental state aid calculation.* The department of management shall calculate the regular program supplemental state aid for a budget year by multiplying the state percent of growth for the budget year by the regular program state cost per pupil for the base year and shall calculate the special education support services supplemental state aid for the budget year by multiplying the state percent of growth for the budget year by the special education support services state cost per pupil for the base year.

4. *Combined supplemental state aid.* The combined supplemental state aid per pupil for each school district is the sum of the regular program supplemental state aid per pupil and the special education support services supplemental state aid per pupil for the budget year, which may be modified as follows:

a. By the school budget review committee under section 257.31.

b. By the department of management under section 257.36.

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5. *Alternate supplemental state aid — definitions.*

a. For budget years beginning July 1, 2000, and subsequent budget years, references to the terms *"supplemental state aid"*, *"regular program state cost per pupil"*, and *"regular program district cost per pupil"* shall mean those terms as calculated for those school districts that calculated regular program supplemental state aid for the school budget year beginning July 1, 1999, with the additional thirty-eight dollars specified in section 257.8, subsection 4, Code 2013.

b. For the budget year beginning July 1, 2018, and subsequent budget years, references to *"supplemental state aid"* and *"regular program state cost per pupil"* shall mean those terms as calculated including the additional amounts for the specified budget years under section 257.9, subsection 2, and references to *"regular program district cost per pupil"* shall mean that term as calculated including any adjustments made under section 257.10, subsection 2.

89 Acts, ch 135, §8; 92 Acts, ch 1227, §15; 95 Acts, ch 11, §1; 96 Acts, ch 1001, §1; 98 Acts, ch 1005, §1, 2; 99 Acts, ch 1, §1, 2; 99 Acts, ch 178, §2, 10; 2000 Acts, ch 1001, §1, 2; 2001 Acts, ch 2, §1, 2; 2002 Acts, ch 1159, §1, 2; 2002 Acts, ch 1167, §1, 6; 2003 Acts, ch 1, §1, 2; 2004 Acts, ch 1175, §234, 287; 2005 Acts, ch 1, §1, 2; 2006 Acts, ch 1154, §1, 2; 2007 Acts, ch 3, §1, 2; 2008 Acts, ch 1002, §1, 2; 2008 Acts, ch 1181, §96; 2009 Acts, ch 5, §1, 2; 2009 Acts, ch 6, §1, 2; 2011 Acts, ch 131, §122 – 125, 158; 2013 Acts, ch 121, §4, 9, 15, 16, 42, 52; 2015 Acts, ch 126, §1, 3, 4; 2015 Acts, ch 127, §1, 3, 4; 2016 Acts, ch 1047, §1, 3; 2016 Acts, ch 1048, §1, 3; 2017 Acts, ch 1, §1, 5, 6; 2018 Acts, ch 1005, §1, 5; 2018 Acts, ch 1007, §2, 6; 2019 Acts, ch 1, §1, 7; 2019 Acts, ch 2, §1, 2, 6

[A portion of subsection 2 relating to the budget year beginning July 1, 2019, was inadvertently omitted in the 2020 Code]

2020 Acts, ch 1012, §1, 5; 2021 Acts, ch 2, §1, 7; 2022 Acts, ch 1001, §1, 6; 2023 Acts, ch 2, §1, 3; 2024 Acts, ch 1002, §48, 51; 2025 Acts, ch 78, §1, 4; 2026 Acts, ch 1001, §1, 4

Referred to in §257.2, 257.9, 257.16C, 273.23
Subsections 1 and 2 amended

257.9 State cost per pupil.

1. *Regular program state cost per pupil for 1991-1992.*

a. For the budget year beginning July 1, 1991, for the regular program state cost per pupil, the department of management shall add together the sum of the products of each district's regular program district cost per pupil for the base year, as regular program district cost per pupil would have been calculated under section 442.9, Code 1989, multiplied by its budget enrollment as budget enrollment would have been calculated under section 442.4, Code 1989, for the base year, plus the sum of the amounts added to the district cost of school districts pursuant to section 442.21, Code 1989.

b. The total calculated under this subsection shall be divided by the total of the budget enrollments of all school districts for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, if section 257.6, subsection 4, had been in effect for that budget year. The regular program state cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus an amount of supplemental state aid, as defined in section 257.2, Code 2014, that is equal to the state percent of growth for the budget year multiplied by the amount calculated by the department of management under this subsection.

2. *Regular program state cost per pupil for 1992-1993 and succeeding years.*

a. For the budget year beginning July 1, 1992, and succeeding budget years beginning before July 1, 2018, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

b. For the budget year beginning July 1, 2018, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

c. For the budget year beginning July 1, 2019, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

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d. For the budget year beginning July 1, 2020, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus ten dollars.

e. For the budget year beginning July 1, 2021, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus ten dollars.

f. For the budget year beginning July 1, 2022, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

g. For the budget years beginning July 1, 2023, and July 1, 2024, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

h. For the budget year beginning July 1, 2025, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

i. For the budget year beginning July 1, 2026, and succeeding budget years, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

3. *Special education support services state cost per pupil for 1991-1992.* For the budget year beginning July 1, 1991, for the special education support services state cost per pupil, the department of management shall divide the total of the approved budgets of the area education agencies for special education support services for that year approved by the state board of education under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the state for the budget year. The special education support services state cost per pupil for the budget year is the amount calculated by the department of management under this subsection.

4. *Special education support services state cost per pupil for 1992-1993 and succeeding years.* For the budget year beginning July 1, 1992, and succeeding budget years, the special education support services state cost per pupil for the budget year is the special education support services state cost per pupil for the base year plus the special education support services supplemental state aid for the budget year.

5. *Combined state cost per pupil.* The combined state cost per pupil is the sum of the regular program state cost per pupil and the special education support services state cost per pupil.

6. *Teacher salary supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"h"*, Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus a supplemental state aid amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

7. *Professional development supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the professional development supplement state cost per pupil, the department of management shall add together the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The professional development supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus a supplemental state aid amount that is equal to

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the professional development supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

8. *Early intervention supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the early intervention supplement state cost per pupil, the department of management shall add together the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, and divide that sum by the statewide total budget enrollment for the fiscal year beginning July 1, 2009. The early intervention supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus a supplemental state aid amount that is equal to the early intervention supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

9. *Area education agency teacher salary supplement state cost per pupil.* For the budget year beginning July 1, 2009, for the area education agency teacher salary supplement state cost per pupil, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"i"*, Code 2009, and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the statewide special education support services weighted enrollment for the fiscal year beginning July 1, 2009. The area education agency teacher salary supplement state cost per pupil for the budget year beginning July 1, 2010, and succeeding budget years, shall be the amount calculated by the department of management under this subsection for the base year plus a supplemental state aid amount that is equal to the teacher salary supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the amount calculated by the department of management under this subsection for the base year.

10. *Teacher leadership supplement state cost per pupil.* The teacher leadership supplement state cost per pupil amount for the budget year beginning July 1, 2014, shall be calculated by the department of management by dividing the allocation amount for the budget year beginning July 1, 2014, in section 284.13, subsection 1, paragraph *"d"*, subparagraph (4), by one-third of the statewide total budget enrollment for the fiscal year beginning July 1, 2014. The teacher leadership supplement state cost per pupil for the budget year beginning July 1, 2015, and succeeding budget years, shall be the teacher leadership supplement state cost per pupil for the base year plus a supplemental state aid amount that is equal to the teacher leadership supplement categorical state percent of growth, pursuant to section 257.8, subsection 2, for the budget year, multiplied by the teacher leadership supplement state cost per pupil for the base year.

89 Acts, ch 135, §9; 90 Acts, ch 1190, §3; 2008 Acts, ch 1181, §97; 2009 Acts, ch 68, §2; 2009 Acts, ch 177, §16; 2010 Acts, ch 1061, §43; 2013 Acts, ch 121, §17, 18, 42, 53; 2014 Acts, ch 1013, §3; 2018 Acts, ch 1007, §3, 6; 2019 Acts, ch 2, §3, 6; 2020 Acts, ch 1002, §1, 4; 2021 Acts, ch 2, §2, 7; 2022 Acts, ch 1001, §2, 6; 2024 Acts, ch 1002, §26, 37, 38; 2025 Acts, ch 78, §5, 6

Referred to in §256E.8, 257.2, 257.8, 282.10, 282.18

2024 strike of former subsection 10 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.10 District cost per pupil — district cost.

1. *Regular program district cost per pupil for 1991-1992.* For the budget year beginning July 1, 1991, in order to determine the regular program district cost per pupil for a district, the department of management shall divide the product of the regular program district cost per pupil of the district for the base year, as regular program district cost per pupil would have been calculated under section 442.9, Code 1989, multiplied by its budget enrollment for the base year as budget enrollment would have been calculated under section 442.4, Code 1989, plus the amount added to district cost pursuant to section 442.21, Code 1989, for each school district, by the budget enrollment of the school district for the budget year beginning July 1, 1990, calculated under section 257.6, subsection 4, as if section 257.6, subsection 4, had

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been in effect for that budget year. The regular program district cost per pupil for the budget year beginning July 1, 1991, is the amount calculated by the department of management under this subsection plus the amount of supplemental state aid, as defined in section 257.2, Code 2014, calculated for regular program state cost per pupil, except that if the regular program district cost per pupil for the budget year calculated under this subsection in any school district exceeds one hundred ten percent of the regular program state cost per pupil for the budget year, the department of management shall reduce the regular program district cost per pupil of that district for the budget year to an amount equal to one hundred ten percent of the regular program state cost per pupil for the budget year, and if the regular program district cost per pupil for the budget year calculated under this subsection in any school district is less than the regular program state cost per pupil for the budget year, the department of management shall increase the regular program district cost per pupil of that district to an amount equal to the regular program state cost per pupil for the budget year.

2. *Regular program district cost per pupil for 1992-1993 and succeeding years.*

a. For the budget year beginning July 1, 1992, and succeeding budget years, the regular program district cost per pupil for each school district for a budget year is the regular program district cost per pupil for the base year plus the regular program supplemental state aid for the budget year except as otherwise provided in this subsection.

b. If the regular program district cost per pupil of a school district for the budget year under paragraph *"a"* exceeds one hundred five percent of the regular program state cost per pupil for the budget year and the state percent of growth for the budget year is greater than two percent, the regular program district cost per pupil for the budget year for that district shall be reduced to one hundred five percent of the regular program state cost per pupil for the budget year. However, under such conditions, if the difference between the regular program district cost per pupil for the budget year and the regular program state cost per pupil for the budget year is greater than an amount equal to two percent multiplied by the regular program state cost per pupil for the base year, the regular program district cost per pupil for the budget year shall be reduced by the amount equal to two percent multiplied by the regular program state cost per pupil for the base year.

c. For the budget year beginning July 1, 2018, and succeeding budget years, if the regular program district cost per pupil for the budget year calculated under this subsection in any school district is less than the regular program state cost per pupil for the budget year, the department of management shall increase the regular program district cost per pupil of that district to an amount equal to the regular program state cost per pupil for the budget year.

3. *Special education support services district cost per pupil for 1991-1992.* For the budget year beginning July 1, 1991, for the special education support services district cost per pupil, the department of management shall divide the approved budget of each area education agency for special education support services for that year approved by the state board of education, under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the area for that budget year. The special education support services district cost per pupil for each school district in an area for the budget year is the amount calculated by the department of management under this subsection.

4. *Special education support services district cost per pupil for 1992-1993 and succeeding years.*

a. For the budget year beginning July 1, 1992, and succeeding budget years, the special education support services district cost per pupil for the budget year is the special education support services district cost per pupil for the base year plus the special education support services supplemental state aid for the budget year.

b. Notwithstanding the special education support services district cost per pupil for the budget year beginning July 1, 1991, calculated under subsection 3, for area education agencies that have fewer than three and five-tenths public school pupils per square mile, the special education support services district cost per pupil for the budget year beginning July 1, 1991, is one hundred forty-seven dollars.

5. *Combined district cost per pupil.* The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include

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a modified supplemental amount added for school districts that have a negative balance of funds raised for special education instruction programs, a modified supplemental amount granted by the school budget review committee for a single school year, or a modified supplemental amount added for programs established pursuant to sections 257.38 through 257.41.

6. *Regular program district cost.* Regular program district cost for a school district for a budget year is equal to the regular program district cost per pupil for the budget year multiplied by the budget enrollment for the budget year.

7. *Special education support services district cost.* Special education support services district cost for a school district for a budget year is equal to the special education support services district cost per pupil for the budget year multiplied by the special education support services weighted enrollment for the district for the budget year. If the special education support services district cost for a school district for a budget year is less than the special education support services district cost for that district for the base year, the department of management shall adjust the special education support services district cost for that district for the budget year to equal the special education support services district cost for the base year. Funds calculated under this subsection and received by a school district shall be used for special education support services. For budget years beginning on or after July 1, 2025, not less than ninety percent of funds calculated under this subsection and received by a school district shall be used by the school district for special education support services contracted from an area education agency. The contract between the school district and the area education agency shall not require the school district to describe the specific special education support services the school district will receive from the area education agency. The special education services provided by the area education agency to the school district pursuant to the contract shall not be limited by the amount of funding the school district provided to the area education agency.

8. *Combined district cost.*

a. Combined district cost is the sum of the regular program district cost per pupil multiplied by the weighted enrollment, the special education support services district cost, the total teacher salary supplement district cost, the total professional development supplement district cost, the total early intervention supplement district cost, and the total teacher leadership supplement district cost, plus the sum of the additional district cost allocated to the district to fund media services and educational services under section 257.37, and the area education agency total teacher salary supplement district cost.

b. A school district may increase its combined district cost for the budget year to the extent that an excess tax levy is authorized by the school budget review committee.

9. *Teacher salary supplement cost per pupil and district cost.*

a. (1) For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"h"*, Code 2009, and the phase II allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the teacher salary supplement district cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years beginning before July 1, 2024, the teacher salary supplement district cost per pupil for each school district for a budget year is the teacher salary supplement program district cost per pupil for the base year plus the teacher salary supplement supplemental state aid amount for the budget year.

(2) (a) For the budget year beginning July 1, 2024, the teacher salary supplement district cost per pupil for each school district shall be determined under this subparagraph.

(b) The department of management shall categorize all school districts into not more than ten tiers according to each school district's actual enrollment. Each tier established by the department of management containing a school district with an actual enrollment above three thousand five hundred pupils shall contain, to the extent feasible, the same number of school districts as other tiers containing school districts with an actual enrollment of more than three thousand five hundred pupils. Each tier established by the department of management

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containing a school district with an actual enrollment equal to or less than three thousand five hundred pupils shall contain, to the extent feasible, the same number of school districts as other tiers containing school districts with an actual enrollment equal to or less than three thousand five hundred pupils.

(c) (i) To support school districts with meeting the minimum teacher starting salary requirement of forty-seven thousand five hundred dollars and the minimum teacher salary requirement for full-time teachers with, as of July 1, 2024, at least twelve years of experience of sixty thousand dollars under chapter 284 and other costs associated with such salary requirements, as identified in subparagraph subdivision (ii), the department of management shall calculate and assign to all school districts in a tier established under subparagraph division (b), a teacher salary supplement district cost per pupil in an amount based in part on the average cost to school districts within the tier to meet the requirements.

(ii) If, however, a school district's total teacher salary supplement district cost under paragraph *"c"* as calculated using the teacher salary supplement district cost per pupil assigned to the school district's applicable tier, is insufficient to comply with the applicable minimum teacher salary requirements of the school district, including costs associated with the employer's share of contributions to the Iowa public employees' retirement system and the employer's share of the tax imposed by the federal Insurance Contributions Act, the department of management shall set the school district's teacher salary supplement district cost per pupil at an amount necessary to meet the district's minimum salary requirements and associated costs.

(3) (a) For the budget year beginning July 1, 2025, the teacher salary supplement district cost per pupil for each school district shall be determined under this subparagraph.

(b) (i) To support school districts with meeting the minimum teacher salary requirements under chapter 284, including the minimum teacher starting salary requirement of fifty thousand dollars; the minimum teacher salary requirement for full-time teachers with, as of July 1, 2025, at least twelve years of experience of sixty-two thousand dollars; and the minimum teacher salary requirement for teachers with at least twelve years of experience, who have had a bona fide retirement from employment with a covered employer as provided in section 97B.52A, and who have returned to covered full-time employment with a covered employer pursuant to chapter 97B as a teacher licensed under chapter 256, of fifty thousand dollars, and other costs associated with such salary requirements, including costs associated with the employer's share of contributions to the Iowa public employees' retirement system and the employer's share of the tax imposed by the federal Insurance Contributions Act, the department of management shall calculate and assign to all school districts a teacher salary supplement district cost per pupil in an amount to meet the requirements, plus an amount equal to the teacher salary supplement supplemental state aid amount for the budget year.

(ii) If, however, a school district reported a teacher's years of experience incorrectly on the fall 2023 basic educational data survey compared to the fall 2024 basic educational data survey, and the difference would have resulted in an additional per pupil amount for the budget year beginning July 1, 2024, the department of management shall increase the teacher salary supplement district cost per pupil for the budget year beginning July 1, 2025, by the difference between the teacher salary supplement district cost per pupil that would have been calculated if not for the incorrect reporting and the teacher salary supplement district cost per pupil actually calculated.

(4) For the budget year beginning July 1, 2026, and succeeding budget years, the teacher salary supplement district cost per pupil for each school district for a budget year is the teacher salary supplement program district cost per pupil for the base year plus the teacher salary supplement supplemental state aid amount for the budget year.

b. For the budget year beginning July 1, 2010, and succeeding budget years, if the department of management determines that the unadjusted teacher salary supplement district cost of a school district for a budget year is less than one hundred percent of the unadjusted teacher salary supplement district cost for the base year for the school district, the school district shall receive a budget adjustment for that budget year equal to the difference.

c. (1) The unadjusted teacher salary supplement district cost is the teacher salary

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supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

(2) The total teacher salary supplement district cost is the sum of the unadjusted teacher salary supplement district cost plus the budget adjustment for that budget year.

d. For the budget year beginning July 1, 2010, and succeeding budget years, the use of the funds calculated under this subsection or available for use as provided in subsection 10, paragraph *"d"*, subsection 12, paragraph *"d"*, or section 257.46, subsection 3, shall be distributed to teachers pursuant to section 284.3A and shall comply with the requirements of chapter 284 related to such distribution under section 284.3A.

10. *Professional development supplement cost per pupil and district cost.*

a. For the budget year beginning July 1, 2009, the department of management shall divide the professional development allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"d"*, Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the professional development supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the professional development supplement district cost per pupil for each school district for a budget year is the professional development supplement district cost per pupil for the base year plus the professional development supplement supplemental state aid amount for the budget year.

b. For the budget year beginning July 1, 2010, and succeeding budget years, if the department of management determines that the unadjusted professional development supplement district cost of a school district for a budget year is less than one hundred percent of the unadjusted professional development supplement district cost for the base year for the school district, the school district shall receive a budget adjustment for that budget year equal to the difference.

c. (1) The unadjusted professional development supplement district cost is the professional development supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

(2) The total professional development supplement district cost is the sum of the unadjusted professional development supplement district cost plus the budget adjustment for that budget year.

d. The use of the funds calculated under this subsection and any amount designated for professional development purposes from the school district's flexibility account under section 298A.2, subsection 2, shall comply with the requirements of chapter 284. If all professional development requirements of chapter 284 are met and funds received under this subsection remain unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2017, the school district may transfer all or a portion of such unexpended and unobligated funds for deposit in the school district's flexibility account established under section 298A.2, subsection 2. At the end of a fiscal year beginning on or after July 1, 2022, the school district may use all or a portion of funds under this subsection for the purposes authorized under subsection 9, paragraph *"d"*. At the end of a fiscal year beginning on or after July 1, 2024, the school district may use all or a portion of funds under this subsection for any trainings required as a condition for a school employee to carry a weapon at the school during school hours.

11. *Early intervention supplement cost per pupil and district cost.*

a. For the budget year beginning July 1, 2009, the department of management shall divide the early intervention allocation made to each district for the fiscal year beginning July 1, 2008, pursuant to section 256D.4, Code 2009, by the district's budget enrollment in the fiscal year beginning July 1, 2009, to determine the early intervention supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the early intervention supplement district cost per pupil for each school district for a budget

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year is the early intervention supplement district cost per pupil for the base year plus the early development supplement supplemental state aid amount for the budget year.

b. For the budget year beginning July 1, 2010, and succeeding budget years, if the department of management determines that the unadjusted early intervention supplement district cost of a school district for a budget year is less than one hundred percent of the unadjusted early intervention supplement district cost for the base year for the school district, the school district shall receive a budget adjustment for that budget year equal to the difference.

c. (1) The unadjusted early intervention supplement district cost is the early intervention supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

(2) The total early intervention supplement district cost is the sum of the unadjusted early intervention supplement district cost plus the budget adjustment for that budget year.

d. The funds calculated under this subsection may be used for any school general fund purpose.

12. *Teacher leadership supplement cost per pupil and district cost.*

a. The teacher leadership supplement district cost per pupil amount for the budget year beginning July 1, 2014, shall be calculated by the department of management by dividing the allocation amount for the budget year beginning July 1, 2014, in section 284.13, subsection 1, paragraph *"d"*, subparagraph (4), by one-third of the statewide total budget enrollment for the fiscal year beginning July 1, 2014. For the budget year beginning July 1, 2015, and succeeding budget years, the teacher leadership supplement district cost per pupil for each school district for a budget year is the teacher leadership supplement program district cost per pupil for the base year plus the teacher leadership supplement supplemental state aid amount for the budget year.

b. For the budget year beginning July 1, 2015, and succeeding budget years, if the department of management determines that the unadjusted teacher leadership supplement district cost of a school district for a budget year is less than one hundred percent of the unadjusted teacher leadership supplement district cost for the base year for the school district, the school district shall receive a budget adjustment for that budget year equal to the difference.

c. (1) The unadjusted teacher leadership supplement district cost is the teacher leadership supplement district cost per pupil for each school district for a budget year multiplied by the sum of the budget enrollment for that school district plus the number of resident pupils in the school district that received an education savings account payment under section 257.11B for the base year.

(2) The total teacher leadership supplement district cost is the sum of the unadjusted teacher leadership supplement district cost plus the budget adjustment for that budget year.

d. Except as otherwise allowed under this paragraph, for the budget year beginning July 1, 2014, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.15. The funds shall be used only to increase the payment for a teacher assigned to a leadership role pursuant to a framework or comparable system approved pursuant to section 284.15; to increase the percentages of teachers assigned to leadership roles; to increase the minimum teacher starting salary to the amount provided in section 284.15, subsection 2, paragraph *"a"*, subparagraph (1); to cover the costs for the time mentor and lead teachers are not providing instruction to students in a classroom; for coverage of a classroom when an initial or career teacher is observing or co-teaching with a teacher assigned to a leadership role; for professional development time to learn best practices associated with the career pathways leadership process; and for other costs associated with a framework or comparable system approved by the department of education under section 284.15 with the goals of improving instruction and elevating the quality of teaching and student learning. If all requirements for the school district for the use of funds calculated under this subsection are met and funds received under this subsection

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remain unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2020, the school district may transfer all or a portion of such unexpended and unobligated funds for deposit in the school district's flexibility account established under section 298A.2, subsection 2. At the end of a fiscal year beginning on or after July 1, 2022, school districts may use all or a portion of funds under this subsection for the purposes authorized under subsection 9, paragraph *"d"*, and, notwithstanding any provision of law to the contrary, school districts shall not be required to participate in or comply with section 284.15 in order to continue to receive funding under this subsection.

13. *Deference to school districts.*

a. When exercising authority to carry out an agency action, as defined in section 17A.2, or to perform an activity or make a decision specified in section 17A.2, subsection 11, paragraphs *"a"* through *"l"*, if applicable, related to the provisions of subsections 9, 10, and 11, including the expenditure of funds received by school districts under subsections 9, 10, and 11, the department of education, the director of the department of education, and the state board of education shall carry out, perform, or make such agency action, activity, or decision in a manner that gives deference to decisions of school districts' boards of directors, promotes flexibility for school districts, and minimizes intrusions into school district operations and decision making by boards of directors.

b. (1) In addition to paragraph *"a"*, the department of education, the director of the department of education, and the state board of education shall not issue guidance related to the provisions of subsections 9, 10, and 11, including the expenditure of funds received by a school district under subsections 9, 10, and 11, that is inconsistent with any statute, rule, or other legal authority or that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority. Guidance issued in violation of this paragraph *"b"* shall not be deemed to be legally binding.

(2) For the purposes of this paragraph *"b"*, *"guidance"* means a document or statement issued by the department of education, the director of the department of education, or the state board of education that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted. *"Guidance"* does not include any action, activity, or decision governed by paragraph *"a"*, a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

89 Acts, ch 135, §10; 90 Acts, ch 1190, §4 – 6; 90 Acts, ch 1272, §44; 99 Acts, ch 178, §3, 10; 2006 Acts, ch 1152, §24; 2008 Acts, ch 1181, §98, 99; 2009 Acts, ch 68, §3, 4; 2009 Acts, ch 177, §17, 18; 2010 Acts, ch 1061, §44; 2013 Acts, ch 121, §19 – 25, 42, 54, 55; 2014 Acts, ch 1013, §4; 2015 Acts, ch 140, §36, 58, 59; 2017 Acts, ch 153, §9 – 11; 2017 Acts, ch 154, §2; 2018 Acts, ch 1007, §4 – 6; 2018 Acts, ch 1112, §2, 16, 17; 2021 Acts, ch 139, §2; 2023 Acts, ch 1, §3 – 6, 10, 12 – 14, 18; 2024 Acts, ch 1002, §27, 28, 37, 38, 40, 46, 47; 2024 Acts, ch 1154, §35, 36; 2024 Acts, ch 1179, §1, 13; 2025 Acts, ch 142, §1, 2

Referred to in §256E.23, 257.2, 257.8, 257.16, 257.35, 257.46, 282.24, 284.3A, 284.4, 284.6, 284.15, 284.16, 284.17, 298A.2

2024 amendment to subsection 7 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

2024 amendment to subsection 8, paragraph a applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.11 Supplementary weighting plan.

1. *Regular curriculum.* Pupils in a regular curriculum attending all their classes in the district in which they reside, taught by teachers employed by that district, and having administrators employed by that district, are assigned a weighting of one.

2. *District-to-district sharing.*

a. In order to provide additional funds for school districts which send their resident pupils to another school district, which jointly employ and share the services of teachers under section 280.15, or which use the services of a teacher employed by another school district, a supplementary weighting plan for determining enrollment is adopted.

b. If the school budget review committee certifies to the department of management that

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the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting, pupils attending classes in another school district, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district are assigned a weighting of forty-eight hundredths of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district.

c. Pupils attending class for all or a substantial portion of a school day pursuant to a whole grade sharing agreement executed under sections 282.10 through 282.12 shall be eligible for supplementary weighting pursuant to this subsection. A school district which executes a whole grade sharing agreement and which adopts a resolution jointly with other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or before July 1, 2035, shall receive a weighting of one-tenth of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district. A district shall be eligible for supplementary weighting pursuant to this paragraph for a maximum of three years. Receipt of supplementary weighting for a second and third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress toward the objective of reorganization on or before July 1, 2035.

d. A school district which hosts a regional academy shall be eligible to assign its resident students attending classes at the academy a weighting of one-tenth of the percentage of the student's school day during which the student attends classes at the regional academy. The maximum amount of additional weighting for which a school district hosting a regional academy shall be eligible is an amount corresponding to thirty additional students. The minimum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to fifteen additional students if the academy provides both advanced-level courses and career and technical courses.

3. *District-to-community college sharing and concurrent enrollment programs.*

a. In order to provide additional funds for school districts which send their resident high school pupils to a community college for college-level classes, a supplementary weighting plan for determining enrollment is adopted.

b. If the school budget review committee certifies to the department of management that the class would not otherwise be implemented without the assignment of additional weighting, pupils attending a community college-offered class or attending a class taught by a community college-employed instructor are assigned a weighting of the percentage of the pupil's school day during which the pupil attends class in the community college or attends a class taught by a community college-employed instructor times seventy hundredths for career and technical courses or fifty hundredths for liberal arts and sciences courses. The following requirements shall be met for the purposes of assigning an additional weighting for classes offered through a sharing agreement between a school district and community college. The class must be:

(1) Supplementing, not supplanting, high school courses required to be offered pursuant to section 256.11, subsection 5.

(2) Included in the community college catalog or an amendment or addendum to the catalog.

(3) Open to all registered community college students, not just high school students. The class may be offered in a high school attendance center.

(4) For college credit and the credit must apply toward an associate of arts or associate of science degree, or toward an associate of applied arts or associate of applied science degree, or toward completion of a college diploma program.

(5) Taught by an instructor employed or contracted by a community college who meets the requirements of section 261E.3, subsection 2.

(6) Taught utilizing the community college course syllabus.

(7) Taught in such a manner as to result in student work and student assessment which meet college-level expectations.

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c. Notwithstanding paragraph *"b"*, subparagraph (1), a school district that otherwise meets the requirements of this subsection may enter into a sharing agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one of the science or one of the mathematics units in accordance with section 256.11, subsection 5, and one or more units in only one of the six career and technical education content areas in accordance with section 256.11, subsection 5, paragraph *"h"*. Pupils enrolled in a unit in accordance with this paragraph shall be assigned additional weighting in accordance with this subsection if the number of pupils enrolled in such a unit exceeds five and the school district's total enrollment does not exceed six hundred pupils. A school district that enters into a sharing agreement with a community college under this paragraph to provide a unit of science or mathematics in accordance with section 256.11, subsection 5, paragraph *"a"*, *"d"*, or *"e"*, shall be deemed to have met the requirement that the school district offer and teach such a unit under the educational standards of section 256.11, subsection 5, paragraph *"a"*, *"d"*, or *"e"*. However, the provisions of this paragraph *"c"* relating to a sharing agreement for a unit of science or mathematics are applicable only if all of the following conditions are met:

(1) The school district has made every reasonable and good faith effort to employ a teacher licensed under chapter 256, subchapter VII, part 3, for the science or mathematics unit, as applicable, and is unable to employ such a teacher. For purposes of this paragraph *"c"*, *"good faith effort"* means the same as defined in section 279.19A, subsection 9.

(2) Enrollment for the unit exceeds five pupils.

(3) The unit is offered during the regular school day.

(4) The unit is made accessible by the school district to all eligible pupils.

4. *At-risk programs and alternative schools.*

a. In order to provide additional funding to school districts for programs serving at-risk pupils, alternative program and alternative school pupils in secondary schools, and pupils identified as potential dropouts or returning dropouts as defined in section 257.39, a supplementary weighting plan for such pupils is adopted. A supplementary weighting of forty-eight ten-thousandths per pupil shall be assigned to the percentage of pupils in a school district enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751 – 1785, multiplied by the budget enrollment in the school district; and a supplementary weighting of one hundred fifty-six one-hundred-thousandths per pupil shall be assigned to pupils included in the budget enrollment of the school district. Amounts received as supplementary weighting under this subsection shall be utilized by a school district to develop or maintain at-risk pupils' programs, alternative programs and alternative school programs, and returning dropout and dropout prevention programs approved pursuant to section 257.40.

b. Notwithstanding paragraph *"a"*, a school district which received supplementary weighting for an alternative high school program for the school budget year beginning July 1, 1999, shall receive an amount of supplementary weighting for the next three school budget years as follows:

(1) For the budget year beginning July 1, 2000, the greater of the amount of supplementary weighting determined pursuant to paragraph *"a"*, or sixty-five percent of the amount received for the budget year beginning July 1, 1999.

(2) For the budget year beginning July 1, 2001, the greater of the amount of supplementary weighting determined pursuant to paragraph *"a"*, or forty percent of the amount received for the budget year beginning July 1, 1999.

(3) For the budget year beginning July 1, 2002, and succeeding budget years, the amount of supplementary weighting determined pursuant to paragraph *"a"*.

c. If a school district receives an amount pursuant to paragraph *"b"* which exceeds the amount the district would otherwise have received pursuant to paragraph *"a"*, the department of management shall annually determine the amount of the excess that would have been state aid and the amount that would have been property tax if the school district had generated that amount pursuant to paragraph *"a"*, and shall include the amounts

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in the state aid payments and property tax levies of school districts. The department of management shall recalculate the supplementary weighting amount received each year to reflect the amount of the reduction in funding from one budget year to the next pursuant to paragraph *"b"*, subparagraphs (1) through (3). It is the intent of the general assembly that when weights are recalculated under this subsection, the total amounts generated by each weight shall be approximately equal.

d. Amounts that a school district receives as supplementary weighting pursuant to this subsection or as a modified supplemental amount received under section 257.41 may be used in the budget year for purposes of providing district-wide, building-wide, or grade-specific at-risk and dropout prevention programming targeted to pupils who are not deemed at risk.

e. Notwithstanding paragraph *"d"* and section 282.24, if a pupil has been determined by the school district to be likely to inflict self-harm or likely to harm another pupil and all of the following apply, the school district may use amounts received pursuant to paragraph *"a"* to pay the instructional costs necessary to address the pupil's behavior during instructional time when those services are not otherwise provided to pupils who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum:

(1) The pupil does not require special education.

(2) The pupil is not in a court-ordered placement under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

(3) The pupil is not in the state training school pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

(4) The pupil is not placed in a facility licensed under chapter 135B, 135C, or 135H.

5. *Shared operational functions — increased student opportunities — budget years beginning in 2014 through 2034.*

a. (1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, work-based learning coordinator, special education director, mental health professional who holds a statement of recognition issued by the board of educational examiners, college and career transition counselor or coordinator, school resource officer, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of nine pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director; a master social worker or an independent social worker licensed under chapters 147 and 154C; a work-based learning coordinator; a special education director; a mental health professional who holds a statement of recognition issued by the board of educational examiners; a college and career transition counselor or coordinator; a school resource officer; or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision or another school district even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision or another school district are not the same operational function, so long as either both operational functions are eligible for weighting under this subsection or the operational function the individual performs for the school district is special education director. In either case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The

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operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

(2) For the purposes of this paragraph *"a"*:

(a) *"College and career transition counselor or coordinator"* means a licensed school counselor or an appropriately trained individual responsible for providing direct services to students, parents, families, schools, and postsecondary institutions to support college preparation and postsecondary success, such as college preparation, financial aid processing, and transition to postsecondary institution enrollment.

(b) *"Political subdivision"* means a city, township, county, school corporation, merged area, area education agency, institution governed by the state board of regents, or any other governmental subdivision.

(c) *"School resource officer"* means the same as defined in 34 U.S.C. §10389.

(d) *"Work-based learning coordinator"* means an appropriately trained individual responsible for facilitating authentic, engaging work-based learning experiences for learners and educators in partnership with employers and others to enhance learning by connecting the content and skills that are necessary for future careers.

b. (1) Notwithstanding paragraph *"a"*, subparagraph (1), each operational function assigned a supplementary weighting of five pupils under paragraph *"a"*, subparagraph (1), shall instead be assigned a supplementary weighting of four pupils for the school budget years beginning on or after July 1, 2022, but before July 1, 2035.

(2) Notwithstanding paragraph *"a"*, subparagraph (1), each operational function assigned a supplementary weighting of three pupils under paragraph *"a"*, subparagraph (1), shall instead be assigned a supplementary weighting of two pupils for the school budget years beginning on or after July 1, 2022, but before July 1, 2035.

c. School districts that share operational functions with other school districts are not required to be contiguous school districts. If two or more districts sharing operational functions are not contiguous to each other, the districts separating those districts are not required to be a party to the operational functions sharing arrangement.

d. Supplementary weighting pursuant to this subsection shall be available to a school district during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, 2034. For budget years beginning prior to July 1, 2025, the maximum amount of additional weighting for which a school district shall be eligible in a budget year is twenty-one additional pupils; and for budget years beginning on or after July 1, 2025, the maximum amount of additional weighting for which a school district shall be eligible in a budget year is twenty-five pupils; provided, however, that for budget years beginning on or after July 1, 2024, the supplementary weighting assigned for a shared operational function in the area of a college and career transition counselor or coordinator shall not count toward this maximum amount. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

e. Supplementary weighting pursuant to this subsection shall be available to an area education agency during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, 2034. The minimum amount of additional funding for which an area education agency shall be eligible in a budget year is thirty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency's special education cost per pupil amount and foundation level. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

f. This subsection is repealed effective July 1, 2035.

6. *Shared classes delivered over the Iowa communications network.*

a. A school district that provides a virtual class to a pupil in another school district and the school district receiving that virtual class for a pupil shall each receive a supplemental

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weighting of one-twentieth of the percentage of the pupil's school day during which the pupil attends the virtual class.

b. Fifty percent of the funding the school district providing the virtual class receives as a result of this subsection shall be reserved as additional pay for the virtual classroom instructor. If an instructor's contract provides additional pay for teaching a virtual class, the instructor shall receive the greater amount of either the amount provided for in this paragraph or the amount provided for in the instructor's contract.

c. A school district receiving a virtual class for a pupil from a community college, which class meets the sharing agreement requirements in subsection 3, shall receive a supplemental funding weighting of one-twentieth of the percentage of the pupil's school day during which the pupil attends the virtual class.

d. For the purposes of this subsection, *"virtual class"* means either of the following:

(1) A class provided by a school district to a pupil in another school district via the Iowa communications network's video services.

(2) A class provided by a community college to a pupil in a school district via the Iowa communications network's video services.

7. *District to community college innovative sharing project.* A school district that collaborates with a community college to provide pupils enrolled in the school district's high school with a class that uses an activities-based, project-based, and problem-based learning approach that is offered through a partnership with a nationally recognized provider of rigorous and innovative science, technology, engineering, and mathematics curriculum for schools, which provider is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, is eligible to assign its resident pupils attending the class an additional weighting of the percentage of the pupil's school day during which the pupil attends a class described in this subsection times seventy hundredths. To qualify for additional weighting, the class must supplement, not supplant, high school courses required to be offered pursuant to section 256.11, subsection 5.

8. *Pupils ineligible.* A pupil eligible for the weighting plan provided in section 256B.9 is not eligible for supplementary weighting pursuant to this section unless it is determined that the course generating the supplemental weighting has no relationship to the pupil's disability. A pupil attending an alternative program or an at-risk pupils' program, including alternative high school programs, is not eligible for supplementary weighting under subsection 2.

9. *Shared classes and curriculum standards.* A school district shall ensure that any course made available to a student through any sharing agreement between the school district and a community college or any other entity providing course programming pursuant to this section to students enrolled in the school district meets the expectations contained in the core curriculum adopted pursuant to section 256.7, subsection 26. The school district shall ensure that any course that has the capacity to generate college credit shall be equivalent to college-level work.

10. *School finance appropriations report.* The department of education shall annually prepare a report regarding school finance provisions or programs receiving a standing appropriation, including supplementary weighting programs. The report shall provide information regarding amounts received or accessed by school districts pursuant to the provisions or programs, whether the amounts received represent an increase or decrease over amounts received during the previous budget year and the percentage increase or decrease, conclusions regarding the adequacy of amounts received by school districts and whether the amounts received are equitable between school districts based upon input from the school districts and analysis by the department, and the rationale for current trends being observed by the department and projections regarding possible trends in the future. The report shall be submitted to the general assembly by January 1 each year, and copies of the report shall be forwarded to the chairpersons and members of the committee on education in the senate and in the house of representatives.

89 Acts, ch 135, §11; 90 Acts, ch 1190, §7; 93 Acts, ch 180, §96; 95 Acts, ch 111, §1; 95 Acts, ch 209, §13; 2000 Acts, ch 1198, §1, 6; 2001 Acts, ch 126, §5, 6; 2002 Acts, ch 1047, §3, 4, 20; 2002 Acts, ch 1140, §8; 2003 Acts, ch 179, §111; 2003 Acts, ch 180, §11; 2005 Acts, ch 19, §38; 2007 Acts, ch 130, §2 – 4; 2007 Acts, ch 214, §20, 44; 2008 Acts, ch 1032, §43; 2008 Acts, ch

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1181, §48, 49; 2008 Acts, ch 1191, §157; 2009 Acts, ch 41, §247; 2009 Acts, ch 133, §100; 2010 Acts, ch 1016, §7; 2012 Acts, ch 1119, §37; 2013 Acts, ch 65, §1; 2013 Acts, ch 88, §5, 6; 2013 Acts, ch 140, §20; 2014 Acts, ch 1017, §2, 3; 2014 Acts, ch 1035, §1 – 3; 2015 Acts, ch 140, §37, 38, 58, 59; 2017 Acts, ch 153, §4, 7, 8; 2018 Acts, ch 1119, §12; 2018 Acts, ch 1166, §1 – 5; 2019 Acts, ch 100, §6; 2019 Acts, ch 101, §2; 2019 Acts, ch 164, §1, 2, 6; 2020 Acts, ch 1062, §94; 2021 Acts, ch 139, §24 – 26; 2021 Acts, ch 170, §15; 2022 Acts, ch 1102, §1 – 4; 2022 Acts, ch 1153, §42; 2023 Acts, ch 1, §15, 18; 2023 Acts, ch 19, §1011, 2555, 2605; 2024 Acts, ch 1124, §1; 2025 Acts, ch 78, §7, 8; 2026 Acts, ch 1181, §13; 2026 Acts, ch 1200, §96

Referred to in §11.6, 256.17, 257.6, 257.11A, 257.35, 257.38, 257.40, 257.41, 261E.2, 261E.3, 261E.6, 261E.8, 261E.9, 261E.10, 261E.11, 273.2, 279.50A, 280.13A, 282.7, 282.27, 423F.3, 709.15

Subsection 2, paragraph c amended

Subsection 3, paragraph c, unnumbered paragraph 1 amended

257.11A Supplementary weighting and school reorganization.

1. In determining weighted enrollment under section 257.6, if the board of directors of a school district has approved a contract for sharing pursuant to section 257.11 and the school district has approved an action to bring about a reorganization to take effect on and after July 1, 2007, and on or before July 1, 2035, the reorganized school district shall include, for a period of three years following the effective date of the reorganization, additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan in the year preceding the reorganization. For the purposes of this subsection, the weighted enrollment for the period of three years following the effective date of reorganization shall include the supplementary weighting in the base year used for determining the combined district cost for the first year of the reorganization. However, the weighting shall be reduced by the supplementary weighting added for a pupil whose residency is not within the reorganized district.

2. For purposes of this section, a reorganized district is one in which the reorganization was approved in an election pursuant to sections 275.18 and 275.20 and takes effect on or after July 1, 2007, and on or before July 1, 2035. Each district which initiates, by a vote of the board of directors or jointly by the affected boards, action to bring about a reorganization or dissolution to take effect on or after July 1, 2007, and on or before July 1, 2035, shall certify the date and the nature of the action taken to the department of education by January 1 of the year in which the reorganization or dissolution takes effect.

3. A school district shall be eligible for a combined maximum total of six years of supplementary weighting under the provisions of this section and section 257.11, subsection 2, paragraph "c".

2001 Acts, ch 126, §7; 2007 Acts, ch 130, §5; 2014 Acts, ch 1017, §4; 2019 Acts, ch 101, §3; 2026 Acts, ch 1200, §97

Subsections 1 and 2 amended

257.11B Education savings account program.

1. For purposes of this section:

a. "Nonpublic school" means the same as defined in section 285.16.

b. (1) *"Qualified educational expenses"* includes tuition and fees at a nonpublic school, textbooks, fees or payments for educational therapies, including tutoring or cognitive skills training, curriculum fees, software, and materials for a course of study for a specific subject matter or grade level, tuition or fees for nonpublic online education programs, tuition for vocational and life skills education approved by the department of education, education materials and services for pupils with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law, standardized test fees, and advanced placement examinations or examinations related to postsecondary education admission or credentialing.

(2) *"Qualified educational expenses"* shall be limited to the items described in subparagraph (1) and rules adopted by the department to implement this section and does not include transportation costs for the pupil, the cost of food or refreshments consumed by the pupil, the cost of clothing for the pupil, or the cost of disposable materials, including but not limited to paper, notebooks, pencils, pens, and art supplies.

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c. *"Resident"* means the same as defined in section 282.1, subsection 2.

2. *a.* (1) For the school budget year beginning July 1, 2023, the following pupils who attend a nonpublic school for that school budget year shall be eligible to receive an education savings account payment:

(a) A resident pupil who is eligible to enroll in kindergarten.

(b) A resident pupil who is eligible to enroll in grades one through twelve and was not enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested.

(c) A resident pupil who is eligible to enroll in grades one through twelve and was enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested if the pupil's household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) For the school budget year beginning July 1, 2024, the following pupils who attend a nonpublic school for that school budget year shall be eligible to receive an education savings account payment:

(a) A resident pupil who is eligible to enroll in kindergarten.

(b) A resident pupil who is eligible to enroll in grades one through twelve and was not enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested.

(c) A resident pupil who is eligible to enroll in grades one through twelve and was enrolled in a nonpublic school for the school year immediately preceding the school year for which the education savings account payment is requested if the pupil's household has an annual income less than or equal to four hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(d) A resident pupil who received an education savings account payment in the immediately preceding school budget year.

(3) For school budget years beginning on or after July 1, 2025, resident pupils eligible to enroll in kindergarten through grade twelve who attend a nonpublic school for the applicable school budget year shall be eligible to receive an education savings account payment.

b. Education savings account payments shall be made available to parents and guardians in the manner authorized under subsection 5 for the payment of qualified educational expenses as provided in this section. Parents and guardians shall first use education savings account payments for all qualified educational expenses that are tuition and fees for which the parent or guardian is responsible for payment at the pupil's nonpublic school prior to using the education savings account for other qualified educational expenses.

3. *a.* (1) On or after January 1, but on or before June 30, preceding the school year for which the education savings account payment is requested, the parent or guardian of an eligible pupil may request an education savings account payment by submitting an application to the department of education.

(2) On or after October 15, but on or before November 15, preceding the semester for which the education savings account payment is requested, the parent or guardian of an eligible pupil may request an education savings account payment by submitting an application to the department of education.

b. Following submission of an application, the department of education or third-party entity shall notify the parent or guardian of each pupil approved for the following school year or semester and specify the amount of the education savings account payment for the pupil, if known at the time of the notice. As soon as practical following the processing of all applications, the department of education or third-party entity shall determine the number of pupils in each school district approved for the school budget year and provide such information to the department of management.

c. Education savings account payments shall only be approved for one school year or one semester, as applicable, and applications must be submitted annually for payments in subsequent school years.

4. Each education savings account payment shall be equal to the regular program state cost per pupil for the same school budget year; provided, however, that an education savings

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account payment shall be equal to fifty percent of the regular program state cost per pupil for the same school budget year if the pupil's parent or guardian submitted an application under subsection 3, paragraph *"a"*, subparagraph (2).

5. An education savings account fund is created in the state treasury under the control of the department of education consisting of moneys appropriated to the department of education for the purpose of providing education savings account payments under this section. For the fiscal year commencing July 1, 2023, and each succeeding fiscal year, there is appropriated from the general fund of the state to the department of education to be credited to the fund the amount necessary to pay all education savings account payments approved for that fiscal year. The director of the department of education has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this section pertaining to the fund, including the power to do all of the following:

a. Make and enter into contracts with a third-party entity necessary for the administration of the program.

b. Procure insurance against any loss in connection with the assets of the fund or require a surety bond.

c. Contract with a qualified firm, including but not limited to the third-party entity under paragraph *"a"*, to allocate funds from each pupil's account for the payment of qualified educational expenses by the pupil's parent or guardian.

d. Require the qualified firm under paragraph *"c"* to offer the department of education the capability of automated clearinghouse transactions, electronic commerce transactions, reimbursement transactions, and debit card payments in order to meet the diverse needs of participating parents and guardians to pay for qualified educational expenses. The director of the department of education shall determine which transaction capabilities will be available to participating parents and guardians.

e. Reduce the possibility of waste, fraud, and abuse, and ensure that any technology platform used for the program meets the state's highest security requirements, including compliance.

f. Conduct audits or other reviews necessary to properly administer the program.

g. Adopt rules for the administration of the fund and accounts within the fund.

6. *a.* For each pupil approved for an education savings account payment, the department of education or third-party entity shall establish an individual account for that pupil in the education savings account fund. The amount of the pupil's education savings account payment shall be deposited into the pupil's individual account on July 15 or thirty days following submission of the application, whichever is later, and such amount shall be immediately available for the payment of qualified educational expenses incurred by the parent or guardian for the pupil during that fiscal year using a payment method authorized under subsection 5.

b. A nonpublic school or other provider of qualified educational expenses that accepts payment from a parent or guardian using funds from a pupil's individual account in the fund shall not refund, rebate, or share any portion of such payment with the parent, guardian, or pupil.

c. Moneys remaining in a pupil's individual account upon conclusion of the fiscal year shall remain in the pupil's individual account for the payment of qualified educational expenses in future fiscal years during which the pupil participates in the program until the pupil becomes ineligible under the program or until the remaining amounts are transferred to the state general fund under subsection 8.

7. A person who makes a false claim for the purpose of obtaining an education savings account payment or who knowingly receives the payment or makes a payment from an individual account within the fund without being legally entitled to do so is guilty of a fraudulent practice under chapter 714. The false claim for an education savings account or a payment from an individual account shall be disallowed. The department of education or third-party entity shall also close the pupil's individual account in the fund and transfer any remaining moneys in the account for deposit in the general fund of the state. If the improperly obtained amounts have been disbursed from the applicable individual account, the department of education or third-party entity shall recover such amounts from the parent

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or guardian, including by initiating legal proceedings to recover such amounts, if necessary. A parent or guardian who commits a fraudulent practice under this section is prohibited from participating in the education savings account program in the future.

8. Moneys remaining in a pupil's individual account when the pupil graduates from high school or turns twenty years of age, whichever occurs first, shall be transferred by the department of education for deposit in the general fund of the state.

9. *a.* A parent may appeal to the state board of education any administrative decision the department of education or third-party entity makes pursuant to this section, including but not limited to determinations of eligibility, allowable expenses, and removal from the program. The department or third-party entity shall notify the parent or guardian in writing of the appeal process at the same time the department notifies the parent or guardian of the administrative decision. The state board of education shall establish the appeals process consistent with chapter 17A and shall post such appeal process information on the state board of education's internet site.

b. The state board of education shall refer cases of substantial misuse of education savings account program funds to the attorney general for the purpose of collection or for the purpose of a criminal investigation if the state board of education obtains evidence of fraudulent use of an account.

10. *a.* This section shall not be construed to authorize the state or any political subdivision of the state to exercise authority over any nonpublic school or construed to require a nonpublic school to modify its academic standards for admission or educational program in order to receive payment from a parent or guardian using funds from a pupil's account in the education savings account fund.

b. This section shall not be construed to expand the authority of the state or any political subdivision of the state to impose regulations upon any nonpublic school that are not necessary to implement this section.

c. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the education savings account fund is not an agent of this state or of a political subdivision of this state.

d. Rules adopted by the department of education to implement this section that impose an undue burden on a nonpublic school are invalid.

e. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the education savings account fund shall be given the maximum freedom possible to provide for the educational needs of the school's students, consistent with state and federal law.

11. *a.* Each pupil participating in the education savings account program is required to take all applicable state and federally required student assessments and the results of those assessments shall be provided to the pupil's parents or guardians and reported to the department of education.

b. The department of education shall compile all such reported assessment results in order to analyze student proficiency and academic progress among those pupils participating in the program, including analysis of graduation rates, proficiency, and progress based on grade level, gender, race, and household income level. The results of the department's analysis shall be included in the annual condition of education report.

2023 Acts, ch 1, §7, 10; 2023 Acts, ch 111, §23, 25, 26; 2026 Acts, ch 1086, §74, 101
Referred to in §256.9, 257.10, 422.7(43)
Subsections 3 and 4 amended

257.12 Adjustment in state foundation aid.

1. If a school district is required to repay property taxes paid for school taxes levied on property originally assessed at five million dollars or more because the assessment was subsequently reduced by the action of the property assessment appeal board or judicial action and the amount of the reduction in the assessment equals at least one hundred thousand dollars or two percent of the assessed value of all taxable property in the district prior to the reduction, whichever is less, the school district is eligible for an adjustment in state foundation aid. To receive the adjustment in state foundation aid, the school district

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shall apply to the department of management prior to the beginning of the budget year following the budget year in which the repayment of the property taxes occurred. The department of management shall determine the amount of adjustment in state foundation aid pursuant to subsection 2.

2. The department of management shall determine the amount of state foundation aid which the school district would have received under section 257.1 if the amount of the school district's foundation property tax was determined using the reduced assessment of the applicable property. The difference between the amount of the state foundation aid using the reduced assessment and the amount of state foundation aid actually received under section 257.1 equals the amount of the adjustment in state foundation aid to be paid to the school district.

3. The adjustment in state foundation aid under this section shall be paid as provided in section 257.16. If the application to receive an adjustment in state aid was filed prior to April 15, the adjustment shall be paid in the budget year. If the application is made after April 15, the adjustment shall be paid in the following budget year.

2006 Acts, ch 1185, §78

257.13 On-time budget adjustment.

1. *a.* For the school budget year beginning July 1, 2001, and succeeding budget years beginning before July 1, 2026, if a district's actual enrollment for the budget year, determined under section 257.6, is greater than its budget enrollment for the budget year, the district shall be eligible to receive an on-time budget adjustment. The adjustment shall be in an amount equal to the difference between the actual enrollment for the budget year and the budget enrollment for the budget year, multiplied by the district cost per pupil.

b. The board of directors of a school district that wishes to receive an on-time budget adjustment under this subsection shall adopt a resolution to receive the adjustment and notify the school budget review committee annually, but not earlier than November 1, as determined by the department of education. The school budget review committee shall establish a modified supplemental amount pursuant to paragraph "*a*".

2. *a.* For the school budget years beginning on or after July 1, 2026, if a district's actual enrollment for the budget year, determined under section 257.6, is greater than its budget enrollment for the budget year, the district may request an on-time budget adjustment. The adjustment shall not exceed an amount equal to the difference between the actual enrollment for the budget year and the budget enrollment for the budget year, multiplied by the district cost per pupil.

b. To request an on-time budget adjustment under this subsection, the board of directors of a school district shall adopt a resolution to receive the adjustment and notify the school budget review committee on or before a date established by the committee. The school budget review committee may establish a modified supplemental amount pursuant to paragraph "*a*".

3. If the board of directors of a school district determines that a need exists for additional funds exceeding the on-time budget adjustment pursuant to this section, a request for a modified supplemental amount based upon increased enrollment may be submitted to the school budget review committee as provided in section 257.31.

99 Acts, ch 2, §2, 4; 2000 Acts, ch 1055, §1, 3; 2001 Acts, ch 126, §8; 2008 Acts, ch 1142, §1, 6; 2013 Acts, ch 121, §26, 42; 2014 Acts, ch 1013, §5; 2026 Acts, ch 1115, §85, 87

Section amended

257.14 Budget adjustment.

1. For the budget year commencing July 1, 2016, and succeeding budget years, a school district shall be eligible for a budget adjustment in an amount equal to the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year.

2. The board of directors of a school district that wishes to receive a budget adjustment for a budget year pursuant to this section shall adopt by May 15 of the base year for which the budget adjustment is sought, a resolution to receive the budget adjustment and shall notify

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the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

89 Acts, ch 135, §14; 90 Acts, ch 1190, §8; 92 Acts, ch 1230, §6; 93 Acts, ch 179, §17; 95 Acts, ch 130, §2; 97 Acts, ch 18, §1, 2; 99 Acts, ch 2, §3, 4; 2000 Acts, ch 1055, §2, 3; 2001 Acts, ch 126, §9 – 12; 2002 Acts, ch 1050, §59, 65; 2002 Acts, ch 1140, §9, 10, 47; 2004 Acts, ch 1175, §235, 287; 2005 Acts, ch 179, §58; 2008 Acts, ch 1142, §2, 3, 6; 2016 Acts, ch 1036, §4, 5

Referred to in §257.16C, 257.19

257.15 Property tax adjustment.

1. *Property tax adjustment for 1991-1992.*

a. For the budget year beginning July 1, 1991, the department of management shall calculate for each district the difference between the sum of the revenues generated by the foundation property tax and the additional property tax in the district calculated under this chapter and the revenues that would have been generated by the foundation property tax and the additional property tax in that district for that budget year calculated under chapter 442, Code 1989, if chapter 442, Code 1989, were in effect, except that the revenues that would have been generated by the additional property tax levy under chapter 442, Code 1989, shall not include revenues generated for the school improvement program. However in making the calculation of the difference in revenues under this subsection, the department shall not include the revenues generated under section 257.37 and under chapter 442, Code 1989, for funding media and educational services through the area education agencies. If the property tax revenues for a district calculated under this chapter exceed the property tax revenues for that district calculated under chapter 442, Code 1989, the department of management shall reduce the revenues raised by the additional property tax levy in that district under this chapter by that difference and the department of education shall pay property tax adjustment aid to the district equal to that difference from moneys appropriated for property tax adjustment aid.

b. For purposes of this subsection, in computing the amount of revenues generated by the foundation property tax and the additional property tax under chapter 442, Code 1989, the computation shall be based on a regular program foundation base per pupil of eighty-three percent of the regular program state cost per pupil except that for the portion of weighted enrollment that is additional enrollment because of special education the regular program foundation base per pupil shall be seventy-nine percent of the regular program state cost per pupil. The special education support services foundation base shall be seventy-nine percent of the special education support services state cost per pupil.

2. *Property tax adjustment aid for 1992-1993 and succeeding years.* For the budget year beginning July 1, 1992, and succeeding budget years, the department of education shall pay property tax adjustment aid to a school district equal to the amount paid to the district for the base year less an amount equal to the product of the percent by which the taxable valuation in the district increased, if the taxable valuation increased, from January 1 of the year prior to the base year to January 1 of the base year and the property tax adjustment aid. The department of management shall adjust the rate of the additional property tax accordingly and notify the department of education of the amount of aid to be paid to each district from moneys appropriated for property tax adjustment aid.

3. *Property tax adjustment aid appropriation.* There is appropriated from the general fund of the state to the department of education, for each fiscal year, an amount necessary to pay property tax adjustment aid to school districts under this section. Property tax adjustment aid shall be paid to school districts in the manner provided in section 257.16.

4. *a. Allocations for maximum adjusted additional property tax levy rate calculation and adjusted additional property tax levy aid.* The department of management shall allocate from amounts appropriated pursuant to section 257.16, subsection 1, and from funds appropriated from the property tax equity and relief fund created in section 257.16A for the purpose of calculating the statewide maximum adjusted additional property tax levy rate and providing adjusted additional property tax levy aid as provided in section 257.4, subsection 1, paragraph *"b"*, an amount equal to the sum of subparagraphs (1) and (2) as follows:

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(1) From the amount appropriated from the general fund of the state pursuant to section 257.16, subsection 1, equal to the following:

(a) For the budget year beginning July 1, 2006, six million dollars.

(b) For the budget year beginning July 1, 2007, twelve million dollars.

(c) For the budget year beginning July 1, 2008, eighteen million dollars.

(d) For the budget year beginning July 1, 2009, and succeeding budget years, twenty-four million dollars.

(2) From the amount appropriated from the property tax equity and relief fund created in section 257.16A.

b. After lowering all school district adjusted additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate under paragraph *"a"*, the department of management shall use any remaining funds at the end of the calendar year to further lower additional property taxes by increasing for the budget year beginning the following July 1, the regular program foundation base per pupil percentage under section 257.1. Moneys used pursuant to this paragraph shall supplant an equal amount of the appropriation made from the general fund of the state pursuant to section 257.16 that represents the increase in state foundation aid.

89 Acts, ch 135, §15; 91 Acts, ch 6, §1; 91 Acts, ch 267, §519; 2006 Acts, ch 1182, §39, 53; 2008 Acts, ch 1134, §2; 2010 Acts, ch 1061, §45; 2013 Acts, ch 121, §5, 9; 2019 Acts, ch 166, §4

Referred to in §257.4, 257.16, 257.16A

257.16 Appropriations.

1. There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid under this chapter, the preschool foundation aid under chapter 256C, supplementary aid under section 257.4, subsection 2, and adjusted additional property tax levy aid under section 257.15, subsection 4.

2. All state aids paid under this chapter, unless otherwise stated, shall be paid in quarterly installments beginning on or about July 15 of a budget year and ending on or about April 15 of the budget year as determined by the department of management, taking into consideration the relative budget of the state, cash position of the state resources, and the timing of enactment of legislation affecting school district budgets.

3. All moneys received by a school district from the state under this chapter shall be deposited in the general fund of the school district, and may be used for any school general fund purpose unless otherwise provided by law.

4. Notwithstanding any provision to the contrary, if the governor orders budget reductions in accordance with section 8.31, the teacher salary supplement district cost, the professional development supplement district cost, the early intervention supplement district cost, and the teacher leadership supplement district cost as calculated under section 257.10, subsections 9, 10, 11, and 12, and the area education agency teacher salary supplement district cost as calculated under section 257.37A shall be paid in full as calculated and the reductions in the appropriations provided in accordance with this section shall be reduced from the remaining moneys appropriated pursuant to this section and shall be distributed on a per pupil basis calculated with the weighted enrollment determined in accordance with section 257.6, subsection 5.

89 Acts, ch 135, §16; 91 Acts, ch 178, §5; 92 Acts, ch 1208, §1; 92 Acts, ch 1232, §303; 94 Acts, ch 1023, §44; 94 Acts, ch 1181, §12, 18; 95 Acts, ch 214, §10, 11; 2002 Acts, ch 1140, §11; 2006 Acts, ch 1182, §40, 53; 2007 Acts, ch 148, §8; 2010 Acts, ch 1183, §21, 43; 2013 Acts, ch 121, §56; 2024 Acts, ch 1002, §29, 37, 38; 2026 Acts, ch 1001, §14

Referred to in §256.12, 256C.4, 256C.5, 257.4, 257.5, 257.12, 257.15, 257.16B, 257.16C, 257.17, 257.20, 275.31, 282.31, 282.33, 282.35, 284.11, 284.13, 284.15

2024 amendment to subsection 4 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

Subsection 2 amended

257.16A Property tax equity and relief fund.

1. A property tax equity and relief fund is created as a separate and distinct fund in the state treasury under the control of the department of management. Moneys in the fund

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include revenues credited to the fund, appropriations made to the fund, and other moneys deposited into the fund.

2. There is appropriated annually all moneys in the fund to the department of management for purposes of section 257.15, subsection 4.

3. Notwithstanding section 8.33, any moneys remaining in the property tax equity and relief fund at the end of a fiscal year shall not revert to any other fund but shall remain in the property tax equity and relief fund for use as provided in this section for the following fiscal year.

2008 Acts, ch 1134, §3
Referred to in §257.4, 257.15, 423F.2

257.16B School district property tax replacement payments.

1. For each fiscal year beginning on or after July 1, 2024, there is appropriated from the general fund of the state to the department of education an amount necessary to make all school district property tax replacement payments under this section, as calculated in subsection 2.

2. *a.* (1) For the budget year beginning July 1, 2024, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for the budget year beginning July 1, 2024, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2024, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2024.

(b) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2024.

b. (1) For the budget year beginning July 1, 2025, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for the budget year beginning July 1, 2025, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2025, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2025.

(b) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the budget year beginning July 1, 2025.

c. (1) For each budget year beginning on or after July 1, 2026, the amount of each school district's property tax replacement payment shall be the product of the school district's weighted enrollment for the budget year multiplied by the per pupil property tax replacement amount for the budget year calculated under subparagraph (2).

(2) The per pupil property tax replacement amount for budget years beginning on or after July 1, 2026, is equal to the sum of one hundred fifty-three dollars plus the difference between the following:

(a) The regular program state cost per pupil for the budget year beginning July 1, 2026, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph.

(b) The regular program state cost per pupil for the budget year beginning July 1, 2021, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1 for the applicable budget year under this paragraph.

3. School district property tax replacement payments shall be paid by the department of

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education at the same time and in the same manner as foundation aid is paid under section 257.16 and may be included in the quarterly payment of state aid under section 257.16, subsection 2.

2013 Acts, ch 121, §6, 9; 2015 Acts, ch 3, §1 – 4; 2015 Acts, ch 121, §1 – 4; 2017 Acts, ch 1, §2 – 6; 2018 Acts, ch 1005, §2 – 5; 2019 Acts, ch 1, §2 – 7; 2020 Acts, ch 1012, §2, 5; 2021 Acts, ch 2, §3, 7; 2022 Acts, ch 1001, §3, 6; 2023 Acts, ch 2, §2, 3; 2024 Acts, ch 1002, §49, 51; 2025 Acts, ch 78, §2, 4; 2026 Acts, ch 1001, §2, 4, 15

Referred to in §257.2, 257.4, 257.16D
Section amended

257.16C Transportation equity program — fund — appropriation.

1. A transportation equity program is established to provide prioritized additional funding for school districts with a transportation cost per pupil that exceeds the statewide adjusted transportation cost per pupil for the same budget year.

2. *a.* For the budget year beginning July 1, 2018, and each succeeding budget year, the department of management shall annually determine a statewide adjusted transportation cost per pupil that is not lower than the statewide average transportation cost per pupil. The statewide adjusted transportation cost per pupil shall be annually determined, by taking into account amounts appropriated to the transportation equity fund under subsection 3, for the purpose of providing transportation equity aid for those school districts with the highest transportation cost per pupil differential.

b. Each school district that satisfies the criteria of subsection 1 shall receive transportation equity aid in an amount equal to the school district's actual enrollment for the school year, excluding the shared-time enrollment for the school year, multiplied by the school district's transportation cost per pupil differential for the budget year. However, for budget years beginning on or after July 1, 2026, transportation equity aid paid to a school district for a budget year under this paragraph shall not exceed one million dollars.

c. For purposes of this section:

(1) *"Statewide average transportation cost per pupil"* means the total transportation cost for all school districts in the state used to calculate each school district's transportation cost per pupil under paragraph *"d"* divided by the total enrollment for all school districts used to calculate each school district's transportation cost per pupil under paragraph *"d"*.

(2) *"Transportation cost per pupil differential"* means an amount equal to a school district's transportation cost per pupil minus the statewide adjusted transportation cost per pupil for the same budget year.

d. A school district's transportation cost per pupil shall be determined by dividing the school district's actual transportation cost for all children transported in all school buses for a school year pursuant to section 285.1, subsection 12, less the amount of transportation costs reimbursed under section 256.25A and the amount received for transporting nonpublic school pupils under section 285.1, by the district's actual enrollment for the school year, excluding the shared-time enrollment for the school year as defined in section 257.6.

3. *a.* A transportation equity fund is created as a separate and distinct fund in the state treasury under the control of the department of management. Moneys in the fund include revenues credited to the fund, appropriations made to the fund, and other moneys deposited in the fund. For each fiscal year beginning on or after July 1, 2018, there is appropriated all moneys in the fund to the department of management for purposes of making transportation equity aid payments under this section.

b. If the balance of the fund exceeds the amount necessary to make all transportation equity aid payments under subsection 2, moneys remaining in the fund shall be used for transportation base funding payments under subsection 4.

c. If the balance of the fund exceeds the amount necessary to make all transportation equity aid payments and all transportation base funding payments, moneys remaining in the fund at the end of a fiscal year, notwithstanding section 8.33, shall remain in the fund and shall be available for expenditure for the purposes of this section in subsequent fiscal years.

d. (1) For the fiscal year beginning July 1, 2019, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity

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fund the sum of nineteen million dollars, or so much thereof as is necessary, to be used for the purposes of this section.

(2) For the fiscal year beginning July 1, 2020, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of the following, or so much thereof as is necessary, to be used for the purposes of this section:

(a) The amount appropriated to the transportation equity fund under this paragraph for the immediately preceding fiscal year.

(b) The product of the amount determined under subparagraph division (a) multiplied by the categorical percent of growth under section 257.8, subsection 2, for the budget year beginning on the same date of the fiscal year for which the appropriation is made.

(c) Seven million two hundred fifty-three thousand eighty-eight dollars.

(3) For the fiscal year beginning July 1, 2021, and the fiscal year beginning July 1, 2022, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund an amount necessary to make all transportation equity aid payments under subsection 2, to be used for the purposes of this section.

(4) For each fiscal year beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of the following, or so much thereof as is necessary, to be used for the purposes of this section:

(a) The amount appropriated to the transportation equity fund under this paragraph for the immediately preceding fiscal year.

(b) The product of the amount determined under subparagraph division (a) multiplied by the categorical percent of growth under section 257.8, subsection 2, for the budget year beginning on the same date of the fiscal year for which the appropriation is made.

4. For budget years beginning on or after July 1, 2018, if funding is available as provided in subsection 3, paragraph *"b"*, each school district in the state shall receive a transportation base funding payment in an amount equal to the school district's enrollment used under subsection 2, paragraph *"d"*, multiplied by the lesser of the statewide average transportation cost per pupil or the school district's transportation cost per pupil for the budget year. If an amount appropriated for a budget year is insufficient to pay all transportation base funding payments, the department of management shall prorate such payment amounts.

5. *a.* The sum of the transportation equity aid payment and the transportation base funding payment paid to a school district for a budget year shall not exceed the school district's actual transportation cost used to calculate the school district's transportation cost per pupil under subsection 2, paragraph *"d"*, for the budget year.

b. Transportation equity aid payments and transportation base funding payments shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16, and may be included in the quarterly payment of state aid under section 257.16, subsection 2.

6. Transportation equity aid payments and transportation base funding payments received under this section are miscellaneous income and shall be deposited in the general fund of the school district. However, the transportation equity aid amount and the transportation base funding amount shall not be included in district cost. Transportation equity aid under this section shall not affect the receipt or amount of a budget adjustment received under section 257.14 or transportation assistance aid under section 257.31, subsection 17.

7. On or before December 1, 2020, and on or before December 1 every five years thereafter, the director of the department of education shall compile and review the data collected as a result of the transportation equity aid and transportation base funding payments provided under this section and shall prepare a report to the general assembly containing analysis of the aid and the payments' efficacy and recommendations for changes.

2018 Acts, ch 1007, §7, 9; 2019 Acts, ch 2, §4 – 6; 2020 Acts, ch 1002, §2 – 4; 2020 Acts, ch 1108, §7; 2021 Acts, ch 2, §4, 5, 7; 2021 Acts, ch 174, §14, 34, 38; 2022 Acts, ch 1001, §4, 6; 2026 Acts, ch 1001, §5, 6, 16

Referred to in §257.8
Subsection 2, paragraph b amended
Subsection 5, paragraph b amended

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257.16D Foundation base supplement fund.

1. A foundation base supplement fund is created as a separate and distinct fund in the state treasury under the control of the department of management. Moneys in the fund include revenues credited to the fund, appropriations made to the fund, and other moneys deposited into the fund.

2. *a.* There is appropriated annually from the fund to the department of management an amount necessary to make all foundation base supplement payments under this section. The department of management shall calculate each school district's foundation base supplement payment based on the distribution methodology under paragraph "*b*".

b. The moneys available in a fiscal year in the foundation base supplement fund shall be distributed by the department of management to each school district on a per pupil basis calculated using each school district's weighted enrollment, as defined in section 257.6, for that fiscal year. However, the amount of a school district's foundation base supplement payment for a budget year shall not exceed an amount equal to the product of the school district's weighted enrollment for the budget year multiplied by the product of the regular program state cost per pupil for the budget year multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1, minus the amount of the school district's property tax replacement payment under section 257.16B for the budget year.

3. Notwithstanding section 8.33, any moneys remaining in the foundation base supplement fund at the end of a fiscal year shall not revert to any other fund but shall remain in the foundation base supplement fund for use as provided in this section for the following fiscal year.

2019 Acts, ch 166, §5; 2020 Acts, ch 1012, §3, 5
Referred to in §257.2, 257.4, 423F.2

257.17 Aid reduction for early school starts.

1. State aid payments made pursuant to section 257.16 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest school start date specified in section 279.10, subsection 1.

2. This section does not apply to a school district attendance center that has received approval from the department of education under section 279.10, subsection 2, to maintain a year-round school calendar that commences classes in advance of the school start date established in section 279.10, subsection 1. The department of management shall prorate the reduction made pursuant to this section to account for an attendance center in a school district that is approved to maintain a year-round school calendar under section 279.10, subsection 2.

89 Acts, ch 135, §17; 2015 Acts, ch 31, §1, 5; 2016 Acts, ch 1011, §43

257.18 Instructional support program.

1. An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal, including the method that will be used to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper which is a newspaper of general circulation in the school district. At the hearing, or no later than thirty days after the date of the hearing, the board shall take action to adopt a resolution to participate in the instructional support program for a period not exceeding five years or to direct the county commissioner of elections to submit the question of participation in the program for a period not exceeding ten years to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*". If the board submits the question at an election and a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and certify the results of the election to the department of management.

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2. *a.* If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that the question to approve or disapprove the action of the board in adopting the instructional support program be submitted to the voters of the school district. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program.

b. At the expiration of the twenty-eight day period, if no petition is filed, the board shall certify its action to the department of management and the district shall participate in the program.

3. Participation in an instructional support program is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has approved an instructional support program, and if the voters have not voted upon the question of participation in the program in the reorganized district, the instructional support program shall be in effect for the reorganized district that has been approved for the least amount and the shortest time in any of the districts.

89 Acts, ch 135, §18; 92 Acts, ch 1171, §1; 95 Acts, ch 67, §53; 96 Acts, ch 1112, §1, 2; 2008 Acts, ch 1115, §32, 33, 71

Referred to in §257.27, 257.29

257.19 Instructional support funding.

1. The additional funding for the instructional support program for a budget year is limited to an amount not exceeding ten percent of the total of regular program district cost for the budget year and moneys received under section 257.14 as a budget adjustment for the budget year. Moneys received by a district for the instructional support program are miscellaneous income and may be used for any general fund purpose. However, moneys received by a district for the instructional support program shall not be used as, or in a manner which has the effect of, supplanting funds authorized to be received under sections 257.41, 257.46, 298.2, and 298.4, or to cover any deficiencies in funding for special education instructional services resulting from the application of the special education weighting plan under section 256B.9.

2. Certification of a board's intent to participate for a budget year, the method of funding, and the amount to be raised shall be made to the department of management not later than April 30 of the base year. Funding for the instructional support program shall be obtained from instructional support state aid and from local funding using either an instructional support property tax or a combination of an instructional support property tax and an instructional support income surtax.

3. The board of directors shall determine whether the instructional support property tax or the combination of the instructional support property tax and instructional support income surtax shall be used for the local funding. Subject to the limitation specified in section 298.14, if the board elects to use the combination of the instructional support property tax and instructional support income surtax, for each budget year the board shall determine the percent of income surtax that will be imposed, expressed as full percentage points, not to exceed twenty percent.

89 Acts, ch 135, §19; 91 Acts, ch 126, §3; 93 Acts, ch 1, §4; 2017 Acts, ch 54, §76; 2024 Acts, ch 1094, §35, 47, 48

Referred to in §257.21, 403.19

2024 amendment to subsection 2 applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

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257.20 Instructional support state aid appropriation.

1. In order to determine the amount of instructional support state aid and the amount of local funding for the instructional support program for a district, the department of management shall divide the total assessed valuation in the state by the total budget enrollment for the budget year in the state to determine a state assessed valuation per pupil and shall divide the assessed valuation in each district by the district's budget enrollment for the budget year to determine the district assessed valuation per pupil. The department of management shall multiply the ratio of the state's valuation per pupil to the district's valuation per pupil by twenty-five hundredths and subtract that result from one to determine the portion of the instructional support program budget that is local funding. The remaining portion of the budget shall be funded by instructional support state aid. However, for the budget year beginning July 1, 1992, only, the amount of state aid is three and one-quarter percent less than the amount computed under this paragraph for that budget year.

2. There is appropriated for each fiscal year from the general fund of the state to the department of education, an amount necessary to pay instructional support state aid as determined under subsection 1.

a. However, moneys appropriated under this subsection shall not exceed the amount of moneys appropriated as instructional support state aid for the budget year which commenced on July 1, 1992.

b. If the amount appropriated under this subsection is insufficient to pay the amount of instructional support state aid determined under subsection 1, the department of education shall prorate the amount of the instructional support state aid provided to each district.

3. If the general assembly makes an appropriation for instructional support state aid in lieu of the standing appropriation provided under subsection 2, the appropriation for instructional support state aid shall include in the appropriation the allocation of the instructional support state aid to the school districts applicable for that appropriation and subsections 1 and 2 do not apply to the appropriation.

4. Instructional support state aid shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16.

89 Acts, ch 135, §20; 92 Acts, ch 1227, §16; 92 Acts, ch 1230, §8
See Iowa Acts for provisions relating to appropriations for instructional support state aid in a given year

257.21 Computation of instructional support amount.

1. The department of management shall establish the amount of instructional support property tax to be levied and the amount of instructional support income surtax to be imposed by a district in accordance with the decision of the board under section 257.19 for each school year for which the instructional support program is authorized. The department of management shall determine these amounts based upon the most recent figures available for the district's valuation of taxable property, individual state income tax paid, and budget enrollment in the district, and shall certify to the district's county auditor the amount of instructional support property tax, and to the director of revenue the amount of instructional support income surtax to be imposed if an instructional support income surtax is to be imposed.

2. The instructional support income surtax shall be imposed on the state individual income tax for the calendar year during which the school's budget year begins, or for a taxpayer's fiscal year ending during the second half of that calendar year and after the date the board adopts a resolution to participate in the program or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, *"state individual income tax"* means the taxes computed under section 422.5, less the amounts of nonrefundable credits allowed under chapter 422, subchapter II.

89 Acts, ch 135, §21; 91 Acts, ch 159, §1; 97 Acts, ch 23, §25; 2003 Acts, ch 145, §286; 2006 Acts, ch 1158, §3; 2013 Acts, ch 123, §42, 45, 46; 2018 Acts, ch 1161, §50, 53, 54; 2020 Acts, ch 1062, §94
Referred to in §257.29, 298.2, 298.14
Limit on total surtax, §298.14, 422D.2

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257.22 Statutes applicable.

The director of revenue shall administer the instructional support income surtax imposed under this chapter, and sections 422.4, 422.20, sections 422.22 through 422.31, sections 422.68, 422.70, and sections 422.72 through 422.75 shall apply with respect to administration of the instructional support income surtax.

89 Acts, ch 135, §22; 2003 Acts, ch 145, §286; 2009 Acts, ch 60, §1; 2021 Acts, ch 80, §138
Referred to in §257.29, 298.2

257.23 Form and time of return.

The instructional support income surtax shall be made a part of the Iowa individual income tax return subject to the conditions and restrictions set forth in section 422.21.

89 Acts, ch 135, §23
Referred to in §257.29, 298.2

257.24 Deposit of instructional support income surtax.

The director of revenue, by the last day of each month, shall deposit all moneys collected and determined by the department of revenue to be instructional support income surtax in the preceding month, and shall credit each district from which the moneys are collected, in the school district income surtax fund which is established in section 298.14.

89 Acts, ch 135, §24; 2003 Acts, ch 145, §286; 2017 Acts, ch 54, §36; 2023 Acts, ch 115, §59
Referred to in §257.29, 298.2

257.25 Instructional support income surtax certification.

1. On or before November 15 each year, the director of revenue shall make an accounting of the instructional support income surtax collected under this chapter since January 1 of the same calendar year from taxpayers in each school district in the state which has approved the instructional support program, and shall certify to the department of management and the department of education the amount of total instructional support income surtax credited from the taxpayers of each school district.

2. On or before January 15 of each year, the director of revenue shall make an accounting of the instructional support income surtax collected under this chapter during the preceding calendar year from taxpayers in each school district in the state which has approved the instructional support program, and shall certify to the department of management and the department of education the amount of total instructional support income surtax credited from the taxpayers of each school district.

89 Acts, ch 135, §25; 2003 Acts, ch 145, §286; 2023 Acts, ch 115, §60
Referred to in §257.29, 298.2

257.26 Instructional support income surtax distribution.

The director of the department of administrative services shall draw warrants in payment of the amount of instructional support surtax in the manner provided in section 298.14.

89 Acts, ch 135, §26; 2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §30
Referred to in §257.29, 298.2

257.27 Continuation of instructional support program.

1. At the expiration of the period for which the instructional support program was adopted, the program may be extended for a period of not exceeding five or ten years in the manner provided in section 257.18.

2. If the voters do not approve adoption of the instructional support program, the board shall wait at least one hundred twenty days following the election before taking action to adopt the program or resubmit the proposition.

89 Acts, ch 135, §27; 2018 Acts, ch 1041, §127

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257.28 Enrichment levy.

If a school district has approved the use of the instructional support program for a budget year, the district shall not also collect moneys under the additional enrichment amount approved by the voters under chapter 442, Code 1991, for the budget year.

89 Acts, ch 135, §28; 92 Acts, ch 1163, §60; 2005 Acts, ch 179, §124
Referred to in §257.33

257.29 Educational improvement program.

1. An educational improvement program is established to provide additional funding for school districts in which the regular program district cost per pupil for a budget year is one hundred ten percent of the regular program state cost per pupil for the budget year and which have approved the use of the instructional support program established in section 257.18. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the regular program district cost of the district that will be used. The hearing shall be held in the manner provided in section 257.18 for the instructional support program. Following the hearing, the board may direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and shall certify the results of the election to the department of management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program.

2. The educational improvement program shall provide additional revenues each fiscal year equal to a specified percent of the regular program district cost of the district, as determined by the board but not more than the maximum percent authorized by the electors if an election has been held. Certification of a district's participation for a budget year, the method of funding, and the amount to be raised shall be made to the department of management not later than April 15 of the base year.

3. The educational improvement program shall be funded by either an educational improvement property tax or by a combination of an educational improvement property tax and an educational improvement income surtax. The method of raising the educational improvement moneys shall be determined by the board. Subject to the limitation in section 298.14, if the board uses a combination of an educational improvement property tax and an educational improvement income surtax, the board shall determine the percent of income surtax to be imposed, expressed as full percentage points, not to exceed twenty percent.

4. The department of management shall establish the amount of the educational improvement property tax to be levied or the amount of the combination of the educational improvement property tax to be levied and the amount of the school district income surtax to be imposed for each school year that the educational improvement amount is authorized. The educational improvement property tax and income surtax, if an income surtax is imposed, shall be levied and imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26. Moneys received by a school district under the educational improvement program are miscellaneous income.

5. Once approved at an election, the authority of the board to use the educational improvement program shall continue until the board votes to rescind the educational improvement program or the voters of the school district by majority vote order the discontinuance of the program. The board shall submit at an election held on a date specified in section 39.2, subsection 4, paragraph "c", the proposition whether to discontinue the program upon the receipt of a petition signed by not less than one hundred eligible electors or thirty percent of the number of electors voting at the last preceding school election, whichever is greater.

6. Participation in an educational improvement program is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in school reorganization under chapter 275 has approved an educational

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improvement program, and if the voters have not voted upon the question of participation in the program in the reorganized district, the educational improvement program shall be in effect for the reorganized district that has been approved for the least amount and the shortest time in any of the districts.

7. Notwithstanding the requirement in subsection 1 that the regular program district cost per pupil for a budget year is one hundred ten percent of the regular state cost per pupil, the board of directors may participate in the educational improvement program as provided in this section if the school district had adopted an enrichment levy of fifteen percent of the state cost per pupil multiplied by the budget enrollment in the district prior to July 1, 1992, and upon expiration of the period for which the enrichment levy was adopted, adopts a resolution for the use of the instructional support program established in section 257.18. The maximum percent of the regular district cost of the district that may be used under this subsection shall not exceed five percent.

89 Acts, ch 135, §29; 90 Acts, ch 1190, §9; 92 Acts, ch 1171, §2; 92 Acts, ch 1187, §3; 93 Acts, ch 1, §5; 95 Acts, ch 67, §53; 2008 Acts, ch 1115, §34, 35, 71

Referred to in §298.14
Limit on total surtax, §298.14, 422D.2

257.30 School budget review committee.

1. A school budget review committee is established in the department of education and consists of the director of the department of education in an ex officio, nonvoting capacity, the director of the department of management, and four members who are knowledgeable in the areas of Iowa school finance or public finance issues appointed by the governor to represent the public. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics, or statistics are an integral component, or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field. The members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts, as provided in section 257.31. The committee may call in school board members and employees as necessary for the hearings. The committee's scheduled hearing agendas and the minutes of such hearings shall be posted on the department of education's internet site. Legislators shall be notified of hearings concerning school districts in their legislative districts.

2. The committee shall adopt its own rules of procedure under chapter 17A. The director of the department of education shall serve as chairperson, and the director of the department of management shall serve as secretary. The committee members representing the public are entitled to receive their necessary expenses while engaged in their official duties. Members shall be paid a per diem at the rate specified in section 7E.6. Per diem and expense payments shall be made from appropriations to the department of education.

3. The department of education shall employ a staff member to assist the school budget review committee.

89 Acts, ch 135, §30; 2009 Acts, ch 54, §5; 2010 Acts, ch 1004, §2, 10

Referred to in §257.32, 260C.18B, 292.1

257.31 Duties of the committee.

1. The school budget review committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting, confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters, and direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

2. The committee shall specify the number of hearings held annually, the reasons for the committee's recommendations, information about the amounts of property tax levied by school districts for a cash reserve, and other information the committee deems advisable on the department of education's internet site.

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3. The committee shall review the proposed budget and certified budget of each school district, and may make recommendations. The committee may make decisions affecting budgets to the extent provided in this chapter. The costs and computations referred to in this section relate to the budget year unless otherwise expressly stated.

4. Not later than January 1, 1992, the committee shall adopt recommendations relating to the implementation by school districts and area education agencies of procedures pertaining to the preparation of financial reports in conformity with generally accepted accounting principles and submit those recommendations to the state board of education. The state board shall consider the recommendations and adopt rules under section 256.7 specifying procedures and requiring the school districts and area education agencies to conform to generally accepted accounting principles commencing with the school year beginning July 1, 1996.

5. If a district has unusual circumstances, creating an unusual need for additional funds, including but not limited to the circumstances enumerated in this subsection, the committee may grant supplemental aid to the district from any funds appropriated to the department of education for the use of the school budget review committee for the purposes of this subsection. The school budget review committee shall review a school district's unexpended fund balance prior to any decision regarding unusual finance circumstances. Such aid shall be miscellaneous income and shall not be included in district cost. In addition to or as an alternative to granting supplemental aid the committee may establish a modified supplemental amount for the district. The school budget review committee shall review a school district's unspent balance prior to any decision to establish a modified supplemental amount under this subsection.

a. Any unusual increase or decrease in enrollment.

b. Unusual natural disasters.

c. Unusual initial staffing problems.

d. The closing of a nonpublic school, wholly or in part, or the opening or closing of a charter school.

e. Substantial reduction in miscellaneous income due to circumstances beyond the control of the district.

f. Unusual necessity for additional funds to permit continuance of a course or program which provides substantial benefit to pupils.

g. Unusual need for a new course or program which will provide substantial benefit to pupils, if the district establishes the need and the amount of necessary increased cost.

h. Unusual need for additional funds for special education or compensatory education programs.

i. Year-round or substantially year-round attendance programs which apply toward graduation requirements, including but not limited to trimester or four-quarter programs. Enrollment in such programs shall be adjusted to reflect equivalency to normal school year attendance.

j. Unusual need to continue providing a program or other special assistance to non-English speaking pupils after the expiration of the five-year period specified in section 280.4.

k. Circumstances caused by unusual demographic characteristics.

l. Any unique problems of school districts.

m. The addition of one or more teacher librarians pursuant to section 256.11, subsection 9, one or more guidance counselors pursuant to section 256.11, subsection 9A, or one or more school nurses pursuant to section 256.11, subsection 9B.

n. Unusual need for additional funds for the costs associated with providing competent private instruction pursuant to chapter 299A.

o. (1) The percentage of students enrolled in the school district as the result of open enrollment under section 282.18 is equal to or greater than forty-five percent of the total number of students enrolled in the school district. The committee shall not approve supplemental aid or a modified supplemental amount that exceeds an amount equal to fifty percent of the product of the net change in the school district's expected enrollment due to open enrollment multiplied by the sum of the following amounts:

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(a) The difference between the district's regular program district cost per pupil minus the regular program state cost per pupil.

(b) The professional development supplement district cost per pupil.

(c) The early intervention supplement district cost per pupil.

(2) Prior to filing a request for supplemental aid or a modified supplemental amount based on the grounds specified in this paragraph, the board of directors shall hold a public hearing on the issue and shall publish the notice of the time and place of the public hearing. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper that is a newspaper of general circulation in the school district.

(3) A school district is not eligible for supplemental aid or a modified supplemental amount under this paragraph if a majority of the students enrolled in the school district as the result of open enrollment are students receiving online instruction from a private provider under section 256.43, subsection 2.

(4) If a school district is granted a modified supplemental amount under this paragraph for a budget year beginning on or after July 1, 2025, the school district's combined property tax rate per one thousand dollars for all school district levies for the succeeding budget year shall not exceed the combined property tax rate for all such levies for the budget year for which the modified supplemental amount was granted.

6. *a.* The committee shall establish a modified supplemental amount for a district when the district submits evidence that it requires additional funding for removal, management, or abatement of environmental hazards due to a state or federal requirement. Environmental hazards shall include but are not limited to the presence of asbestos, radon, or the presence of any other hazardous material dangerous to health and safety.

b. The district shall include a budget for the actual cost of the project that may include the costs of inspection, reinspection, sampling, analysis, assessment, response actions, operations and maintenance, training, periodic surveillance, developing of management plans, recordkeeping requirements, and encapsulation or removal of the hazardous material.

7. *a.* The committee may authorize a district to spend a reasonable and specified amount from its unexpended fund balance for the following purposes:

(1) Furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or the tax levy provided in section 298.2.

(2) The costs associated with the demolition of an unused school building, or the conversion of an unused school building for community use, in a school district involved in a dissolution or reorganization under chapter 275, if the costs are incurred within three years of the dissolution or reorganization.

(3) The costs associated with the demolition or repair of a building or structure in a school district if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 4.

b. Other expenditures, including but not limited to expenditures for salaries or recurring costs, are not authorized under this subsection. Expenditures authorized under this subsection shall not be included in a modified supplemental amount or district cost, and the portion of the unexpended fund balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of the amount not actually spent for the authorized purpose shall revert to its former status as part of the unexpended fund balance.

8. The committee may approve or modify the initial base year district cost of any district which changes accounting procedures.

9. When the committee makes a decision under subsections 3 through 8, it shall make all necessary changes in the district cost, budget, and tax levy. It shall give written notice of its decision, including all such changes, to the school board through the department of education.

10. All decisions by the committee under this chapter shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter. All such policies of general application shall be stated in rules adopted in accordance with chapter 17A. The committee shall take into account the intent of this chapter to equalize educational

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opportunity, to provide a good education for all the children of Iowa, to provide property tax relief, to decrease the percentage of school costs paid from property taxes, and to provide reasonable control of school costs. The committee shall also take into account the amount of funds available.

11. Failure by any school district to provide information or appear before the committee as requested for the accomplishment of review or hearing is justification for the committee to instruct the director of the department of management to withhold any state aid to that district until the committee's inquiries are satisfied completely.

12. The committee shall review the recommendations of the director of the department of education relating to the special education weighting plan, and shall establish a weighting plan for each school year pursuant to section 256B.9, and report the plan to the director of the department of education.

13. The committee may recommend that two or more school districts jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in section 280.15.

14. As soon as possible following June 30 of the base year, the school budget review committee shall determine for each school district the balance of funds, whether positive or negative, raised for special education instruction programs under the special education weighting plan established in section 256B.9. The committee shall certify the balance of funds for each school district to the director of the department of management.

a. If the amount certified for a school district to the director of the department of management under this subsection for the base year is positive, the director of the department of management shall subtract the amount of the positive balance exceeding ten percent of the additional funds generated for special education, not to include any previous carryover, from the amount of state aid remaining to be paid to the district during the budget year. If the positive amount exceeding the ten percent amount exceeds the amount of state aid that remains to be paid to the district, not including any previous carryover, the school district shall pay the excess on a quarterly basis prior to June 30 of the budget year to the director of the department of management from other funds received by the district. The director of the department of management shall determine the amount of the positive balance that exceeds the ten percent amount that came from local property tax revenues and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined and shall reduce the district's tax levy computed under section 257.4 for the next following budget year by the amount necessary to compensate for the increased state aid.

b. (1) If the amount certified for a school district to the director of the department of management under this subsection for the base year is negative, the director of the department of management shall determine the amount of the deficit that would have been state aid and the amount that would have been property taxes for each eligible school district.

(2) There is appropriated from the general fund of the state to the school budget review committee for each fiscal year an amount equal to the state aid portion of five percent of the receipts for special education instruction programs in all districts that have a positive balance determined under paragraph *"a"* for the base year, or the state aid portion of all of the positive balances determined under paragraph *"a"* for the base year, whichever is less, to be used for supplemental aid payments to school districts. Except as otherwise provided in this paragraph *"b"*, supplemental aid paid to a district is equal to the state aid portion of the district's negative balance. The school budget review committee shall direct the director of the department of management to make the payments to school districts under this paragraph *"b"*.

(3) A school district is only eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will notify the school budget review committee to instruct the director of the department of management to increase the district's modified supplemental amount and will fund the modified supplemental amount increase either by using moneys from its unexpended fund balance to reduce the district's property tax

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levy or by using cash reserve moneys to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid under this subsection. The director of the department of management shall make the necessary adjustments to the school district's budget to provide the modified supplemental amount and shall make the supplemental aid payments.

(4) If the amount appropriated under this lettered paragraph is insufficient to make the supplemental aid payments under this subsection, the director of the department of management shall prorate the payments on the basis of the amount appropriated.

15. Annually the school budget review committee shall review the amount of property tax levied by each school district for the cash reserve authorized in section 298.10. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high, the committee shall instruct the director of the department of management to reduce that district's tax levy computed under section 257.4 for the following budget year by the amount the cash reserve levy is deemed excessive. A reduction in a district's property tax levy for a budget year under this subsection does not affect the district's authorized budget.

16. The committee shall perform the duties assigned to it under sections 257.32, 257.40, and 260C.18B.

17. *a.* If a district's average transportation costs per pupil exceed the state average transportation costs per pupil determined under paragraph "*c*" by one hundred fifty percent, the committee may grant transportation assistance aid to the district. Such aid shall be miscellaneous income and shall not be included in district cost.

b. To be eligible for transportation assistance aid, a school district shall annually certify its actual cost for all children transported in all school buses not later than July 31 after each school year on forms prescribed by the committee.

c. A district's average transportation costs per pupil shall be determined by dividing the district's actual cost for all children transported in all school buses for a school year pursuant to section 285.1, subsection 12, less the amount received for transporting nonpublic school pupils under section 285.1, by the district's actual enrollment for the school year excluding the shared-time enrollment for the school year as defined in section 257.6. The state average transportation costs per pupil shall be determined by dividing the total actual costs for all children transported in all districts for a school year, by the total of all districts' actual enrollments for the school year.

d. Funds transferred to the committee in accordance with section 321.34, subsection 22, are appropriated to and may be expended for the purposes of the committee, as described in this section. However, highest priority shall be given to districts that meet the conditions described in this subsection. Notwithstanding any other provision of the Code, unencumbered or unobligated funds transferred to the committee pursuant to section 321.34, subsection 22, remaining on June 30 of the fiscal year for which the funds were transferred, shall not revert but shall be available for expenditure for the purposes of this subsection in subsequent fiscal years.

18. If a school district exceeds its authorized budget or carries a negative unspent balance for two or more consecutive years, the committee may recommend that the department implement a phase II on-site visit to conduct a fiscal review pursuant to section 256.11, subsection 10, paragraph "*b*", subparagraph (1), subparagraph division (e).

89 Acts, ch 135, §31; 91 Acts, ch 267, §520; 93 Acts, ch 101, §202; 94 Acts, ch 1175, §3; 96 Acts, ch 1088, §1; 96 Acts, ch 1215, §22; 97 Acts, ch 23, §26; 2003 Acts, ch 79, §4, 7, 8; 2006 Acts, ch 1152, §25; 2006 Acts, ch 1182, §41, 54; 2007 Acts, ch 42, §2; 2007 Acts, ch 108, §8; 2008 Acts, ch 1191, §109; 2009 Acts, ch 41, §263; 2009 Acts, ch 54, §6; 2009 Acts, ch 65, §4; 2009 Acts, ch 133, §190, 250; 2010 Acts, ch 1004, §3 – 6, 10; 2013 Acts, ch 90, §257; 2013 Acts, ch 121, §27 – 30, 42; 2013 Acts, ch 140, §89; 2014 Acts, ch 1013, §6 – 9; 2014 Acts, ch 1026, §63; 2014 Acts, ch 1135, §12; 2018 Acts, ch 1112, §3, 18; 2021 Acts, ch 112, §16; 2024 Acts, ch 1152, §43, 44, 46, 47; 2025 Acts, ch 159, §31, 33, 34

Referred to in §256.11, 256C.4, 257.6, 257.7, 257.8, 257.13, 257.16C, 257.30, 257.32, 284.13, 321.34

2024 amendment to subsection 5, unnumbered paragraph 1 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1152, §47

Subsection 5, paragraph o applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1152, §47

2025 amendment to subsection 5, paragraph o applies to school budget years beginning on or after July 1, 2025; 2025 Acts, ch 159, §34

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257.32 Area education budget review.

1. *a.* An area education agency budget review procedure is established for the school budget review committee created in section 257.30. The school budget review committee, in addition to its duties under section 257.31, shall meet and hold hearings each year to review unusual circumstances of area education agencies, either upon the committee's motion or upon the request of an area education agency. The committee may grant supplemental aid to the area education agency from funds appropriated to the department of education for area education agency budget review purposes, or an amount may be added to the area education agency special education support services modified supplemental amount for districts in an area or an additional amount may be added to district cost for media services or educational services for all districts in an area for the budget year either on a temporary or permanent basis, or both.

b. Unusual circumstances shall include but are not limited to the following:

(1) An unusual increase or decrease in enrollment of children requiring special education or unusual need for additional moneys for special education support services.

(2) Unusual need for additional moneys for media services.

(3) Unusual need for additional moneys for educational services.

(4) Unusual costs for building repair, building maintenance, or removal of environmental hazards.

(5) Participation by the area education agency in telecommunications, electronic, and technological development with school districts, and related staff development programs.

2. When the school budget review committee makes a decision under subsection 1, it shall provide written notice of its decision, including all changes, to the board of directors of the area education agency, and to the department of management and the department of education.

3. All decisions by the school budget review committee under this section shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter.

4. Failure by an area education agency to provide information or appear before the school budget review committee as requested for the accomplishment of review or hearing constitutes justification for the committee to instruct the department of administrative services to withhold payments for the area education agency until the committee's inquiries are satisfied completely.

89 Acts, ch 135, §32; 2003 Acts, ch 145, §286; 2010 Acts, ch 1061, §180; 2013 Acts, ch 121, §31, 42; 2014 Acts, ch 1013, §10

Referred to in §257.31

257.33 Prior enrichment approval.

1. If the electors of a school district approved the use of the additional enrichment amount prior to July 1, 1991, under chapter 442, Code 1991, or section 279.43, Code 1991, the approval for use of the enrichment amount shall continue in effect until the expiration of the period for which it was approved and districts may use the additional enrichment amount during that period. However, section 257.28 applies to the use of the additional enrichment amount.

2. Use of the additional enrichment amounts approved under chapter 442, Code 1991, is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has approved the use of the additional enrichment amount, and if the voters have not voted upon the question of participation in the instructional support program in the reorganized district, the use of the additional enrichment amount shall be in effect for the reorganized district that has been approved for the least amount and the shortest time in any of the districts.

89 Acts, ch 135, §33; 92 Acts, ch 1163, §61; 93 Acts, ch 8, §1; 2006 Acts, ch 1010, §78; 2018 Acts, ch 1041, §127

257.34 Cash reserve information.

If a school district receives less state school foundation aid under section 257.1 than is due under that section for a base year and the school district uses funds from its cash reserve

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during the base year to make up for the amount of state aid not paid, the board of directors of the school district shall include in its general fund budget document information about the amount of the cash reserve used to replace state school foundation aid not paid.

89 Acts, ch 135, §34

257.35 Area education agency payments.

1. *a.* (1) For fiscal years beginning before July 1, 2024, the department of management shall deduct the amounts calculated for special education support services, media services, area education agency teacher salary supplement district cost, area education agency professional development supplement district cost, and educational services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year.

(2) For the fiscal year beginning July 1, 2024, the department of management shall deduct the following amounts from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year:

(a) The amount calculated for special education support services for the school district.

(b) Forty percent of the amount calculated for media services for the school district.

(c) The area education agency teacher salary supplement district cost.

(d) Forty percent of the amount calculated in section 257.37 for educational services for the school district.

(e) The amount due to the area education agency as the result of supplementary weighting for shared operational functions under section 257.11, subsection 5, paragraph *"e"*.

(3) For the fiscal year beginning July 1, 2025, the department of management shall deduct the following from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year:

(a) The area education agency teacher salary supplement district cost.

(b) The amount due to the area education agency as the result of supplementary weighting for shared operational functions under section 257.11, subsection 5, paragraph *"e"*.

(4) For the fiscal year beginning July 1, 2026, and each fiscal year thereafter, the department of management shall deduct the following from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis from July 15 to April 15 during each school year:

(a) The area education agency teacher salary supplement district cost.

(b) The amount due to the area education agency as the result of supplementary weighting for shared operational functions under section 257.11, subsection 5, paragraph *"e"*.

b. The department of management shall notify each school district of the amount of state aid deducted for these purposes and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the department of management, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

2. The amounts specified for school districts in section 257.10, subsection 7, for the fiscal year beginning July 1, 2026, and each succeeding fiscal year, shall be reduced by the department of management by thirty-two million five hundred thousand dollars. The department of management shall calculate a state aid reduction such that such amounts shall be reduced proportionally to the amount that the district would otherwise have received under section 257.10, subsection 7. For the fiscal year beginning July 1, 2027, and each fiscal year thereafter, from the reduction under this subsection for that fiscal year there is appropriated ten million dollars to the department of education for division of special education general supervision, oversight, compliance, employee salaries, support, maintenance, and miscellaneous purposes within the area education agency regions and the department of education main office.

3. For the fiscal year beginning July 1, 2025, the director of the department of management

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may deduct the following from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year for purposes of providing services to students enrolled in nonpublic schools within the boundaries of the area education agency:

a. The amount calculated for media services for the school district that is attributable to the number of students enrolled in nonpublic schools within the school district who are provided with media services by an area education agency.

b. The amount calculated for educational services for the school district that is attributable to the number of students enrolled in nonpublic schools within the school district who are provided with educational services by an area education agency.

4. For the fiscal year beginning July 1, 2026, and each fiscal year thereafter, the director of the department of management may deduct the following from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis from July 15 through April 15 during each school year for the purposes of providing services to students enrolled in nonpublic schools within the boundaries of the area education agency:

a. The amount calculated for media services for the school district that is attributable to the number of students enrolled in nonpublic schools within the school district who are provided with media services by an area education agency.

b. The amount calculated for educational services for the school district that is attributable to the number of students enrolled in nonpublic schools within the school district who are provided with educational services by an area education agency.

5. The director of the department of management may deduct the following from the state aid due to each school district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a monthly basis from September 15 through June 15 during each school year for purposes of providing services to students enrolled in charter schools established pursuant to chapter 256E, subchapter I, within the boundaries of the area education agency:

a. The amount calculated for media services for the school district that is attributable to the number of students enrolled in charter schools established pursuant to chapter 256E, subchapter I, within the school district who are provided with media services by an area education agency.

b. The amount calculated for educational services for the school district that is attributable to the number of students enrolled in charter schools established pursuant to chapter 256E, subchapter I, within the school district who are provided with educational services by an area education agency.

6. Notwithstanding section 257.37, an area education agency may use the funds determined to be available under this section in a manner which the area education agency determines is appropriate to best maintain the level of required area education agency special education services. An area education agency may also use unreserved fund balances for media services or education services in a manner which the area education agency determines is appropriate to best maintain the level of required area education agency special education services.

89 Acts, ch 135, §35; 2002 Acts, ch 1167, §2, 6; 2003 Acts, ch 178, §40, 41, 43; 2004 Acts, ch 1175, §236, 287; 2005 Acts, ch 179, §6; 2006 Acts, ch 1185, §6; 2007 Acts, ch 215, §9; 2008 Acts, ch 1181, §100; 2008 Acts, ch 1191, §8; 2009 Acts, ch 183, §69, 74; 2010 Acts, ch 1193, §13; 2011 Acts, ch 131, §5, 44, 158; 2012 Acts, ch 1138, §24; 2013 Acts, ch 140, §8; 2014 Acts, ch 1141, §4; 2015 Acts, ch 138, §7, 161, 162; 2016 Acts, ch 1138, §3; 2017 Acts, ch 170, §11; 2018 Acts, ch 1172, §4; 2019 Acts, ch 89, §3; 2020 Acts, ch 1019, §6; 2021 Acts, ch 174, §3; 2022 Acts, ch 1153, §4; 2023 Acts, ch 119, §5; 2024 Acts, ch 1002, §30, 37, 38; 2024 Acts, ch 1154, §8 – 11; 2025 Acts, ch 159, §5, 6; 2026 Acts, ch 1001, §17 – 20; 2026 Acts, ch 1086, §63, 66, 101; 2026 Acts, ch 1200, §10, 11, 85 – 88

Referred to in §257.37, 273.3

2024 amendments to subsections 1 and 2, and former subsection 17, apply July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38; 2024 Acts, ch 1154, §11

Subsection 5 applies to school budget years beginning on or after July 1, 2026; 2026 Acts, ch 1086, §66

Subsection 1, paragraph a, subparagraph (3), unnumbered paragraph 1 amended

Subsection 1, paragraph a, NEW subparagraph (4)

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Subsection 2 stricken and rewritten
Subsections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 stricken
Former subsection 21 amended and renumbered as 3
NEW subsections 4 and 5 and former subsection 22 renumbered as 6

257.36 Special education support services balances.

1. Notwithstanding chapters 256B and 273 and sections of this chapter relating to the moneys available to school districts and area education agencies for special education support services, for each school year, the department of education may direct the department of management to deduct amounts from the portions of school district budgets that fund special education support services in an area education agency. The total amount deducted for a school district shall be based upon excess special education support services unreserved and undesignated fund balances in that school district or paid by the school district to an area education agency for a school year that remain unreserved and undesignated as determined by the department of education. The department of management shall determine the amount deducted from each school district in an area education agency on a proportional basis. The department of management shall determine from the amounts deducted from the portions of school district budgets that fund area education agency special education support services the amount that would have been local property taxes and the amount that would have been state aid and for the next following budget year shall increase the district's total state school aid available under this chapter for area education agency special education support services and reduce the district's property tax levy for area education agency special education support services by the amount necessary for the property tax portion of the deductions made under this section during the budget year.

2. The amount deducted from a school district's budget shall not affect the calculation of the state cost per pupil or its district cost per pupil in that school year or a subsequent year.

89 Acts, ch 135, §36; 2018 Acts, ch 1041, §127; 2024 Acts, ch 1002, §31, 37, 38
Referred to in §257.5, 257.8
2024 amendment to subsection 1 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.37 Funding media and educational services.

Media services and educational services provided by a school district or through the area education agency shall be funded, to the extent provided, by an addition to the combined district cost of each school district, determined as follows:

1. For the budget year beginning July 1, 1991, and succeeding budget years, the total amount funded in each area for media services shall be computed as provided in this subsection. For the budget year beginning July 1, 1991, the total amount funded in each area for media services in the base year shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the department of management shall compute the state media services cost per pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the budget year beginning July 1, 1991, and succeeding budget years, the department of management shall compute the supplemental state aid for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the supplemental state aid for media services in the budget year times the enrollment served in the budget year. For fiscal years beginning before July 1, 2025, funds shall be paid to area education agencies as provided in section 257.35. For fiscal years beginning on or after July 1, 2024, funds not required to be paid to an area education agency may be used by the school district for any school district general fund purpose.

2. Up to thirty percent of the budget of an area for media services may be expended for media resource material including the purchase or replacement of material required in section 273.6, subsection 1.

3. For the budget year beginning July 1, 1991, and succeeding budget years, the total amount funded in each area for educational services shall be computed as provided in this subsection. For the budget year beginning July 1, 1991, the total amount funded in each

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area for educational services in the base year shall be divided by the enrollment served in the area in the base year to provide an area educational services cost per pupil in the base year, and the department of management shall compute the state educational services cost per pupil in the base year, which is equal to the average of the area educational services costs per pupil in the base year. For the budget year beginning July 1, 1991, and succeeding budget years, the department of management shall compute the supplemental state aid for educational services by multiplying the state educational services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for educational services for the budget year equals the area educational services cost per pupil for the base year plus the supplemental state aid for educational services in the budget year times the enrollment served in the area in the budget year. For fiscal years beginning before July 1, 2025, funds shall be paid to area education agencies as provided in section 257.35. For fiscal years beginning on or after July 1, 2024, funds not required to be paid to an area education agency may be used by the school district for any school district general fund purpose.

4. *"Enrollment served"* means the basic enrollment of all school districts within the boundaries of the area education agency plus the number of nonpublic school pupils served by the area education agency with media services or educational services, as applicable, except that if a nonpublic school pupil or a pupil attending another district under a whole grade sharing agreement or open enrollment receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of the pupil's residence, which shall by contractual arrangement reimburse the area through which the pupil actually receives services. Each school district shall include in the enrollment report submitted pursuant to section 257.6, subsection 1, the number of nonpublic school pupils within each school district for media and educational services served by the area. However, the school district shall not include in the enrollment report nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

5. *a.* If an area education agency does not serve nonpublic school pupils in a manner comparable to services provided public school pupils for media and educational services, as determined by the state board of education, the state board shall instruct the department of management to reduce the funds for media services and educational services within the area one time by an amount to compensate for such reduced services. The media services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for the budget year for media services times the difference between the enrollment served and the basic enrollment recorded for the area. The educational services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for the budget year for educational services times the difference between the enrollment served and the basic enrollment recorded for the area.

b. This subsection applies only to media and educational services which cannot be diverted for religious purposes.

c. Notwithstanding this subsection, an area education agency shall distribute to nonpublic schools media materials purchased wholly or partially with federal funds in a manner comparable to the distribution of such media materials to public schools as determined by the director of the department of education.

6. For the budget year beginning July 1, 2002, and each succeeding budget year, notwithstanding the requirements of this section for determining the budgets and funding of media services and education services, an area education agency or school district may expend for special education support services an amount that exceeds the payment for special education support services in order to maintain the level of required special education support services in the area education agency or the school district, as applicable.

91 Acts, ch 6, §2; 91 Acts, ch 267, §228; 2002 Acts, ch 1167, §3, 6; 2003 Acts, ch 178, §42, 43; 2006 Acts, ch 1152, §26; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1138, §25; 2013 Acts, ch 88, §7; 2013 Acts, ch 121, §32, 42; 2024 Acts, ch 1002, §32, 37, 38

Referred to in §257.1, 257.10, 257.15, 257.35, 273.23

2024 amendment applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

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257.37A Area education agency salary supplement funding.

1. For the budget year beginning July 1, 2009, the department of management shall add together the teacher compensation allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 284.13, subsection 1, paragraph *"i"*, Code 2009, and the phase II allocation made to each area education agency for the fiscal year beginning July 1, 2008, pursuant to section 294A.9, Code 2009, and divide that sum by the special education support services weighted enrollment in the fiscal year beginning July 1, 2009, to determine the area education agency teacher salary supplement cost per pupil. For the budget year beginning July 1, 2010, and succeeding budget years, the area education agency teacher salary supplement district cost per pupil for each area education agency for a budget year is the area education agency teacher salary supplement district cost per pupil for the base year plus the area education agency teacher salary supplement supplemental state aid amount for the budget year.

2. For the budget year beginning July 1, 2010, and succeeding budget years, if the department of management determines that the unadjusted area education agency teacher salary supplement district cost of an area education agency for a budget year is less than one hundred percent of the unadjusted area education agency teacher salary supplement district cost for the base year for the area education agency, the area education agency shall receive a budget adjustment for that budget year equal to the difference.

3. *a.* The unadjusted area education agency teacher salary supplement district cost is the area education agency teacher salary supplement district cost per pupil for each area education agency for a budget year multiplied by the special education support services weighted enrollment for that area education agency.

b. The total area education agency teacher salary supplement district cost is the sum of the unadjusted area education agency teacher salary supplement district cost plus the budget adjustment for that budget year.

4. For the budget year beginning July 1, 2009, the use of the funds calculated under this section shall comply with requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A. For the budget year beginning July 1, 2010, and succeeding budget years, the use of the funds calculated under this section shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.3A.

2008 Acts, ch 1181, §101; 2009 Acts, ch 68, §5, 6; 2009 Acts, ch 177, §19, 20; 2013 Acts, ch 121, §33, 34, 42; 2024 Acts, ch 1002, §33, 37, 38

Referred to in §256E.23, 257.16, 284.3A

2024 amendment applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

257.38 Funding for at-risk, alternative school, and returning dropouts and dropout prevention programs — plan.

1. Boards of school districts, individually or jointly with boards of other school districts, requesting to use a modified supplemental amount for costs in excess of the amount received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention, shall approve, by resolution, comprehensive program plans for the programs and budget costs, including annual requests for a modified supplemental amount for funding the programs. The program plans shall include:

a. Program goals, objectives, and activities to meet the needs of students identified as at risk, secondary students who attend alternative programs and alternative schools, or potential dropouts or returning dropouts.

b. Student identification criteria and procedures.

c. Staff in-service education design.

d. Staff utilization plans.

e. Evaluation criteria and procedures and performance measures.

f. Program budget.

g. Qualifications required of personnel delivering the program.

h. A program for at-risk students.

i. A provision for identifying at-risk students.

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2. Program plans shall identify the parts of the plan that will be implemented first upon adoption of the program plan. If a district is requesting to use a modified supplemental amount to finance the program, the school district shall include in the request the number of students in its budget enrollment for the budget year identified as returning dropouts and potential dropouts.

89 Acts, ch 135, §38; 2001 Acts, ch 159, §9; 2006 Acts, ch 1152, §27; 2013 Acts, ch 121, §35, 36, 42; 2015 Acts, ch 140, §39, 58, 59; 2018 Acts, ch 1112, §4 – 6, 18
Referred to in §257.10, 257.41

257.39 Definitions — potential dropouts and returning dropouts.

As used in this chapter:

1. *"Potential dropouts"* are resident pupils who are enrolled in a public or nonpublic school who demonstrate poor school adjustment as indicated by two or more of the following:

a. High rate of absenteeism, truancy, or frequent tardiness.

b. Limited or no extracurricular participation or lack of identification with school, including but not limited to expressed feelings of not belonging.

c. Poor grades, including but not limited to failing in one or more school subjects or grade levels.

d. Low achievement scores in reading or mathematics which reflect achievement at two years or more below grade level.

e. Children in grades kindergarten through three who meet the definition of at-risk children adopted by the department of education.

2. *"Returning dropouts"* are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.

89 Acts, ch 135, §39; 2020 Acts, ch 1062, §38
Referred to in §257.10, 257.11, 282.27

257.40 Approval of requests for modified supplement amounts for adopted program plans.

1. The board of directors of a school district requesting to use a modified supplemental amount for costs in excess of the funding received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, or returning dropouts and dropout prevention shall submit requests for a modified supplemental amount, including budget costs, to the school budget review committee not later than January 15 of the budget year preceding the budget year during which the program will be offered. The school budget review committee shall review the request and shall grant approval for the request if the amount requested does not exceed an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year. The board of directors shall certify by resolution that the request complies with the school district's adopted program plan. If the amount requested exceeds an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year, the amount approved by the school budget review committee shall equal the limitation amount minus any funds for the adopted program carried forward from the year prior to the base year. Not later than March 15, the school budget review committee shall notify the department of management of the names of the school districts for which programs using a modified supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request. If requested, the board of directors shall provide the adopted program plan for any audit performed under chapter 11 or other provision of law.

2. If a school district submits a request after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered, the school

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budget review committee may grant the modified supplemental amount request based on the specifications under subsection 1.

89 Acts, ch 135, §40; 2006 Acts, ch 1152, §28; 2007 Acts, ch 22, §60; 2013 Acts, ch 121, §37, 42; 2015 Acts, ch 140, §40, 58, 59; 2018 Acts, ch 1112, §7, 18; 2020 Acts, ch 1093, §2, 4, 5

Referred to in §257.10, 257.11, 257.31, 298A.2

257.41 Funding for programs for returning dropouts and dropout prevention.

1. *Budget.* The budget of an adopted program for at-risk students, secondary students who attend alternative programs or alternative schools, or returning dropouts and dropout prevention for a school district, after subtracting funds received under section 257.11, subsection 4, paragraphs *"a"* through *"c"*, and from other sources for that purpose, including any previous carryover or amount designated from the school district's flexibility account under section 298A.2, subsection 2, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths through establishment of a modified supplemental amount. Annually, the department of management shall establish a modified supplemental amount for each such school district equal to the difference between the approved budget for the program for that district and the sum of the amount funded from the district cost of the school district plus funds received under section 257.11, subsection 4, and from other sources for that purpose, including any previous carryover or amount designated from the school district's flexibility account under section 298A.2, subsection 2.

2. *Appropriate uses of funding.* Appropriate uses of the funding for an adopted program include but are not limited to the following:

a. Salary and benefits for staff including but not limited to instructional staff, instructional support staff, administrative staff, and guidance counselors, salary and benefits or contract payments for psychologists licensed under chapter 154B, licensed independent social workers or master social workers under chapter 154C, licensed mental health counselors under chapter 154D, and salary and benefits for school-based youth services staff who are working with at-risk or dropout prevention programs, alternative programs, and alternative schools, in a traditional or alternative setting, or who are working with students who are participating in such programs or schools, if such person's time is dedicated to working with the program or with such students in order to provide services beyond those which are provided by the school district to students who are not participating in such programs or alternative schools. However, if such person works part-time with students who are participating in a program or alternative school and the person has another unrelated assignment, only the portion of the person's time that is related to the program or alternative school may be charged to the program or school. For each such person who works part time or on a contract basis with the program or with students who are participating in a program or alternative school, the school district shall have the authority to designate the portion of the person's time and the corresponding amount of salary and benefits or contract payment amount that is related to the program or alternative school and shall include such designation as part of the program plan under section 257.38, if applicable. For purposes of this paragraph, if an alternative setting is necessary to provide for a program which is offered at a location off school grounds and which is intended to serve student needs by improving relationships and connections to school, decreasing truancy and tardiness, providing opportunities for course credit recovery, or helping students identified as at risk to accelerate through multiple grade levels of achievement within a shortened time frame, the tuition costs for a student identified as at risk shall be considered an appropriate use of the program funding under this section.

b. Professional development for all teachers, counselors, and staff identified in paragraph *"a"* who are working with at-risk students under a program or an alternative school setting.

c. Research-based resources, materials, software, supplies, and purchased services that meet all of the following criteria:

(1) Meets the needs of kindergarten through grade twelve students identified as at risk.

(2) Are beyond those provided by the regular school program.

(3) Are necessary to provide the services listed in the school district's plan submitted pursuant to section 257.38.

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(4) Will remain with the kindergarten through grade twelve at-risk program, alternative program or alternative school, or returning dropout and dropout prevention program.

d. Costs incurred for a program intended to address high rates of absenteeism, truancy, or frequent tardiness.

e. Costs incurred for programs authorized under section 257.11, subsection 4, paragraph *"d"*.

f. Any purpose determined by the board of directors that directly benefits students participating in the adopted program.

g. School security personnel costs.

3. *Limitation.* For the fiscal year beginning July 1, 2013, and each succeeding fiscal year, the ratio of the amount of the modified supplemental amount established by the department of management compared to the school district's total regular program district cost shall not exceed two and one-half percent. However, if the school district's highest such ratio so determined for any fiscal year beginning on or after July 1, 2009, but before July 1, 2013, exceeded two and one-half percent, the ratio may exceed two and one-half percent but shall not exceed the highest such ratio established during that period.

4. *Other uses.* Notwithstanding subsection 2 and section 282.24, if a student has been determined by the school district to be likely to inflict self-harm or likely to harm another student and all of the following apply, the school district may use the modified supplemental amount established under subsection 1 to pay the instructional costs necessary to address the student's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of students in a regular curriculum:

a. The student does not require special education.

b. The student is not in a court-ordered placement under chapter 232 under the care and custody of the department of health and human services or juvenile court services.

c. The student is not in the state training school pursuant to a court order entered under chapter 232 under the care and custody of the department of health and human services.

d. The pupil is not placed in a facility licensed under chapter 135B, 135C, or 135H.

89 Acts, ch 135, §41; 2012 Acts, ch 1102, §1, 2; 2013 Acts, ch 121, §38, 42; 2014 Acts, ch 1013, §11; 2014 Acts, ch 1135, §13; 2015 Acts, ch 140, §41, 42, 58, 59; 2017 Acts, ch 153, §5 – 8; 2017 Acts, ch 154, §3; 2018 Acts, ch 1112, §8 – 11, 18; 2019 Acts, ch 100, §7; 2023 Acts, ch 19, §1012

Referred to in §257.10, 257.11, 257.19, 257.40, 282.27

257.42 Gifted and talented children.

1. The board of directors of each school district shall do all of the following:

a. (1) Establish systematic and uniform procedures for screening, referring, identifying, and serving gifted and talented children enrolled in kindergarten through grade twelve.

(2) The board of directors of a school district shall base the identification of gifted and talented children on a body of evidence from multiple data sources, both objective and subjective, which must include, at a minimum, local comparisons within the school district and, when appropriate, within individual attendance centers, and which may include but are not limited to any of the following:

(a) Standardized assessments.
(b) Student achievement.
(c) Cognitive ability.
(d) Creative ability.
(e) Qualitative and quantitative data.
(f) Teacher and parent input.
(g) Observation of gifted characteristics and behaviors.

(3) The identification procedures established by the board of directors of a school district shall not provide that any one particular criteria prohibits a student from participating in the school district's program for gifted and talented children.

(4) The board of directors of a school district shall make all reasonable efforts to identify gifted and talented children among all student populations, including students

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participating in special education and students who are English learners. For purposes of this subparagraph, *"English learner"* means the same as defined in section 280.4.

(5) The board of directors of a school district is encouraged to include universal screening within the school district's identification procedures.

b. (1) Provide educational service options for gifted and talented children that are based on the areas in which the child is gifted or talented and ensure that the school district provides gifted and talented children with appropriate instructional adaptations and educational services beyond those that are provided in the regular school program.

(2) The educational services a school district provides to a gifted and talented child must satisfy all of the following requirements:

(a) The educational services must address the cognitive needs of the gifted and talented child.

(b) The educational services must address the character development of the gifted and talented child. For purposes of this subparagraph division, *"character development"* means addressing common challenges of gifted and talented children and promoting skills to support personal growth and academic success.

(c) The educational services must be in alignment with the gifted and talented child's identification data.

(d) The educational services must correspond to the academic strengths and interests of the gifted and talented child.

(3) The board of directors of a school district shall review the progress of gifted and talented children at least annually to ensure that the educational services the school district provides to gifted and talented children meet the academic needs of each gifted and talented child.

(4) The board of directors of a school district shall make all reasonable efforts to provide educational services to each gifted and talented child that promotes the academic growth in the gifted and talented child's academic strengths.

2. Boards of school districts, individually or jointly with the boards of other school districts, shall annually submit program plans for gifted and talented children programs and budget costs to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter.

3. The parent or guardian of a pupil may request that a gifted and talented children program be established for pupils who qualify as gifted and talented children under section 257.44, including demonstrated achievement or potential ability in a single subject area.

4. The department of education shall employ one full-time qualified staff member or consultant for gifted and talented children programs.

5. The department of education shall adopt rules under chapter 17A relating to the administration of this section and sections 257.43 through 257.49. The rules shall prescribe the format of program plans submitted under section 257.43 and shall require that programs fulfill specified objectives. The department shall encourage and assist school districts to provide programs for gifted and talented children.

6. The department of education may request that the staff of the auditor of state conduct an independent program audit to verify that the gifted and talented programs conform to a district's program plans.

89 Acts, ch 135, §42; 94 Acts, ch 1088, §1; 99 Acts, ch 178, §5, 10; 2015 Acts, ch 140, §43, 58, 59; 2016 Acts, ch 1073, §86; 2026 Acts, ch 1157, §2

Referred to in §279.90

NEW subsection 1 and former subsections 1 – 5 renumbered as 2 – 6

257.43 Program plans.

The program plans submitted by school districts shall be part of the school improvement plan submitted pursuant to section 256.7, subsection 21, paragraph *"a"*, and shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.

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2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. Other factors the department requires.

89 Acts, ch 135, §43; 99 Acts, ch 178, §6, 10
Referred to in §257.42, 261E.6

257.44 Gifted and talented children defined.

1. *"Gifted and talented children"* are those children who are identified as possessing outstanding abilities and who are capable of high performance. Gifted and talented children are children who require appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program.

2. Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any of the following areas or in combination:

a. General intellectual ability.
b. Creative thinking.
c. Leadership ability.
d. Visual and performing arts ability.
e. Specific ability aptitude.

89 Acts, ch 135, §44; 2010 Acts, ch 1069, §72
Referred to in §257.42

257.45 Submission of program plans.

1. The board of directors of a school district shall submit applications for approval for the programs to the department not later than November 1 preceding the fiscal year during which the program will be offered. The board shall also submit a copy of the program plans to the gifted and talented children advisory council, if an advisory council has been established. The department shall review the program plans and shall prior to January 15 either grant approval for the program or return the request for approval with comments of the department included. Any unapproved request for a program may be resubmitted with modifications to the department not later than a date established by the department. Not later than February 15 the department shall notify the department of management and the school budget review committee of the names of the school districts for which gifted and talented children programs have been approved and the approved budget of each program listed separately for each school district having an approved program.

2. The department of education may waive the November 1 deadline, if the department finds that the school district applying for approval of gifted and talented programs missed the deadline for good cause. The department shall adopt rules defining good cause for purposes of this section.

89 Acts, ch 135, §45; 94 Acts, ch 1088, §2; 99 Acts, ch 178, §7, 10
Referred to in §257.42

257.46 Funding.

1. The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, including any amount designated from the school district's flexibility account under section 298A.2, subsection 2, shall be funded annually on a basis of one-fourth or more from the district cost of the school district.

2. The remaining portion of the budget shall be funded by the thirty-eight dollar increase in supplemental state aid, as defined in section 257.2, Code 2014, for the school budget year beginning July 1, 1999, multiplied by a district's budget enrollment. The thirty-eight dollar increase for the school budget year beginning July 1, 1999, shall increase in subsequent years by each year's state percent of growth. School districts shall annually report the amount expended for a gifted and talented program to the department of education. The

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proportion of a school district's budget which corresponds to the thirty-eight dollar increase in supplemental state aid, as defined in section 257.2, Code 2014, for the school budget year beginning July 1, 1999, added to the amount in subsection 1, shall be utilized exclusively for a school district's gifted and talented program.

3. If any portion of the gifted and talented program budget remains unexpended at the end of the budget year, the remainder shall be carried over to the subsequent budget year and added to the gifted and talented program budget for that year. At the end of a fiscal year beginning on or after July 1, 2022, the school district may use all or a portion of funds for the purposes authorized under section 257.10, subsection 9, paragraph *"d"*.

89 Acts, ch 135, §46; 94 Acts, ch 1088, §3; 99 Acts, ch 178, §8, 10; 2000 Acts, ch 1058, §29; 2000 Acts, ch 1151, §1, 2; 2013 Acts, ch 121, §39, 42; 2017 Acts, ch 154, §4; 2023 Acts, ch 1, §16, 18; 2023 Acts, ch 111, §24 – 26

Referred to in §257.10, 257.19, 257.42, 298A.2

257.47 Cooperation by area education agencies.

The area education agencies in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs.

89 Acts, ch 135, §47

Referred to in §257.42

257.48 Advisory council.

1. At the written request of one or more boards of school districts, in an area education agency, the area education agency board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. The terms of office of advisory council members shall commence on July 1 of each year. An advisory council shall consist of seven members including teachers, parents, school administrators, and other persons interested in education in the area. Except as otherwise provided in this section, members shall be eligible electors residing in the merged area. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their duties from funds available to the area education agency.

2. If an area education agency has a weighted enrollment of more than thirty-five thousand, the board may appoint additional advisory councils for each thirty-five thousand weighted enrollment or fraction of thirty-five thousand. If more than one advisory council is appointed by the board, the board shall divide the merged area along school district boundary lines for jurisdiction of the advisory councils, and membership of these advisory councils shall be appointed from the designated portion of the merged area.

89 Acts, ch 135, §48; 2018 Acts, ch 1041, §127

Referred to in §257.42

257.49 Duties of advisory council.

The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.
2. Meet as often as deemed necessary by the advisory council.
3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.
4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the area education agency, when requested by a local board.
5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the area education agency and

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the department of education. The evaluation shall be conducted by three or more members of the advisory council.

89 Acts, ch 135, §49
Referred to in §257.42

257.50 Federal assistance — school district responsibilities.

The director of the department of education, in accepting and administering federal funds in accordance with section 256.9, subsection 7, shall upon receiving federal grant moneys under the federal 21st Century Community Learning Center Grant, Tit. IV, pt. B of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, as amended, 20 U.S.C. §7171–7176, designate that a school district be the fiscal agent for an eligible local grant. Whenever possible, the grant applicant school district shall collaborate with a community-based organization, a public or private entity, or a consortium of two or more of such organizations or entities in establishing a community learning center. The department shall give priority to applications for programs serving students determined through research-based methods to be in the greatest need of eligible services. Notwithstanding the provisions of this section, if federal rules or regulations relating to the 21st Century Community Learning Center Grant are adopted that are inconsistent with the provisions of this section, the department of education shall comply with the requirements of the federal rules or regulations.

2002 Acts, ch 1140, §12; 2010 Acts, ch 1061, §180; 2018 Acts, ch 1057, §8

257.51 Career academy fund — grant program.

1. A career academy fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education.

2. *a.* In addition to moneys deposited in the career academy fund pursuant to section 423F.2, the department of education may accept gifts, grants, bequests, and other private contributions, as well as state or federal funds, and shall deposit the moneys in the fund to be used for purposes of this section. Moneys in the fund are appropriated to the department of education and shall be used for the purposes of this section.

b. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes of this section in succeeding fiscal years. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the career academy fund shall be credited to the fund.

3. The department of education shall adopt rules to establish and administer a career academy grant program to provide for the allocation of money in the fund in the form of competitive grants, not to exceed one million dollars per grant, to school corporations for career academy infrastructure, career academy equipment, or both, in accordance with the goals of this section and to further the goals of the establishment and operation of career academies under section 256.137. The rules adopted by the department of education shall specify the eligibility of applicants and eligible items for grant funding. Priority for grants shall first be given to applications to establish new career academies that are organized as regional centers pursuant to chapter 256, subchapter VII, part 2. Subsequent priority shall be given to applications for expanding existing career academies.

2019 Acts, ch 166, §6; 2023 Acts, ch 19, §2525
Referred to in §423F.2

CHAPTER 257A

FIRST IN THE NATION IN EDUCATION

Repealed effective December 31, 1998,
by 98 Acts, ch 1215, §57, 63

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CHAPTER 257B

SCHOOL FUNDS

Referred to in §274.3, 331.502

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257B.38 Excess — loss borne by county.
257B.39 Report as to sales — interest.
257B.40 Interest charged to counties.
257B.41 Uncollected interest.
257B.42 Report as to rents.
257B.43 Reserved.
257B.44 Penalty against county auditor.

257B.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

257B.1A Permanent fund.

The permanent school fund, the interest of which only can be appropriated for school purposes, shall consist of:

1. Five percent of the net proceeds of the public lands of the state.
2. The proceeds of the sale of the five hundred thousand acres of land granted the state under the eighth section of an Act of Congress passed September 4, 1841, entitled: "An Act to appropriate the proceeds of all sales of public lands, and to grant pre-emption rights".
3. The proceeds of all intestate estates escheated to the state.
4. The proceeds of the sales of the sixteenth section in each township, or lands selected in lieu thereof.
5. All other moneys by law credited to the permanent school fund.

[R60, §1962, 1964; C73, §1837, 1839; C97, §2838; C24, 27, 31, 35, 39, §**4469;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.1]

86 Acts, ch 1246, §139, 140; 87 Acts, ch 115, §46; 88 Acts, ch 1278, §24

C93, §257B.1

95 Acts, ch 218, §16

C2001, §257B.1A

Referred to in §257B.6, 257B.9

257B.1B Interest for Iowa schools fund — transfer of interest.

An interest for Iowa schools fund is established in the office of treasurer of state. The department of administrative services shall deposit interest earned on the permanent school fund in the interest for Iowa schools fund. The treasurer shall transfer moneys in the interest for Iowa schools fund on a quarterly basis as follows:

1. For the fiscal year beginning July 1, 2008, and each succeeding fiscal year, fifty-five

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percent of the moneys deposited in the fund to the university of northern Iowa to assist school districts in developing reading recovery and literacy programs.

2. Forty-five percent of the moneys deposited in the fund to the credit of the international center endowment fund of the international center for gifted and talented education established in section 263.8A.

86 Acts, ch 1246, §141
C87, §302.1A
88 Acts, ch 1012, §2; 88 Acts, ch 1284, §51; 89 Acts, ch 319, §77, 78
C93, §257B.1A
95 Acts, ch 218, §17; 96 Acts, ch 1184, §1, 2; 98 Acts, ch 1215, §30
C2001, §257B.1B
2003 Acts, ch 145, §286; 2004 Acts, ch 1175, §92; 2005 Acts, ch 169, §22, 35; 2008 Acts, ch 1181, §24

257B.2 Lands and escheats.

The proceeds of all lands sold, and all sums due from escheats, shall be payable to the treasurer of the county in which the lands or escheated estates are situated or found, and the county treasurer shall pay the proceeds to the state treasurer once each month.

[R60, §1965; C73, §1840; C97, §2838; C24, 27, 31, 35, 39, §**4470;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.2]

C93, §257B.2
Referred to in §331.552

257B.3 Reserved.

257B.4 Division and appraisement.

The board of supervisors may, as preliminary to a sale, authorize the trustees of a township, where the sixteenth section or land selected in lieu of the sixteenth section has not been sold, to lay out the section into tracts as in their judgment will be for the best interests of the permanent school fund, conforming, as far as the interests of the fund will permit, to the legal subdivisions of the United States surveys, and appraise each tract at what they believe to be its true value, and certify to the board the divisions and appraisements made by them. The division and appraisement shall be approved or disapproved by the board at its first meeting after the report, and in case it disapproves, it may at once order another division and appraisement. If the board of supervisors approves, the county auditor shall make and keep a record of the division, appraisement, and approval; but school lands shall not be sold for less than the appraised value per acre, except as provided. A member of the board of supervisors, county auditor, township trustee, or a person who was engaged in the division and appraisement of the land, shall not be directly or indirectly interested in the purchase of the land; and any sale made, where the parties have an interest in the land, shall be void.

[R60, §1970, 1971; C73, §1845 – 1847; C97, §2840; C24, 27, 31, 35, 39, §**4472;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.4]

83 Acts, ch 185, §9, 62
C93, §257B.4

257B.5 Notice — sale.

When the board of supervisors shall offer for sale the sixteenth section or lands selected in lieu thereof, or any portion of the same, or any part of the five-hundred-thousand-acre grant, the county auditor shall give at least forty days' notice, by written or printed notices posted in five public places in the county, two of which shall be in the township in which the land to be sold is situated, and also publish a notice of said sale once each week for two weeks preceding the same in a newspaper published in the county, describing the land to be sold and the time and place of such sale. At such time and place, or at such other time and place as the sale may be adjourned to, the county auditor shall offer to the highest bidder, subject to the provisions of this chapter, and sell, either for cash or one-third cash and the balance on a credit not exceeding ten years, with interest on the same at the rate of not less than three and

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one-half percent per annum, to be paid at the office of the county treasurer of said county on the first day of January in each year, delinquent interest to bear the same rate as the principal. Such county treasurer shall pay to the state treasurer on the first day of February all interest collected.

[R60, §1971; C73, §1846; C97, §2841; S13, §2841; C24, 27, 31, 35, 39, §**4473;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.5]

C93, §257B.5

Referred to in §331.552

257B.6 Sale without appraisement.

When the county board of supervisors has once offered for sale school lands held under section 257B.1A in compliance with the requirements of this chapter, and they remain unsold, and it is unable to obtain the appraised value of the lands and, in the opinion of the board, it is for the best interests of the permanent school fund that the lands be sold for a less price, it may instruct the auditor to transmit to the secretary of state a certified copy of its proceedings in relation to the order of sale of the land and subsequent proceedings in relation to the sale, including the action of the township trustees, and the price per acre at which the land had been appraised. The secretary of state shall submit the transcript of the proceedings to the executive council; and if it approves of a sale at a less sum, it shall certify the approval to the auditor of the county from which the transcript came. The certificate shall be recorded in the minute book of the board of supervisors, and the land may again be offered and sold to the highest bidder without again being appraised, after notice given as in case of sales in the first instance.

[C73, §1849; C97, §2842; C24, 27, 31, 35, 39, §**4474;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.6]

83 Acts, ch 185, §10, 62

C93, §257B.6

257B.7 Sale on credit — taxation — waste.

When lands are sold upon a partial credit, the contract therefor shall be at once reduced to writing, signed by the proper parties, recorded in the county where the land is situated, and immediately thereafter filed in the office of the county auditor. Any purchaser or the purchaser's assigns may at any time pay the full amount for lands with accrued interest, and receive from the county auditor a certificate of purchase, which shall be at once transmitted to the secretary of state and will entitle the holder to a patent for the lands, to be issued by the secretary of state and the governor. All school lands sold in pursuance of law shall be subject to taxation from and after the execution and delivery of a contract of purchase. All sales made, where the full price is not paid, shall be subject to the law relative to the prevention or punishment of waste, and in all such cases the township trustees in each township are charged with the duty of preventing the commission of waste upon any school lands lying in their township, and, if attempted, they shall apply by petition for an injunction to stay the same, and if granted the writ shall issue without bond, and the court issuing it may make such order in the premises as shall be equitable and best calculated to prevent threatened injury, and may adjudge damages for any injury done, the costs to abide the event of the action, and the damages adjudged shall be paid to the county treasurer and the county treasurer shall forthwith pay the same to the state treasurer which shall become a part of the permanent school fund.

[R60, §1972, 1973, 1976 – 1978; C73, §1851, 1852, 1856 – 1858; C97, §2843; C24, 27, 31, 35, 39, §**4475;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.7]

C93, §257B.7

257B.8 Sale of lands bid in.

When lands have been sold and bid in by the state in behalf of the permanent school fund upon a judgment in favor of the fund, the land may be sold in the same manner as other school lands, and when lands have been conveyed to the counties in which they are situated for the use of the permanent school fund, instead of to the state, the conveyance is valid and

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binding, and upon proper certificates of sales patents shall issue in the same manner as if the conveyances had been properly made to the state.

[C73, §1850; C97, §2844; C24, 27, 31, 35, 39, §**4476;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.8]

83 Acts, ch 185, §11, 62

C93, §257B.8

257B.9 Cash or collateral security.

When, in the judgment of the board of supervisors, school lands held under section 257B.1A are of such a character that a sale upon partial credit would be unsafe or incompatible with the interest of the permanent school fund, and especially in the case of timbered lands, the board of supervisors may require the entire purchase money in advance; or if the board sells the land upon a partial credit, it shall require good collateral security for the payment of the part upon which credit is given.

[R60, §1974; C73, §1853; C97, §2845; C24, 27, 31, 35, 39, §**4477;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.9]

83 Acts, ch 185, §12, 62

C93, §257B.9

257B.10 Uniform interest date.

If money is due to the permanent school fund, either for loans or deferred payments of the purchase price of land sold, the interest shall be made payable on the first day of January each year, and if the debtor fails to pay the interest within six months of the date it is due, the entire amount of both principal and interest shall become due, and the county auditor shall report the nonpayment to the school board, which may immediately commence action for the collection of the amount reported as due. This section is a part of a contract made by virtue of this chapter, whether expressed in the contract or not.

[R60, §1975, 1979; C73, §1854, 1855; C97, §2846; C24, 27, 31, 35, 39, §**4478;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.10]

83 Acts, ch 185, §13, 62

C93, §257B.10

2011 Acts, ch 43, §1

257B.11 School fund accounts — audit of losses.

The director of the department of administrative services shall keep the permanent school fund accounts in books provided for that purpose, separate and distinct from the revenue books. The auditor of state shall audit losses to the permanent school or university fund caused by defalcation, mismanagement, or fraud. The auditor of state shall adopt rules pursuant to chapter 17A as necessary to ascertain the losses.

[R60, §1969; C73, §1842; C97, §2847; C24, 27, 31, 35, 39, §**4479;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.11]

83 Acts, ch 185, §14, 62; 92 Acts, ch 1156, §12

C93, §257B.11

94 Acts, ch 1023, §45; 2003 Acts, ch 145, §286

257B.12 Bonds to cover losses.

When any sum not less than one thousand dollars shall be so audited and so become a debt of the state to the fund, as provided by the Constitution of the State of Iowa, the auditor of state shall issue the bond or bonds of the state in favor of the fund, bearing interest at a rate not exceeding that permitted by chapter 74A, payable semiannually on the first day

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of January and July after issuance, and the amount to pay the interest as it becomes due is appropriated out of any funds in the state treasury.

[C73, §1843; C97, §2847; C24, 27, 31, 35, 39, §**4480;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.12]

C93, §257B.12

2006 Acts, ch 1010, §79

Iowa Constitution, Art. VII, §3

257B.13 and 257B.14 Reserved.

257B.15 Management.

Property and money accrued to the permanent school fund shall be managed and controlled by the treasurer of state, and the treasurer of state is responsible for the safekeeping, investment, reinvestment and disbursement of the property and money.

[R60, §1980; C73, §1859, 1860; C97, §2848; C24, 27, 31, 35, 39, §**4483;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.15]

83 Acts, ch 185, §15, 62

C93, §257B.15

257B.16 Actions.

Actions for and in behalf of the fund may be brought in the name of the state for the use of the permanent school fund, by the attorney general.

[C73, §1860; C97, §2848; C24, 27, 31, 35, 39, §**4484;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.16]

83 Acts, ch 185, §16, 62

C93, §257B.16

257B.17 Liability of county.

Each county is liable for losses upon loans of the permanent school fund, principal or interest, made in the county, unless the loss was not occasioned by reason of a default of its officers or by taking insufficient or imperfect securities, or from a failure to bid at an execution sale the full amount of the judgment and costs.

[C73, §1860; C97, §2848; C24, 27, 31, 35, 39, §**4485;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.17]

83 Acts, ch 185, §17, 62

C93, §257B.17

257B.18 Exemption of county.

All claims for exemption from liability on account of losses shall be examined into and adjusted by the director of the department of administrative services, upon proof submitted to the director in writing in behalf of the county within three months after the county auditor shall be advised by the director of the director's readiness to receive the proof. In the absence of evidence, or if that submitted is insufficient, the loss may be charged against the county and be conclusive, but if found sufficient, the director of the department of administrative services shall present the facts in the report to the next general assembly.

[C73, §1860; C97, §2848; C24, 27, 31, 35, 39, §**4486;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.18]

C93, §257B.18

2003 Acts, ch 145, §286

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257B.19 Loans.

The permanent school fund shall be loaned out or invested by the treasurer of state as it comes into the treasurer's hands.

[R60, §1981; C73, §1861; C97, §2849; S13, §2849; C24, 27, 31, 35, 39, §**4487;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.19]

83 Acts, ch 185, §18, 62

C93, §257B.19

257B.20 Investment of permanent fund.

The permanent school fund which is, at any time, in the custody of the treasurer of state, shall be invested as follows:

1. In bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America, or by any agency or instrumentality thereof.

2. In bonds, or other evidences of indebtedness of the state of Iowa, or of any school district, county, township, city or other political subdivision of the state of Iowa which are issued pursuant to law.

3. In savings accounts or in time deposits in Iowa banks approved as depositories by the executive council.

4. In any investments authorized for the Iowa public employees' retirement system in section 97B.7A, except that investment in common stocks shall not be permitted.

[C39, §**4487.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.20]

C93, §257B.20

2001 Acts, ch 68, §16, 24

257B.21 through 257B.27 Reserved.

257B.28 Statute of limitation.

Lapse of time is not a bar to action to recover a part of the permanent school fund, and it does not prevent the introduction of evidence in an action, except as provided in sections 614.29 through 614.38.

[C73, §1880, 2542; C97, §2852; C24, 27, 31, 35, 39, §**4495;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.28]

83 Acts, ch 185, §19, 62

C93, §257B.28

2021 Acts, ch 80, §139

257B.29 Payments.

Payments to the permanent school fund upon contracts, or loans of another nature, shall be made to the treasurer of the county upon a certificate from the auditor showing the amount due.

[R60, §1986; C73, §1867; C97, §2853; C24, 27, 31, 35, 39, §**4496;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.29]

83 Acts, ch 185, §20, 62

C93, §257B.29

257B.30 Release of mortgage.

The auditor shall, when the debt is paid, release any mortgage or issue a certificate of purchase, as the case may be, and report the same to the board of supervisors at its next meeting, which report shall be carried into the records of the board.

[R60, §1986; C73, §1867; C97, §2853; C24, 27, 31, 35, 39, §**4497;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.30]

C93, §257B.30

257B.31 School fund account — settlement.

The auditor shall also keep, in books to be provided for that purpose, an account to be known as the permanent school fund account, in which a memorandum of the notes,

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mortgages, bonds, money, and assets which may come into the auditor's hands and those of the treasurer shall be entered, and separate accounts of principal and interest be kept. The county treasurer shall also keep an account and record of all school funds coming into the county treasurer's hands. Settlements of the account shall be made with the board of supervisors at its January and June sessions, and the settlements shall be recorded with the proceedings of the board.

[R60, §1990, 1991; C73, §1876, 1877; C97, §2853; C24, 27, 31, 35, 39, §**4498;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.31]

83 Acts, ch 185, §21, 62

C93, §257B.31

Referred to in §331.552

257B.32 Notice of default.

When outstanding contracts for the sale of school lands or notes for money of the permanent school fund loaned, or interest on the permanent school fund, are due, the auditor shall by mail at once notify the debtor to make payment within three months.

[C73, §1872, 1873; C97, §2854; C24, 27, 31, 35, 39, §**4499;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.32]

83 Acts, ch 185, §22, 62

C93, §257B.32

257B.33 Suit — attorney fee.

If the debtor does not comply with the notice, the auditor shall report the noncompliance to the school board, which may bring an action to recover the debt, and an injunction may issue for cause, without bond when so petitioned, and there shall be allowed in the judgment, entered and taxed as a part of the costs in the case, a reasonable sum as compensation to plaintiff's attorney, not exceeding the amount provided by law for attorney fees.

[C73, §1873; C97, §2854; C24, 27, 31, 35, 39, §**4500;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.33]

90 Acts, ch 1168, §42

C93, §257B.33

2011 Acts, ch 43, §2

Attorney fees, §625.22

257B.34 Bid at execution sale.

Upon a sale of lands under an execution founded upon a permanent school fund claim or right, the auditor shall bid a sum required by the interests of the fund, and, if struck off to the state, it shall be thereafter treated the same as other lands belonging to the fund.

[C73, §1874; C97, §2854; C24, 27, 31, 35, 39, §**4501;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.34]

83 Acts, ch 185, §23, 62

C93, §257B.34

257B.35 Sheriff's deed to state.

When lands have been bid in by the county for the state under foreclosure of permanent school fund mortgages and the time for redemption has expired, a sheriff's deed shall be issued to the state for the use and benefit of the permanent school fund. The county auditor shall file the deed for record in the office of the county recorder who shall record the deed without fee and return it when recorded to the county auditor who shall then forward it to the secretary of state. The secretary of state shall record the deed and then file it with the director of the department of administrative services.

[C73, §1881; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4502;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.35]

83 Acts, ch 185, §24, 62

C93, §257B.35

2003 Acts, ch 145, §286

Referred to in §331.602

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257B.36 Resale by state.

All lands now acquired under permanent school fund foreclosure proceedings shall be resold within ten years from January 1, 1939, and lands acquired after such date shall be resold within six years from date of foreclosure. Such land shall be appraised, advertised, and sold in the manner provided for the appraisement, advertisement, sale and conveyance of the sixteenth section or lands selected in lieu thereof.

[S13, §2855; C24, 27, 31, 35, 39, §**4503;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.36]

C93, §257B.36

Appraisement, §257B.4

257B.37 Proceeds on resale.

When a resale is made, the county auditor shall notify the director of the department of administrative services, who shall thereupon charge the county with the full amount of the resale, except that when the lands are sold for more than the unpaid portion of the principal, the excess shall be applied to reimburse the county for the costs of foreclosure and the interest paid by the county to the state by reason of default of payment of same by the makers of the notes, previous to the time when the right of redemption has expired, not to exceed three years.

[C73, §1881, 1882; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4504;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.37]

C93, §257B.37

2003 Acts, ch 145, §286

257B.38 Excess — loss borne by county.

An excess over the amount of the unpaid portion of the principal, costs of foreclosure, and interest on the principal, shall inure to the county and be credited to the general county fund. If the lands are sold for a less amount than the unpaid portion of the principal, the loss shall be sustained by the county, and the board of supervisors shall at once order the amount of the loss transferred from the general fund of the county to the permanent school fund account.

[C73, §1881; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4505;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.38]

83 Acts, ch 185, §25, 62

C93, §257B.38

257B.39 Report as to sales — interest.

County auditors shall report, on or before January 1 of each year, to the director of the department of administrative services the amount of the sales and resales made during the previous year, of the sixteenth section, five-hundred-thousand-acre grant, and escheat estates, and the director of the department of administrative services shall charge them to the counties with interest from the date of the sale or resale to January 1, at the rate of three percent per annum.

[C73, §1881; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4506;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.39]

83 Acts, ch 185, §26, 62

C93, §257B.39

94 Acts, ch 1173, §11; 2003 Acts, ch 145, §286

257B.40 Interest charged to counties.

The director of the department of administrative services shall also, on the first day of January, charge to each county having permanent school funds under its control, interest thereon at the rate of three percent per annum for the preceding year, or such part thereof as such funds shall have been in the control of the county, which shall be taken as the whole

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amount of interest due from such county. All interest collected above the three percent charged by the state shall be transferred to the general county fund.

[C73, §1882; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4507;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.40]

C93, §257B.40

2003 Acts, ch 145, §286

257B.41 Uncollected interest.

If any county fails or refuses to collect the amount of interest due the state, the deficiency shall be paid to the state from the general county fund. Any county delinquent in the payment of interest due the state shall be charged one percent per month on the amount delinquent until paid.

[C73, §1882; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4508;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.41]

C93, §257B.41

257B.42 Report as to rents.

By January 1 of each year, county auditors shall report to the director of the department of administrative services the amount of rents collected during the preceding year on unsold school lands and the director shall include the amount reported in the semiannual apportionment of interest.

[C73, §1884; C97, §2855; S13, §2855; C24, 27, 31, 35, 39, §**4509;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.42]

83 Acts, ch 185, §27, 62

C93, §257B.42

94 Acts, ch 1173, §12; 2003 Acts, ch 145, §286

257B.43 Reserved.

257B.44 Penalty against county auditor.

A county auditor failing or neglecting to perform required duties under this chapter, is liable to a penalty of not less than one hundred nor more than five hundred dollars, to be recovered in an action brought in the district court by the board of supervisors. The judgment shall be entered against the party and the party's sureties, and the proceeds shall be paid to the treasurer of state for deposit in the general fund of the state.

[R60, §1992; C73, §1878; C97, §2857; C24, 27, 31, 35, 39, §**4511;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §302.44]

83 Acts, ch 185, §28, 62; 83 Acts, ch 186, §10066, 10201, 10204

C93, §257B.44

CHAPTER 257C

ADVANCE FUNDING AUTHORITY

Repealed by 2023 Acts, ch 70, §19

CHAPTER 258

CAREER AND TECHNICAL EDUCATION

Transferred to chapter 256, subchapter VII, part 2, pursuant to directive; 2023 Acts, ch 19, §2535

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CHAPTER 258A

RESERVED

CHAPTER 259

VOCATIONAL REHABILITATION

Transferred to chapter 84H pursuant to directive; 2023 Acts, ch 19, §2247

CHAPTER 259A

HIGH SCHOOL EQUIVALENCY DIPLOMAS

Referred to in §84A.19, 256.212, 299.1, 299.2, 904.516, 906.4

259A.1 Assessment of competency.
259A.2 Application requirements.
259A.3 Notice and fee.
259A.4 Use of fees.
259A.5 Rules — duties.
259A.6 Residents of juvenile institutions and juvenile probationers.

259A.1 Assessment of competency.

The department of education shall cause to be made available for qualified individuals a high school equivalency diploma. The diploma shall be issued to qualified individuals who successfully pass the civics test as set forth in section 280.9A, and demonstrate competence in all of the following core areas: reading, language arts, literacy, mathematics, science, and social studies.

[C66, 71, 73, 75, 77, 79, 81, §259A.1]

2006 Acts, ch 1152, §29; 2013 Acts, ch 88, §9; 2017 Acts, ch 85, §1, 5; 2025 Acts, ch 103, §4

Referred to in §259A.2

259A.2 Application requirements.

1. Every applicant shall have attained the age of eighteen years, have not graduated from high school, and not be currently enrolled in a secondary school.
2. An applicant is not eligible for a high school equivalency diploma until after the class in which the applicant was enrolled has graduated from high school.
3. Application shall be made to a high school equivalency program or testing center approved by the department of education, accompanied by an application fee in an amount prescribed by the department.
4. Test scores shall be forwarded by the scorer of the test to the department of education.
5. Evidence that an applicant demonstrates competence as required under section 259A.1 shall be made available to the department of education by the high school equivalency program for verification purposes.

[C66, 71, 73, 75, 77, 79, 81, §259A.2]

2013 Acts, ch 88, §10; 2017 Acts, ch 85, §2, 5

Referred to in §259A.6

259A.3 Notice and fee.

Any applicant who has demonstrated competence in the core areas under standards adopted by the state board of education pursuant to section 259A.5 shall be issued a high school equivalency diploma by the department of education upon payment of an additional amount determined in rules adopted by the state board of education to cover the actual costs of the production and distribution of the diploma. The state board of education may also by

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rule establish a fee for the issuance or verification of a transcript which shall be based on the actual costs of the production or verification of a transcript.

[C66, 71, 73, 75, 77, 79, 81, §259A.3]

2011 Acts, ch 20, §7; 2017 Acts, ch 85, §3, 5

259A.4 Use of fees.

The fees collected under the provisions of this chapter shall be used for the expenses incurred in administering, providing test materials, scoring of examinations, and issuance of high school equivalency diplomas, and shall be disbursed on the authorization of the director of the department of education. The treasurer of state shall be custodian of the funds paid to the department and shall disburse the same on vouchers audited as provided by law. The unobligated balance in such funds at the close of each biennium shall be placed in the general fund of the state.

[C66, 71, 73, 75, 77, 79, 81, §259A.4]

85 Acts, ch 212, §21

259A.5 Rules — duties.

1. The director of the department of education shall prescribe assessments, definitions of terms, and forms and resources as necessary for the administration of this chapter.

2. The state board of education shall adopt rules under chapter 17A to carry out this chapter. Any rules adopted relating to demonstrations of competence for purposes of this chapter shall require such demonstrations to be equivalent to or of greater rigor than those required for high school graduation, and such demonstrations shall include but are not limited to a test battery, credit-based measures, and attainment of other academic credentials.

[C66, 71, 73, 75, 77, 79, 81, §259A.5]

85 Acts, ch 212, §21; 86 Acts, ch 1245, §1441; 2017 Acts, ch 85, §4, 5

Referred to in §259A.3

259A.6 Residents of juvenile institutions and juvenile probationers.

Notwithstanding the provisions of section 259A.2 a minor who is a resident of a state training school or a minor who is placed under the supervision of a juvenile probation office may make application for a high school equivalency diploma and upon successful completion of the program receive a high school equivalency diploma.

[C77, 79, 81, §259A.6]

2019 Acts, ch 100, §8

CHAPTER 259B

RESERVED

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SUBTITLE 2

COMMUNITY COLLEGES

CHAPTER 260

RESERVED

CHAPTER 260A

COMMUNITY COLLEGE VOCATIONAL-TECHNICAL TECHNOLOGY IMPROVEMENT

Repealed by 2002 Acts, 2nd Ex, ch 1003, §94, 95

CHAPTER 260B

RESERVED

CHAPTER 260C

COMMUNITY COLLEGES

Referred to in §7C.4A, 12.30, 16.162, 22.7(52)(a), 103.22, 139A.8B, 256.82, 256.121, 256.212, 260E.2, 260F.2, 260G.2, 261B.11, 261E.2, 261E.8, 261H.1, 261L.1, 262.9, 273.2, 282.6, 297.24, 321.187, 423.3, 423F.3, 459.318, 459A.102, 594A.7, 594A.9, 714.19, 724.8A

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SUBCHAPTER I

GENERAL PROVISIONS

260C.1 Statement of policy.

It is hereby declared to be the policy of the state of Iowa and the purpose of this chapter to provide for the establishment of not more than fifteen areas which shall include all of the area of the state and which may operate community colleges offering to the greatest extent possible, educational opportunities and services in each of the following, when applicable, but not necessarily limited to:

1. The first two years of college work including preprofessional education.
2. Career and technical training.
3. Programs for in-service training and retraining of workers.
4. Programs for high school completion for students of post-high school age.
5. Programs for all students of high school age who may best serve themselves by enrolling for career and technical training while also enrolled in a local high school, public or private.
6. Programs for students of high school age to provide advanced college placement courses not taught at a student's high school while the student is also enrolled in the high school.
7. Student personnel services.
8. Community services.
9. Career and technical education for persons who have academic, socioeconomic, or other disabilities which prevent succeeding in regular career and technical education programs.
10. Training, retraining, and all necessary preparation for productive employment of all citizens.
11. Career and technical training for persons who are not enrolled in a high school and who have not completed high school.
12. Developmental education for persons who are academically or personally underprepared to succeed in their program of study.

[C66, 71, 73, 75, 77, 79, 81, §280A.1]
85 Acts, ch 212, §11; 90 Acts, ch 1253, §26
C93, §260C.1
93 Acts, ch 101, §203; 96 Acts, ch 1129, §113; 2016 Acts, ch 1108, §48
Referred to in §260C.18A, 260C.18C

260C.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Bureau"* means the community colleges bureau of the higher education division of the department established under section 260C.6.
2. *"Bureau chief"* means the bureau chief of the community colleges bureau of the higher education division of the department.
3. *"Community college"* means a publicly supported school which may offer programs of adult and continuing education, lifelong learning, community education, and up to two years of liberal arts, preprofessional, or occupational instruction partially fulfilling the requirements for a baccalaureate degree but confers no more than an associate degree; or which offers as the whole or as part of the curriculum up to two years of career and technical education, training, or retraining to persons who are preparing to enter the labor market.
4. *"Department"* means the department of education.
5. *"Director"* means the director of the department of education.
6. *"Instructional cost center"* means one of the following areas of course offerings of the community colleges:
   a. Arts and sciences cost center.
   b. Career and technical education preparatory cost center.
   c. Career and technical education supplementary cost center.

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d. Adult basic education and high school completion cost center.

e. Continuing and general education cost center.

7. *"Merged area"* means an area where two or more school systems or parts of school systems merge resources to operate a community college in the manner provided in this chapter.

8. *"State board"* means the state board of education.

[C66, 71, 73, 75, 77, 79, 81, §280A.2]

85 Acts, ch 212, §21, 22; 90 Acts, ch 1253, §27

C93, §260C.2

96 Acts, ch 1215, §24; 2005 Acts, ch 169, §23; 2016 Acts, ch 1108, §49, 50; 2023 Acts, ch 19, §2645

Referred to in §84A.19, 84B.3, 85.61, 87.4, 256.210, 256.210A, 256.228, 261G.2, 261I.1, 307.24, 321J.22, 322.7A, 515A.15

260C.3 State board for community colleges. Repealed by 2011 Acts, ch 20, §19.

260C.4 Duties of state board.

The state board shall:

1. Adopt and establish policies for programs and services of the department which relate to community colleges.

2. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs under section 256.7, subsection 3.

3. Review and make recommendations that relate to community colleges in the five-year plan for the achievement of educational goals.

90 Acts, ch 1253, §34

C91, §280A.22B

C93, §260C.22B

93 Acts, ch 82, §2

C95, §260C.4

96 Acts, ch 1215, §25; 2011 Acts, ch 20, §8

260C.5 Community colleges bureau — duties of bureau chief.

The director shall appoint the bureau chief, and the bureau chief shall direct the work of the personnel as necessary to carry out this chapter. The bureau chief shall do all of the following:

1. Designate a community college as an "area career and technical education school" within the meaning of, and for the purpose of administering, the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006. A community college shall not be so designated by the director for the expenditure of funds under 20 U.S.C. §2301 et seq., as amended, which has not been designated and classified as a community college by the state board.

2. Change boundaries of director districts in a merged area when the board fails to change boundaries as required by law.

3. Make changes in boundaries of merged areas with the approval of the board of directors of each merged area affected by the change. When the boundaries of a merged area are changed, the director may authorize the board of directors of the merged area to levy additional taxes upon the property within the merged area, or any part of the merged area, and distribute the taxes so that all parts of the merged area are paying their share toward the support of the college.

4. Administer, allocate, and disburse federal or state funds made available to pay a portion of the cost of acquiring sites for and constructing, acquiring, or remodeling facilities for community colleges, and establish priorities for the use of such funds.

5. Administer, allocate, and disburse federal or state funds available to pay a portion of the operating costs of community colleges.

6. Propose administrative rules to carry out this chapter subject to approval of the state board.

7. Enter into contracts with local school boards within the area that have and maintain

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a career and technical education program and with private schools or colleges in the cooperative or merged areas to provide courses or programs of study in addition to or as a part of the curriculum made available in the community college.

8. Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in career and technical education programs and advanced college placement courses and obtain credit for such participation for application toward the completion of a high school diploma. The granting of credit is subject to the approval of the director.

9. Prescribe a uniform system of accounting for community colleges.

10. Ensure that community colleges that provide intercollegiate athletics as a part of their program comply with section 216.9.

11. Develop an application and review process for approval of administrative and program sharing agreements between two or more community colleges or a community college and an institution of higher education under the board of regents entered into pursuant to section 260C.46.

[C66, 71, 73, 75, 77, 79, 81, §280A.25; 82 Acts, ch 1136, §11]

85 Acts, ch 212, §12; 86 Acts, ch 1245, §1470; 87 Acts, ch 115, §41; 87 Acts, ch 224, §57, 58; 90 Acts, ch 1253, §36

C93, §260C.25

93 Acts, ch 82, §4

C95, §260C.5

2002 Acts, ch 1140, §13; 2016 Acts, ch 1108, §51; 2017 Acts, ch 29, §77; 2023 Acts, ch 19, §2646

Referred to in §260C.43

260C.6 Community colleges bureau in the higher education division.

A community colleges bureau shall be established within the higher education division of the department. The bureau shall exercise the powers and perform the duties conferred by law upon the department with respect to community colleges.

[C66, 71, 73, 75, 77, 79, 81, §280A.27]

90 Acts, ch 1253, §37

C93, §260C.27

C95, §260C.6

2023 Acts, ch 19, §2647

Referred to in §260C.2

260C.7 through 260C.9 Reserved.

260C.10 Purchases — meat products.

The board of directors providing services to a merged area, and the board of directors of a community college, shall establish policies to prevent the purchase of a food product that is any of the following:

1. Misbranded as a meat product as prohibited in chapter 137E.
2. A cultivated-protein food product as defined in section 137E.1.

2024 Acts, ch 1158, §11

260C.10A Purchases — egg products.

The board of directors providing services to a merged area, and the board of directors of a community college, shall establish policies to prevent the purchase of a food product that is misbranded as an egg product as prohibited in chapter 137A.

2024 Acts, ch 1158, §22

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SUBCHAPTER II

GOVERNANCE, FINANCING, AND PROGRAMS

260C.11 Governing board.

1. The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the regular school elections for members whose terms expire. The term of a member of the board of directors is four years and commences at the organizational meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected at the next school election or intervening special election held for the merged area, in accordance with section 69.12. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

2. Commencing with the regular school election in 1981, the governing board of a merged area shall consist of not less than five nor more than nine members.

3. Director districts shall be of approximately equal population within each merged area.

[C66, 71, 73, 75, §280A.12; C77, §280A.12, 280A.23(2); C79, 81, §280A.12, 280A.28; 82 Acts, ch 1136, §7]

C83, §280A.11

84 Acts, ch 1219, §15; 89 Acts, ch 136, §66

C93, §260C.11

2008 Acts, ch 1115, §2, 21; 2009 Acts, ch 41, §101; 2017 Acts, ch 120, §9, 11, 12

Referred to in §39.24, 260C.15

260C.12 Directors of merged area.

1. The board of directors of the merged area shall organize at the first regular meeting following the regular school election or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting after the canvass for the regular school election. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond or be covered by an insurance policy as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond or insurance policy is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

2. Members of the board, other than the secretary and the treasurer, shall be allowed their actual expenses incurred in the performance of their duties and may be eligible to receive per diem compensation.

[C66, 71, 73, 75, 77, 79, 81, §280A.13; 82 Acts, ch 1039, §1, ch 1086, §1]

C83, §280A.12

90 Acts, ch 1253, §28

C93, §260C.12

2008 Acts, ch 1115, §3, 21; 2017 Acts, ch 155, §2, 9, 10; 2019 Acts, ch 148, §53; 2024 Acts, ch 1074, §4

Referred to in §273.8, 291.2

260C.13 Director districts.

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be

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completed not later than August 1 of the year of the regular school election. As soon as possible after adoption of the boundary changes, notice of changes in the director district boundaries shall be submitted by the merged area to the county commissioner of elections in all counties included in whole or in part in the merged area.

2. The board of the merged area shall redraw boundary lines of director districts in the merged area after each federal decennial census.

3. Boundary lines of director districts shall be drawn according to the following standards:

a. All boundaries shall follow precinct boundaries or school director district boundaries unless a merged area director district boundary follows the boundary of a school district which divides one or more election precincts.

b. To the extent possible in order to comply with paragraph *"a"*, all districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the merged area.

c. All districts shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the merged area is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

4. If more than one incumbent officeholder resides in a district redrawn during reprecincting, their terms of office expire after the next regular school election.

[C66, 71, 73, 75, 77, §280A.23(2); C79, §280A.28, 280A.30; C81, §280A.28, 280A.29; 82 Acts, ch 1136, §9]

C83, §280A.13

C93, §260C.13

94 Acts, ch 1179, §14, 15; 2008 Acts, ch 1115, §4, 21; 2010 Acts, ch 1033, §33, 34; 2017 Acts, ch 155, §3, 9, 10

Referred to in §39.24

260C.14 Authority of directors.

The board of directors of each community college shall:

1. Determine the curriculum to be offered in such school or college subject to approval of the director and ensure that all career and technical education offerings are competency-based, provide any minimum competencies required by the department, comply with any applicable requirements in chapter 256, subchapter VII, part 2, and are articulated with local school district career and technical education programs. If an existing private educational institution or an existing vocational institution offering a career and technical education program within the merged area has facilities and curriculum of adequate size and quality which would duplicate the functions of the area school, the board of directors shall discuss with the institution the possibility of entering into contracts to have the existing institution offer facilities and curriculum to students of the merged area. The board of directors shall consider any proposals submitted by the private institution for providing such facilities and curriculum. The board of directors may enter into such contracts. In approving curriculum, the director shall ascertain that all courses and programs submitted for approval are needed and that the curriculum being offered by an area school does not duplicate programs provided by existing public or private facilities in the area. In determining whether duplication would actually exist, the director shall consider the needs of the area and consider whether the proposed programs are competitive as to size, quality, tuition, purposes, and area coverage with existing public and private educational or vocational institutions within the merged area. If the board of directors of the merged area chooses not to enter into contracts with private institutions under this subsection, the board shall submit a list of reasons why contracts to avoid duplication were not entered into and an economic impact statement relating to the board's decision.

2. Have authority to determine tuition rates for instruction. Tuition for residents of

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Iowa shall not exceed the lowest tuition rate per semester, or the equivalent, charged by an institution of higher education under the state board of regents for a full-time resident student. However, except for students enrolled under section 261E.6, if a local school district pays tuition for a resident pupil of high school age, the limitation on tuition for residents of Iowa shall not apply, the amount of tuition shall be determined by the board of directors of the community college with the consent of the local school board, and the pupil shall not be included in the full-time equivalent enrollment of the community college for the purpose of computing general aid to the community college. Tuition for nonresidents of Iowa shall not be less than the marginal cost of instruction of a student attending the college. A lower tuition for nonresidents may be permitted under a reciprocal tuition agreement between a merged area and an educational institution in another state, if the agreement is approved by the director. The board may designate that a portion of the tuition moneys collected from students be used for student aid purposes.

3. Have the powers and duties with respect to community colleges, not otherwise provided in this chapter, which are prescribed for boards of directors of local school districts by chapter 279 except that the board of directors is not required to prohibit the use of tobacco and the use or possession of alcoholic liquor or beer by any student of legal age under the provisions of section 279.9.

4. Have the power to enter into contracts and take other necessary action to insure a sufficient curriculum and efficient operation and management of the college and maintain and protect the physical plant, equipment, and other property of the college.

5. Establish policy and make rules, not inconsistent with law and administrative rules, regulations, and policies of the state board, for its own government and that of the administrative, teaching, and other personnel, and the students of the college, and aid in the enforcement of such laws, rules, and regulations.

6. Have authority to sell a student-constructed building and the property on which the student-constructed building is located or any article resulting from any career and technical education program or course offered at a community college by any procedure which may be adopted by the board. Governmental agencies and governmental subdivisions of the state within the merged areas shall be given preference in the purchase of such articles. All revenue received from the sale of any article shall be credited to the funds of the board of the merged area.

7. With the consent of the inventor, and in the discretion of the board, secure letters patent or copyright on inventions of students, instructors, and officials of any community college of the merged area, or take assignment of such letters patent or copyright and make all necessary expenditures in regard thereto. Letters patent or copyright on inventions when so secured shall be the property of the board of the merged area and the royalties and earnings thereon shall be credited to the funds of the board.

8. Set the salary of the area superintendent. In setting the salary, the board shall consider the salaries of administrators of educational institutions in the merged area and the enrollment of the community college.

9. *a.* The board may establish a plan, in accordance with section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state.

b. The selection of investment contracts to be included within the plan established by the board shall be made either pursuant to a competitive bidding process conducted by the board, in coordination with employee organizations representing employees eligible to participate in the plan, or pursuant to an agreement with the department of administrative services to make available investment contracts included in a deferred compensation or similar plan established by the department pursuant to section 8A.438, which plan meets the requirements of this subsection. The determination of whether to select investment contracts for the plan pursuant to a competitive bidding process or by agreement with the department of administrative services shall be made by agreement between the board and the employee organizations representing employees eligible to participate in the plan.

c. The board may make elective deferrals in accordance with the plan as authorized by an

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eligible employee for the purpose of making contributions to an investment contract in the plan on behalf of the employee. The deferrals shall be made in the manner which will qualify contributions to the investment contract for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. In addition, the board may make nonelective employer contributions to the plan.

d. As used in this subsection, unless the context otherwise requires, *"investment contract"* shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

10. Make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of the community college.

a. The rules may provide for the use of institutional roads, driveways, and grounds; registration of vehicles and bicycles; the designation of parking areas; the erection and maintenance of signs designating prohibitions or restrictions; the installation and maintenance of parking control devices except parking meters; and assessment, enforcement, and collection of reasonable penalties for the violation of the rules.

b. Rules made under this subsection may be enforced under procedures adopted by the board of directors. Penalties may be imposed upon students, faculty, and staff for violation of the rules, including but not limited to a reasonable monetary penalty which may be deducted from student deposits and faculty or staff salaries or other funds in possession of the community college or added to student tuition bills. The rules made under this subsection may also be enforced by the impoundment of vehicles and bicycles parked in violation of the rules, and a reasonable fee may be charged for the cost of impoundment and storage prior to the release of the vehicle or bicycle to the owner. Each community college shall establish procedures for the determination of controversies in connection with the imposition of penalties. The procedures shall require giving notice of the violation and the penalty prescribed and providing the opportunity for an administrative hearing.

11. Be authorized to issue to employees of community colleges school credit cards to use for payment of authorized expenditures incurred in the performance of work-related duties.

12. During the second week of August of each year, publish by one insertion in at least one newspaper published in the merged area a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds of the community college for the preceding fiscal year. The statement of disbursements shall show the names of the persons, firms, or corporations, and the total amount paid to each during the fiscal year. The board is not required to make the publications and notices required under sections 279.35 and 279.36.

13. Adopt policies and procedures for the use of telecommunications as an instructional tool at the community college. The policies and procedures shall include but not be limited to policies and procedures relating to programs, educational policy, practices, staff development, use of pilot projects, and the instructional application of the technology.

14. *a.* In its discretion, adopt rules relating to the classification of students enrolled in the community college who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes.

b. (1) Adopt rules to classify as residents for purposes of tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in a community college. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph "*b*" unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph "*b*", unless the context otherwise requires:

(a) *"Dependent child"* means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) *"Qualified military person"* means a person on active duty in the military service of the United States who is stationed in this state or at the Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person's spouse or dependent child is enrolled in the community college, the spouse or dependent child shall

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continue to be classified as a resident provided the spouse or dependent child maintains continuous enrollment.

(c) *"Qualified veteran"* means a person who meets the following requirements:

(i) Is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008.

(ii) Is domiciled in this state, or has resided in this state for at least one year or sufficient time to have filed an Iowa tax return in the preceding twelve months.

15. By July 1, 1991, develop a policy which requires oral communication competence of persons who provide instruction to students attending institutions under the control of the board. The policy shall include a student evaluation mechanism which requires student evaluation of persons providing instruction on at least an annual basis.

16. By July 1, 1991, develop a policy relating to the teaching proficiency of teaching assistants which provides a teaching proficiency standard, instructional assistance to, and evaluation of persons who provide instruction to students at the higher education institutions under the control of the board.

17. *a.* Provide for eligible alternative retirement benefits systems which shall be limited to the following:

(1) An alternative retirement benefits system which is issued by or through a nonprofit corporation issuing retirement annuities exclusively to educational institutions and their employees for persons newly employed after July 1, 1990, and for persons employed by the community college who are members of the Iowa public employees' retirement system on July 1, 1994, and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system.

(2) An alternative retirement benefits system which is issued by or through an insurance company authorized to issue annuity contracts in this state, for persons newly employed on or after July 1, 1997, who are already members of the alternative retirement benefits system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system.

(3) An alternative retirement benefits system offered through the community college, at the discretion of the board of directors of the community college, pursuant to this subparagraph which is issued by or through an insurance company authorized to issue annuity contracts in this state, for persons newly employed by that community college on or after July 1, 1998, who are not members of the alternative retirement benefits system and who elect coverage under that system pursuant to section 97B.42, in lieu of coverage under the Iowa public employees' retirement system. The board of directors of a community college may limit the number of providers of alternative retirement benefits systems offered pursuant to this subparagraph to no more than six. The selection by the board of directors of a community college of a provider of an alternative retirement benefits system pursuant to this subparagraph shall not constitute an endorsement of that provider by the community college.

b. However, the employer's annual contribution in dollars under an eligible alternative retirement benefits system described in this subsection shall not exceed the annual contribution in dollars which the employer would contribute if the employee had elected to remain an active member pursuant to the Iowa public employees' retirement system, as set forth in section 97B.11.

c. For purposes of this subsection, *"alternative retirement benefits system"* means an employer-sponsored primary pension plan requiring mandatory employer contributions that meets the requirements of section 401(a), 403(a), or 403(b) of the Internal Revenue Code.

18. Develop and implement a written policy, which is disseminated during student registration or orientation, addressing the following four areas relating to sexual abuse:

a. Counseling.

b. Campus security.

c. Education, including prevention, protection, and the rights and duties of students and employees of the community college.

d. Facilitating the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.

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19. Provide, within a reasonable time, information as requested by the departments of management and education.

20. Adopt a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child as defined in subsection 14, paragraph *"b"*, subparagraph (2), subparagraph division (a), of the Iowa national guard or reserve forces of the United States and who is ordered to national guard duty or federal active duty:

a. Withdraw from the student's entire registration and receive a full refund of tuition and mandatory fees.

b. Make arrangements with the student's instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the student's registration shall remain intact and tuition and mandatory fees shall be assessed for the courses in full.

c. Make arrangements with only some of the student's instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the registration for those courses shall remain intact and tuition and mandatory fees shall be assessed for those courses. Any course for which arrangements cannot be made for grades or incompletes shall be considered dropped and the tuition and mandatory fees for the course refunded.

21. *a.* Annually, by October 1, submit to the department through the management information system, at a minimum, in the manner prescribed by the department the following information for the previous fiscal year:

(1) Total revenue received from each local school district as a result of high school students enrolled in community college courses under the postsecondary enrollment options program.

(2) Total revenue received from each local school district as a result of high school students enrolled in community college courses through shared supplementary weighting plans.

(3) Unduplicated headcount of high school students enrolled in community college courses under the postsecondary enrollment options program.

(4) Unduplicated headcount of high school students enrolled in community college courses through shared supplementary weighting plans.

(5) Total credits earned by high school students enrolled in community college courses under the postsecondary enrollment options program, broken down by career and technical education program and arts and sciences program.

(6) Number of courses in which high school students are enrolled under shared supplementary weighting plans and the portions of those courses that are taught by an instructor who is employed by the local school district for a portion of the school day.

(7) The contracted salary and benefits for the trustees of the community college.

(8) The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for lobbyists and lobbying activities for the community college.

(9) The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the community college.

b. The department shall define the annual supplemental financial reporting required of all community colleges regarding revenues received through the delivery of college credit courses to high school students. The board of directors of each community college shall incorporate into their student management information systems the unique student identifier used by school districts as provided by the department to school districts.

c. The department shall incorporate the data submitted in paragraph *"a"* into the annual condition of community colleges report described in section 256.7, subsection 23, paragraph "c".

22. Enter into a collective statewide articulation agreement with the state board of regents pursuant to section 262.9, subsection 26, which shall provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program

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offered by a community college to a baccalaureate degree program offered by an institution of higher education governed by the state board of regents. The board shall also do the following:

a. Identify a transfer and articulation contact office or person, publicize transfer and articulation information and the contact office or person, and submit the contact information to the state board of regents, which shall publish the contact information on its articulation internet site.

b. Collaborate with the state board of regents to meet the requirements specified in section 262.9, subsection 26, including but not limited to developing a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the state board of regents, developing criteria to prioritize core curriculum areas, promoting greater awareness of articulation-related activities, facilitating additional opportunities for individual institutions to pursue program articulation agreements for career and technical educational programs, and developing and implementing a process to examine a minimum of eight new associate of applied science degree programs for which articulation agreements would serve students' continued academic success in those degree programs.

23. Develop and implement a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the community college's administration and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

24. *a.* Beginning December 15, 2015, annually file a report with the governor and the general assembly providing information and statistics for the previous five academic years on the number of students who are veterans per year who received education credit for military education, training, and service, that number as a percentage of veterans known to be enrolled at the college, the average number of credits received by students, and the average number of credits applied towards the award of a certificate, competency-based credential, postsecondary diploma, or associate degree.

b. For purposes of this subsection, "*veteran*" means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member's commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

25. Publish on the community college's internet site a link to the Iowa student outcomes internet site maintained by the department.

26. Adopt rules that require the community college to include in any communication to students that is related to immunization requirements information regarding exemptions to such requirements.

27. Comply with the requirements of section 256.140, including by replacing traditional, prerequisite remedial coursework in mathematics and English with corequisite models, and by assisting the department in the implementation of a statewide framework for corequisite developmental education.

[C66, 71, 73, 75, 77, 79, 81, §280A.23]

84 Acts, ch 1315, §36; 86 Acts, ch 1213, §6; 86 Acts, ch 1246, §134; 87 Acts, ch 207, §7; 87 Acts, ch 233, §478; 88 Acts, ch 1284, §47; 89 Acts, ch 278, §6; 90 Acts, ch 1240, §46; 90 Acts, ch 1253, §35; 92 Acts, ch 1106, §3, 4

C93, §260C.23

93 Acts, ch 82, §3; 94 Acts, ch 1183, §60, 61

C95, §260C.14

96 Acts, ch 1215, §26; 97 Acts, ch 14, §2, 3; 98 Acts, ch 1077, §2, 3; 2001 Acts, ch 39, §1; 2002 Acts, ch 1140, §14; 2003 Acts, ch 108, §46; 2003 Acts, ch 179, §112; 2004 Acts, ch 1086, §54; 2006 Acts, ch 1152, §8, 30; 2006 Acts, ch 1180, §17, 24; 2008 Acts, ch 1171, §63, 68; 2008 Acts, ch 1181, §50; 2009 Acts, ch 54, §7; 2009 Acts, ch 133, §101; 2009 Acts, ch 158, §1; 2009

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Acts, ch 168, §2; 2009 Acts, ch 177, §21, 22; 2010 Acts, ch 1061, §90; 2010 Acts, ch 1169, §1 – 3; 2012 Acts, ch 1040, §3; 2012 Acts, ch 1072, §34; 2013 Acts, ch 90, §257; 2014 Acts, ch 1116, §30; 2015 Acts, ch 8, §1; 2016 Acts, ch 1108, §52, 53; 2023 Acts, ch 19, §2532; 2024 Acts, ch 1124, §2; 2025 Acts, ch 106, §7; 2025 Acts, ch 145, §2; 2026 Acts, ch 1040, §115; 2026 Acts, ch 1181, §14

Referred to in §15.108, 97B.42, 256.183, 260C.18, 261E.8
Code editor directive applied
NEW subsection 27

260C.14A Limitation on authority — nonprojectile high-voltage pulse weapons designed to immobilize.

The board of directors of a community college shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of the community college, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

2019 Acts, ch 94, §1

260C.15 Conduct of elections.

1. Regular elections held by the merged area for the election of members of the board of directors as required by section 260C.11 or for any other matter authorized by law and designated for election by the board of directors of the merged area shall be held on the date of the school election as fixed by section 277.1. However, elections held for the imposition, rate increase, or discontinuance of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22 shall be held either on the date of the school election as fixed by section 277.1 or at a special election held on the second Tuesday in September of the even-numbered year. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53 and section 277.20.

2. A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a candidate, is eligible for the office sought, and if elected will qualify for the office.

3. Nomination papers on behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than seventy-one days nor later than 5:00 p.m. on the forty-seventh day prior to the election at which members of the board are to be elected. On the day following the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the merged area's controlling county commissioner of elections under section 47.2. That controlling commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the forty-second day prior to the election.

4. *a.* Objections to the legal sufficiency of a nomination petition or to the eligibility of a

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candidate may be filed by any person who would have the right to vote for a candidate for the office in question.

b. The objection must be filed with the secretary of the board at least forty-two days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

c. Objections shall be considered not later than two working days following the receipt of the objections by the president of the board of directors, the secretary of the board, and one additional director of the board chosen by ballot. If objections have been filed to the nominations of either of the directors, that director shall not pass on the objection. The director's place shall be filled by a member of the board of directors against whom no objection exists. The replacement shall be chosen by ballot.

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is the controlling commissioner for a merged area under section 47.2, the county board of supervisors shall convene on the second Tuesday after the day of the election to canvass the abstracts of votes cast from each county in the merged area, and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in section 277.28.

[C66, 71, 73, 75, 77, 79, 81, §280A.15]

88 Acts, ch 1119, §34; 88 Acts, ch 1158, §57; 89 Acts, ch 136, §67

C93, §260C.15

93 Acts, ch 35, §1; 2008 Acts, ch 1115, §5, 21; 2009 Acts, ch 57, §75; 2010 Acts, ch 1026, §15; 2010 Acts, ch 1033, §35; 2015 Acts, ch 106, §1, 6, 7; 2017 Acts, ch 155, §4, 9, 10, 32 – 34, 44; 2019 Acts, ch 148, §54; 2025 Acts, ch 122, §27

Referred to in §49.31, 50.24

260C.16 Status of merged area.

1. A merged area formed under the provisions of this chapter shall be a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and as such may sue and be sued, hold property, and exercise all the powers granted by law and such other powers as are incident to public corporations of like character and are not inconsistent with the laws of the state.

2. The boundary lines of a merged area may divide a school district.

[C66, 71, 73, 75, 77, 79, 81, §280A.4, 280A.16; 82 Acts, ch 1136, §8]

C93, §260C.16

260C.17 Preparation and approval of budget — tax.

1. The board of directors of each merged area shall prepare an annual budget designating the proposed expenditures for operation of the community college. The board shall further designate the amounts which are to be raised by local taxation and the amounts which are to be raised by other sources of revenue for the operation. The budget of each merged area shall be submitted to the state board no later than May 1 preceding the next fiscal year for approval. The state board shall review the proposed budget and shall, prior to June 1, either grant its approval or return the budget without approval with the comments of the state board attached to it. Any unapproved budget shall be resubmitted to the state board for final approval. Upon approval of the budget by the state board, the board of directors shall certify the amount to the respective county auditors and the boards of supervisors annually shall levy a tax of twenty and one-fourth cents per thousand dollars of assessed value on taxable property in a merged

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area for the operation of a community college. Taxes collected pursuant to the levy shall be paid by the respective county treasurers to the treasurer of the merged area as provided in section 331.552, subsection 29.

2. It is the policy of this state that the property tax for the operation of community colleges shall not in any event exceed twenty and one-fourth cents per thousand dollars of assessed value, and that the present and future costs of such operation in excess of the funds raised by such levy shall be the responsibility of the state and shall not be paid from property tax.

[C66, 71, 73, 75, 77, 79, 81, §280A.17]
84 Acts, ch 1003, §2; 90 Acts, ch 1253, §29
C93, §260C.17
Referred to in §260C.22, 260C.34, 260C.38, 331.512

260C.18 Other funds received.

In addition to revenue derived by tax levy, a board of directors of a merged area shall be authorized to receive and expend:

1. Federal funds made available and administered by the director of the department, for purposes provided by federal laws, rules, and regulations.

2. Other federal funds for such purposes as provided by federal law, subject to the approval of the director.

3. Tuition in accordance with section 260C.14, subsection 2.

4. State aid and supplemental state aid to be paid in accordance with the statutes which provide such aid.

5. State funds for sites and facilities made available and administered by the director.

6. Donations and gifts which may be accepted by the governing board and expended in accordance with the terms of the gift without compliance with the local budget law, chapter 24.

7. Student fees collected from students for activities, laboratory breakage, instructional materials, and other objects and purposes for which student fees other than tuition are customarily charged by colleges and universities, as provided in a schedule of fees adopted by the area board of directors. The expenditure of funds collected from students for activities shall be determined by the student government unit with administrative and board approval. Any increases in student fees for activities shall be determined by the student government unit with administrative and board approval.

[C66, 71, 73, 75, 77, 79, 81, §280A.18]
86 Acts, ch 1245, §1469
C93, §260C.18
96 Acts, ch 1215, §27; 2004 Acts, ch 1086, §55; 2023 Acts, ch 19, §2648
Referred to in §260C.34, 260C.38

260C.18A Workforce training and economic development funds.

1. *a.* A workforce training and economic development fund is created for each community college. Moneys shall be deposited and expended from a fund as provided under this section.

b. Moneys in the funds shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from federal sources or private sources for placement in the funds. Notwithstanding section 8.33, moneys in the funds at the end of each fiscal year shall not revert to any other fund but shall remain in the funds for expenditure in subsequent fiscal years.

2. Moneys deposited in the funds and disbursed to community colleges for a fiscal year shall be expended for the following purposes, provided seventy percent of the moneys shall be used on projects in the areas of advanced manufacturing, information technology and insurance, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph *"a"*, subparagraph (1), and life sciences which include the areas of biotechnology, health care technology, and nursing care technology:

a. Projects in which an agreement between a community college and an employer located

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within the community college's merged area meet all of the requirements of the accelerated career education program under chapter 260G.

b. Projects in which an agreement between a community college and a business meet all the requirements of the Iowa jobs training Act under chapter 260F.

c. For the development and implementation of career academies designed to provide new career preparation opportunities for high school students that are formally linked with postsecondary career and technical education programs. For purposes of this section, "*career academy*" means the same as defined in section 256.125.

d. Programs and courses that provide career and technical training, and programs for in-service training and retraining under section 260C.1, subsections 2 and 3.

e. Development and implementation of pathways for academic career and employment programs under chapter 260H.

f. Development and implementation of programs for the gap tuition assistance program under chapter 260I.

g. Entrepreneurial education, small business assistance, and business incubators.

h. Development and implementation of the national career readiness certificate and the skills certification system endorsed by the national association of manufacturers.

3. The department shall allocate the moneys appropriated pursuant to this section to the community college workforce training and economic development funds utilizing the same distribution formula used for the allocation of state general aid to the community colleges.

4. Each community college shall do all of the following:

a. Adopt a two-year workforce training and economic development fund plan outlining the community college's proposed use of moneys appropriated under subsection 2.

b. Update the two-year plan annually.

c. Prepare an annual progress report on the two-year plan's implementation.

d. Annually submit the two-year plan and progress report to the department in a manner prescribed by rules adopted by the department pursuant to chapter 17A.

2003 Acts, 1st Ex, ch 2, §76, 209; 2004 Acts, ch 1175, §330, 331, 345, 370, 400; 2004 Acts, 1st Ex, ch 1002, §8 – 13; 2005 Acts, ch 150, §35 – 37; 2006 Acts, ch 1142, §20; 2010 Acts, ch 1061, §180; 2011 Acts, ch 25, §130; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 132, §70, 106; 2012 Acts, ch 1021, §58; 2012 Acts, ch 1132, §17; 2013 Acts, ch 141, §35 – 39; 2014 Acts, ch 1026, §65; 2014 Acts, ch 1132, §22; 2016 Acts, ch 1108, §54

Referred to in §256.9, 261E.10

260C.18B Community college budget review.

1. *a.* A community college budget review procedure is established for the school budget review committee created in section 257.30. The school budget review committee, in addition to its duties under chapter 257, shall meet and hold hearings each year under this chapter to review unusual circumstances of community colleges, either upon the committee's motion or upon the request of a community college. The committee may grant supplemental state aid to the community college from funds appropriated to the department for community college budget review purposes.

b. Unusual circumstances shall include but not be limited to the following:

(1) An unusual increase or decrease in enrollment or contact hours.

(2) Natural disasters.

(3) Unusual staffing problems.

(4) Unusual necessity for additional funds to permit continuance of a course or program in an instructional cost center which provides substantial benefit to students.

(5) Unusual need for a new course or program in an instructional cost center which will provide substantial benefit to students, if the community college establishes the need and the amount of necessary increased cost.

(6) Unique problems of community colleges to include vandalism, civil disobedience, and other costs incurred by community colleges.

2. When the school budget review committee makes a decision under subsection 1, it shall provide written notice of its decision, including the amount of supplemental state aid approved, to the board of directors of the community college and to the department.

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3. All decisions by the school budget review committee under this chapter shall be made in accordance with reasonable and uniform policies which shall be consistent with this chapter.

4. Failure by a community college to provide information or appear before the school budget review committee as requested for the accomplishment of review or hearing constitutes justification for the committee to instruct the department of administrative services to withhold supplemental state aid to that community college until the committee's inquiries are satisfied completely.

96 Acts, ch 1215, §29; 2003 Acts, ch 145, §286; 2010 Acts, ch 1061, §180; 2026 Acts, ch 1040, §115

Referred to in §257.31, 260C.34, 260C.49
Code editor directive applied

260C.18C State aid distribution formula.

1. *Purpose.* A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 2025, and succeeding fiscal years. Funds appropriated by the general assembly to the department for general financial aid to community colleges shall be allocated to each community college in the manner provided under this section for the community colleges to provide the highest quality educational opportunities and services, as described in section 260C.1, to the greatest number of students.

2. *Definitions.* As used in this section and section 260C.18D, unless the context otherwise requires:

a. "Base funding allocation" means the amount of general state financial aid all community colleges received in the base year.

b. "Base year" means the fiscal year immediately preceding the budget year.

c. "Budget year" means the fiscal year for which moneys are appropriated by the general assembly.

d. "Combined support" for a community college means the total amount of moneys the community college received in general state financial aid in the base year plus the community college's general fund property tax revenue, including utility replacement, for the base year.

e. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30.

f. "General fund property tax revenue" means the amount of moneys a community college raised or could have raised from a property tax of twenty and one-fourth cents per thousand dollars of assessed valuation on all taxable property in its merged area collected for the base year.

g. "General state financial aid" means the amount of general state financial aid the community college received from the general fund.

3. *Distribution formula.* Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall be allocated to each community college by the department as follows:

a. Annually, on or before October 31 of each year, the presidents of the community colleges and the chancellors of the community colleges who serve as the chief executive officers of such community colleges shall establish a distribution formula for general state aid to the community colleges for the succeeding budget year. When determining the distribution formula pursuant to this paragraph, the presidents and chancellors shall consider the enrollment and combined support for each community college, along with any other factor deemed relevant by the presidents and chancellors. The distribution formula shall not allocate funding to a community college that is below the general state financial aid the community college received in any previous budget year, unless there is a reduction in the base funding allocation. The distribution formula requires the approval of at least ten of the presidents and chancellors. If the presidents and chancellors approve a distribution formula pursuant to this paragraph, the presidents and chancellors shall transmit the distribution formula to the department, and the department shall implement the distribution formula.

b. If the presidents of the community colleges and the chancellors of the community colleges who serve as the chief executive officers of such community colleges fail to approve

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a distribution formula on or before October 31 pursuant to paragraph *"a"*, the department shall establish the distribution formula for general state aid to the community colleges for the succeeding budget year. When determining the distribution formula pursuant to this paragraph, the department shall consider the enrollment and combined support for each community college, along with any other factor deemed relevant by the department. The distribution formula shall not allocate funding to a community college that is below the general state financial aid the community college received in any previous budget year, unless there is a reduction in the base funding allocation.

4. *Information supplied by colleges and adoption of rules.*

a. Each community college shall provide information in the manner and form as determined by the department. If a community college fails to provide the information as requested, the department shall estimate the full-time equivalent enrollment of that college.

b. Each community college shall complete and submit an annual student enrollment audit to the department.

c. The department shall adopt rules under chapter 17A as necessary for the allocation of general state financial aid.

2005 Acts, ch 169, §24; 2008 Acts, ch 1181, §25; 2009 Acts, ch 41, §263; 2024 Acts, ch 1142, §1, 2

Referred to in §260H.2, 260I.2

2024 amendment applies to budget years beginning on or after July 1, 2025; 2024 Acts, ch 1142, §2

260C.18D Instructor salary distribution formula.

1. *Distribution formula.* Moneys appropriated by the general assembly to the department for community college instructor salaries shall be distributed among each community college based on the proportion that the number of full-time equivalent instructors employed by a community college bears to the sum of the number of full-time equivalent eligible instructors who are employed by all community colleges in the state for the base year. The state board shall define *"eligible full-time equivalent instructor"* by rule.

2. *Base funding allocation.* Moneys distributed to each community college under subsection 1 shall be included in the base funding allocation for all future years. The use of the funds shall remain as described in this section for all future years.

3. *Purposes supplemental.* Moneys appropriated and distributed to community colleges under this section shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds in this section.

4. *Eligible instructors.* Moneys distributed to a community college under this section shall be allocated to all full-time, nonadministrative instructors and part-time instructors covered by a collective bargaining agreement. The moneys shall be allocated by negotiated agreements according to chapter 20. If no language exists, the moneys shall be allocated equally to all full-time, nonadministrative instructors with part-time instructors covered by a collective bargaining agreement receiving a prorated share of the fund.

5. *Evenly divided payments.* A community college receiving funds distributed pursuant to this section shall determine the amount to be paid to instructors in accordance with subsection 4 and the amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

6. *Reductions.* Moneys appropriated by the general assembly to the department for community college instructor salaries are not subject to a uniform reduction in accordance with section 8.31.

2008 Acts, ch 1181, §26; 2009 Acts, ch 177, §23; 2010 Acts, ch 1183, §22, 43

Referred to in §260C.18C

Definitions applicable, see §260C.18C

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260C.19 Acquisition of sites and buildings.

Boards of directors of merged areas may acquire sites and erect and equip buildings for use by community colleges and may contract indebtedness and issue bonds to raise funds for such purposes.

[C66, 71, 73, 75, 77, 79, 81, §280A.19]
90 Acts, ch 1253, §30
C93, §260C.19
Referred to in §260C.20, 260C.21, 260C.34, 260C.57

260C.19A Motor vehicles required to operate on alternative fuels.

1. A motor vehicle purchased by or used under the direction of the board of directors to provide services to a merged area shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

2. *a.* Of all new passenger vehicles and light pickup trucks purchased by or under the direction of the board of directors to provide services to a merged area, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:
(a) E-85 gasoline as provided in section 214A.2.
(b) B-20 biodiesel blended fuel as provided in section 214A.2.
(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.
(2) Compressed or liquefied natural gas.
(3) Propane gas.
(4) Solar energy.
(5) Electricity.

b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

91 Acts, ch 254, §17
CS91, §280A.19A
C93, §260C.19A
93 Acts, ch 26, §3; 94 Acts, ch 1119, §25; 2006 Acts, ch 1142, §61, 62; 2007 Acts, ch 22, §61

260C.19B Purchase of biobased hydraulic fluids, greases, and other industrial lubricants.

Hydraulic fluids, greases, and other industrial lubricants purchased by or used under the direction of the board of directors to provide services to a merged area shall be purchased in compliance with the preference requirements for purchasing biobased hydraulic fluids, greases, and other industrial lubricants as provided pursuant to section 8A.316.

98 Acts, ch 1082, §4; 2000 Acts, ch 1109, §4; 2003 Acts, ch 145, §227; 2011 Acts, ch 25, §21

260C.19C Purchase of designated biobased products.

The board of directors providing services to a merged area shall give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

2008 Acts, ch 1104, §4

260C.20 Payment of bonds.

Taxes for the payment of bonds issued under section 260C.19 shall be levied in accordance with chapter 76. The bonds shall be payable from a fund created from the proceeds of the taxes in not more than twenty years and bear interest at a rate not exceeding the rate permitted by chapter 74A, and shall be of the form as the board issuing the bonds shall by

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resolution provide. Any indebtedness incurred shall not be considered an indebtedness incurred for general and ordinary purposes.

[C66, 71, 73, 75, 77, 79, 81, §280A.20]
83 Acts, ch 188, §2
C93, §260C.20

260C.21 Election to incur indebtedness.

No indebtedness shall be incurred under section 260C.19 until authorized by an election. A proposition to incur indebtedness and issue bonds for community college purposes shall be deemed carried in a merged area if approved by a sixty percent majority of all voters voting on the proposition in the area. However, if the costs of utilities are paid by a community college with funds derived from the levy authorized under section 260C.22, the community college may use the general fund moneys that would have been used to pay the costs of utilities for capital expenditures, may invest the funds, or may incur indebtedness without an election, provided that the payments on the indebtedness incurred, and any interest on the indebtedness, can be made using general funds of the community college and the total payments on the principal and interest on the indebtedness do not exceed the amount of the costs of the utilities.

[C66, 71, 73, 75, 77, 79, 81, §280A.21]
90 Acts, ch 1253, §31
C93, §260C.21

260C.22 Facilities levy by vote — borrowing — temporary cash reserve levy.

1. *a.* In addition to the tax authorized under section 260C.17 and upon resolution of the board of directors, the voters in a merged area may at the regular school election or at a special election held on the second Tuesday in September of the even-numbered year vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years, unless otherwise provided under subsection 2, for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was authorized.

b. In order to make immediately available to the merged area the proceeds of the voted tax authorized to be levied under this section, the board of directors of any such merged area is hereby authorized, without the necessity for any further election, to borrow money and enter into loan agreements in anticipation of the collection of such tax, and such board shall, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax authorized under this section, sufficient to pay the amount of any such loan and the interest thereon to maturity as the same becomes due. A certified copy of this resolution shall be filed with the county auditors of the counties in which such merged area is located, and the filing thereof shall make it a duty of such auditors to enter annually this levy for collection until funds are realized to repay the loan and interest thereon in full. Said loan shall bear interest at a rate or rates not exceeding that permitted by chapter 74A. Any loan agreement entered into pursuant to authority contained in this section shall be in such form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax authorized under this section, or so much thereof as will be sufficient to pay the loan and interest thereon. In furtherance of the foregoing the board of directors of such merged area may, with or without notice, negotiate and enter into a loan agreement or agreements with any bank, investment

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banker, trust company, insurance company or group thereof, whereunder the borrowing of the necessary funds may be assured and consummated. The proceeds of such loan shall be deposited in a special fund, to be kept separate and apart from all other funds of the merged area, and shall be paid out upon warrants drawn by the president and secretary of the board of directors to pay the cost of acquiring the school facilities for which the tax was authorized.

c. If the boundary lines of a merged area are changed, the levy of the annual tax provided in this section sufficient to pay the amount due for a loan agreement and the interest on the loan agreement to maturity shall continue in any territory severed from the merged area until the loan with interest on the loan has been paid in full.

d. Nothing contained in this section shall be construed to limit the authority of the board of directors to levy the full amount of the voted tax, but if and to whatever extent said tax is levied in any year in excess of the amount of principal and interest falling due in such year under any loan agreement, the first available proceeds thereof, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the sinking fund for such loan before any of such taxes are otherwise made available to the merged area for other school purposes, and the amount required to be annually set aside to pay the principal of and interest on the money borrowed under such loan agreement shall constitute a first charge upon all of the proceeds of such annual special voted tax, which tax shall be pledged to pay said loan and the interest thereon.

e. This subsection shall be construed as supplemental and in addition to existing statutory authority and as providing an independent method of financing the cost of acquiring school facilities for which a tax has been voted under this section and for the borrowing of money and execution of loan agreements in connection therewith and shall not be construed as subject to the provisions of any other law. The fact that a merged area may have previously borrowed money and entered into loan agreements under the authority contained in this section shall not prevent such merged area from borrowing additional money and entering into further loan agreements provided that the aggregate of the amount payable under all of such loan agreements does not exceed the proceeds of the voted tax. All acts and proceedings heretofore taken by the board of directors or by any official of any merged area for the exercise of any of the powers granted by this section are hereby legalized and validated in all respects.

2. Following approval of the tax at two consecutive elections under subsection 1 where the question of imposing the tax appeared on the ballot, if the tax has been imposed for a period of at least twenty consecutive years, the board of directors of the merged area may, by resolution adopted at any time before the end of the most recently authorized period of time for imposing the tax, continue to impose the voted tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate approved at election until the tax is discontinued or the maximum rate is increased following an election pursuant to subsection 3. An increase in the maximum rate of the voted tax, not to exceed the maximum rate specified in subsection 1, shall be approved at election pursuant to the requirements of subsection 3.

3. A voted tax imposed under this section may be discontinued, or its maximum rate increased, by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct each county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the voted tax under this section or to increase the maximum rate of the voted tax, whichever is applicable. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the tax appeared on the ballot and received by the board of directors by June 1 of the year in which the election is to be held. The question shall be submitted at an election held on a date authorized for an election under subsection 1, paragraph *"a"*. If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the tax favors discontinuance, the board shall not impose the tax for any fiscal year beginning after expiration of the period of time for imposing the tax approved at the last election under subsection 1 or the period of

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time for imposing the tax established by resolution of the board under subsection 2 that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the voted tax is again authorized at election under subsection 1. If the question of whether to discontinue the authority of the board of directors to impose the tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election. If a majority of those voting on the question to increase the maximum rate of the voted tax favors the proposed increase, the new maximum rate shall apply to fiscal years beginning after the date of the election.

[C66, 71, 73, 75, 77, 79, 81, §280A.22; 81 Acts, ch 88, §1; 82 Acts, ch 1136, §10]
84 Acts, ch 1003, §3; 87 Acts, ch 233, §476, 477; 90 Acts, ch 1253, §32
C93, §260C.22
96 Acts, ch 1215, §30; 2008 Acts, ch 1115, §6, 21; 2009 Acts, ch 41, §263; 2009 Acts, ch 57, §76; 2015 Acts, ch 106, §2 – 4, 6, 7; 2017 Acts, ch 155, §35, 44; 2018 Acts, ch 1026, §79; 2019 Acts, ch 59, §74
Referred to in §260C.15, 260C.21, 260C.34, 260C.35, 260C.38, 331.512, 331.559

260C.23 Reserved.

260C.24 Payment of appropriations.

Payment of appropriations for distribution under this chapter, or of appropriations made in lieu of such appropriations, shall be made by the department of administrative services in monthly installments due on or about the fifteenth of each month of a budget year, and installments shall be as nearly equal as possible, as determined by the department of administrative services, taking into consideration the relative budget and cash position of the state resources.

95 Acts, ch 218, §18; 2003 Acts, ch 145, §286

260C.25 through 260C.27 Reserved.

260C.28 Tax for equipment replacement and program sharing.

1. Annually, the board of directors may certify for levy a tax on taxable property in the merged area at a rate not exceeding three cents per thousand dollars of assessed valuation for equipment replacement for the community college.

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges or for the purchase of equipment. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including but not limited to the programs described under section 260C.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department.

3. *a.* If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county commissioner of elections to submit the question of such authorization for the board at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*". If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election, unless otherwise authorized under paragraph "*b*". If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board may submit the question to the voters again at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*".

b. Following approval of the additional tax authorized under subsection 2 at two

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consecutive elections under paragraph *"a"* where the question of imposing the additional tax appeared on the ballot, if the additional tax has been imposed for a period of at least twenty consecutive years and either the period of time for imposing the additional tax approved at the last election under paragraph *"a"* or the period of time for imposing the tax established previously by resolution under this paragraph *"b"* is due to expire, the board of directors of the merged area may, by resolution, continue to impose the additional tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate authorized under subsection 2, until the tax is discontinued following an election pursuant to paragraph *"c"*.

c. The additional tax authorized under subsection 2 may be discontinued by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct each county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the additional tax under subsection 2. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the additional tax appeared on the ballot. The question shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph *"c"*. If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the additional tax favors discontinuance, the board shall not impose the additional tax for any fiscal year beginning after the expiration of the period of time for imposing the tax approved at the last election under paragraph *"a"* or the period of time for imposing the additional tax established by resolution of the board under paragraph *"b"* that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the additional tax is again authorized at election under paragraph *"a"*. If the question of whether to discontinue the authority of the board of directors to impose the additional tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election.

83 Acts, ch 180, §1, 2
CS83, §280A.28
87 Acts, ch 187, §1; 90 Acts, ch 1253, §38; 92 Acts, ch 1246, §46
C93, §260C.28
94 Acts, ch 1175, §4; 98 Acts, ch 1215, §31; 2006 Acts, ch 1152, §31; 2008 Acts, ch 1115, §36, 71; 2015 Acts, ch 106, §5 – 7; 2017 Acts, ch 155, §36, 44; 2023 Acts, ch 111, §38, 39; 2026 Acts, ch 1040, §115
Code editor directive applied

260C.29 Academic incentives for minorities program — mission. Repealed by 2026 Acts, ch 1186, §34.

260C.30 Reserved.

260C.31 Auxiliary enterprises.

1. The board of directors may expend profits from auxiliary enterprises of community colleges for services and equipment which includes but is not limited to tutoring services, scholarships, grants, furniture, fixtures and equipment for noninstructional student use, and support of intramural and intercollegiate athletics.

2. For the purpose of this section:

a. "Auxiliary enterprises" means self-supporting services provided at the community college for which fees or charges are paid, and includes but is not limited to food services, college stores, student unions, institutionally operated vending services, recreational activities, faculty clubs, laundries, parking facilities, and intercollegiate athletics.

b. "Profits from auxiliary enterprises" means the difference between the total fees or

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charges collected for auxiliary enterprises and the expenditures by the community college for the auxiliary enterprises.

[C81, §280A.31]
90 Acts, ch 1253, §39
C93, §260C.31
2010 Acts, ch 1061, §180

260C.32 Trusts.

The board of a merged area may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the community college to accept and administer trusts deemed by the board to be beneficial to the operation of the community college. Notwithstanding section 633.63, the board and the nonprofit foundations may act as trustees in these instances. The board shall require that moneys belonging to a nonprofit foundation are audited annually.

[82 Acts, ch 1121, §1]
C83, §280A.32
90 Acts, ch 1253, §40
C93, §260C.32

260C.33 Reserved.

260C.34 Uses of funds.

Funds obtained pursuant to section 260C.17; section 260C.18, subsections 3, 4, and 5; and sections 260C.18B, 260C.19, and 260C.22 shall not be used for the construction or maintenance of athletic buildings or grounds but may be used for a project under section 260C.56.

[C71, 73, 75, 77, 79, 81, §280A.34]
91 Acts, ch 267, §241
C93, §260C.34
96 Acts, ch 1215, §32, 58

260C.35 Limitation on land.

1. A merged area shall not purchase land which will increase the aggregate of land owned by the merged area, excluding land acquired by donation or gift, to more than three hundred twenty acres without the approval of the director of the department. The limitation does not apply to a merged area owning more than three hundred twenty acres, excluding land acquired by donation or gift, prior to January 1, 1969.

2. With the approval of the director of the department, the board of directors of a merged area at any time may sell any land in excess of one hundred sixty acres owned by the merged area, and an election is not necessary in connection with the sale. The proceeds of the sale may be used for any of the purposes stated in section 260C.22. This subsection is in addition to any authority under other provisions of law.

[C71, 73, 75, 77, 79, 81, §280A.35]
83 Acts, ch 25, §1; 86 Acts, ch 1245, §1473; 92 Acts, ch 1037, §1
C93, §260C.35
2018 Acts, ch 1041, §66; 2026 Acts, ch 1040, §115
Code editor directive applied

260C.36 Quality faculty plan.

1. The community college administration shall establish a committee consisting of instructors and administrators, equally representative of the arts and sciences faculty and the career and technical faculty. The faculty members shall be appointed by the certified employee organization if one exists and if not, by the college administration. The administrators shall be appointed by the college administration. The committee shall develop and maintain a plan for hiring and developing quality faculty that includes all of the following:

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a. An implementation schedule for the plan.
b. Orientation for new faculty.
c. Continuing professional development for faculty.
d. Procedures for accurate recordkeeping and documentation for plan monitoring.
e. Consortium arrangements when appropriate, cost-effective, and mutually beneficial.
f. Specific activities that ensure faculty attain and demonstrate instructional competencies and knowledge in their subject or technical areas.
g. Procedures for collection and maintenance of records demonstrating that each faculty member has attained or documented progress toward attaining minimal competencies.
h. Compliance with the faculty accreditation standards of similar accredited institutions of higher education that are consistent with the standards established pursuant to section 260C.48, and compliance with faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of this paragraph, *"accredited"* means that an institution of higher education meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.
i. Determination of the faculty that will be included in the plan including but not limited to all instructors, counselors, and media specialists. The plan requirements may be differentiated for each type of employee.
2. The committee shall submit the plan to the board of directors, which shall consider the plan and, once approved, submit the plan to the department and implement the plan not later than July 1, 2003.
3. The administration of the college shall encourage the continued development of faculty potential by doing all of the following:
a. Regularly stimulating department chairpersons or heads to meet their responsibilities for the continued development of faculty potential.
b. Reducing the instructional loads of first-year instructors whose course preparation and in-service training demand a reduction.
c. Stimulating curricular evaluation.
d. Encouraging the development of an atmosphere in which the faculty brings a wide range of ideas and experiences to the students, each other, and the community.
4. The department shall establish an ad hoc accreditation quality faculty plan protocol committee to advise the department in the development of protocols related to the quality faculty planning process to be used by the accreditation teams during site visits. The committee shall, at a minimum, determine what types of evidence need to be provided, develop interview procedures and visit goals, and propose accreditation protocol revisions.
[C71, 73, 75, 77, 79, 81, §280A.36]
C93, §260C.36
2002 Acts, ch 1047, §5; 2007 Acts, ch 214, §21, 22; 2008 Acts, ch 1181, §27, 28; 2013 Acts, ch 90, §257; 2014 Acts, ch 1013, §12; 2016 Acts, ch 1108, §55; 2022 Acts, ch 1011, §7; 2024 Acts, ch 1004, §36; 2024 Acts, ch 1170, §293; 2026 Acts, ch 1040, §115
Referred to in §260C.47
Code editor directive applied

260C.37 Membership in association of school boards.
1. Boards of directors of community colleges may pay, out of funds available to them, reasonable annual dues to an Iowa association of school boards.
2. Membership in such an Iowa association of school boards shall be limited to those duly elected members of boards of directors of community colleges.
[C71, 73, 75, 77, 79, 81, §280A.37]
90 Acts, ch 1253, §42
C93, §260C.37

260C.38 Lease agreements for space.
1. The board of directors may enter into lease agreements, with or without purchase options, not to exceed twenty years in duration, for the leasing or rental of buildings for use

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basically as classrooms, laboratories, shops, libraries, and study halls for community college purposes, and pay for the leasing or rental with funds acquired pursuant to section 260C.17, section 260C.18, and section 260C.22.

2. The agreements may include the leasing of existing buildings on public or private property, buildings to be constructed upon real estate owned by the community college, or buildings to be placed upon real estate owned by the community college.

3. Subject to subsection 4, before entering into a lease agreement with a purchase option for a building to be constructed, or placed, upon real estate owned by the community college, the board shall first adopt plans and specifications for the proposed building which it considers suitable for the intended use, and the board shall also adopt the proposed terms of the lease agreement and purchase option. The board shall invite bids, by advertisement published once each week for two consecutive weeks in the county where the building is to be located. The lease agreement shall be awarded to the lowest responsible bidder, or the board may reject all bids and readvertise for new bids.

4. A contract for construction by a private party of property to be lease-purchased by a community college is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the board shall comply with the competitive bidding requirements of section 26.3.

[C71, 73, 75, 77, 79, 81, §280A.38; 82 Acts, ch 1230, §1]

86 Acts, ch 1245, §1474; 90 Acts, ch 1253, §43

C93, §260C.38

2002 Acts, ch 1140, §15; 2017 Acts, ch 54, §76; 2018 Acts, ch 1075, §4, 5, 12, 13; 2018 Acts, ch 1172, §71, 72

Referred to in §260C.56

260C.39 Combining merged areas — election.

1. Any merged area may combine with any adjacent merged area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at an election held on a date specified in section 39.2, subsection 4, paragraph "c", and held on the same day in each area. Prior to the election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located, who shall publish notice of the election according to section 49.53. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 through 53. The votes cast in the election shall be canvassed by the county board of supervisors, and the county commissioner of elections of each county in the merged areas shall certify the results to the board of directors of each merged area.

2. If the vote is favorable in each merged area, the boards of each area shall proceed to transfer the assets, liabilities, and facilities of the areas to the combined merged area, and shall serve as the acting board of the combined merged area until a new board of directors is elected. The acting board shall submit to the director of the department a plan for redistricting the combined merged area, and upon receiving approval from the director, shall provide for the election of a director from each new district at the next regular school election. The directors elected from each new district shall determine their terms by lot so that the terms of one-third of the members, as nearly as may be, expire each year. Election of directors for the combined merged area shall follow the procedures established for election of directors of a merged area. A combined merged area is subject to all provisions of law and rules governing merged areas.

3. The terms of employment of personnel, for the academic year following the effective date of the agreement to combine the merged areas shall not be affected by the combination of the merged areas, except in accordance with the procedures under sections 279.15, 279.16, 279.18, and 279.24, to the extent those procedures are applicable, or under the terms of the base bargaining agreement. The authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to any applicable

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procedures under chapter 279, shall be transferred to the acting, and then to the new, board of the combined merged area upon certification of a favorable vote to each of the merged areas affected by the agreement. The collective bargaining agreement of the merged area receiving the greatest amount of general state aid shall serve as the base agreement for the combined merged area and the employees of the merged areas which combined to form the new combined merged area shall automatically be accreted to the bargaining unit from that former merged area for purposes of negotiating the contracts for the following years without further action by the employment appeal board. If only one collective bargaining agreement is in effect among the merged areas which are combining under this section, then that agreement shall serve as the base agreement, and the employees of the merged areas which are combining to form the new combined merged area shall automatically be accreted to the bargaining unit of that former merged area for purposes of negotiating the contracts for the following years without further action by the employment appeal board. The board of the combined merged area, using the base agreement as its existing contract, shall bargain with the combined employees of the merged areas that have agreed to combine for the academic year beginning with the effective date of the agreement to combine merged areas. The bargaining shall be completed by March 15 prior to the academic year in which the agreement to combine merged areas becomes effective or within one hundred eighty days after the organization of the acting board of the new combined merged area, whichever is later. If a bargaining agreement was already concluded in the former merged area which has the collective bargaining agreement that is serving as the base agreement for the new combined merged area, between the former merged area board and the employees of the former merged area, that agreement is void, unless the agreement contained multiyear provisions affecting academic years subsequent to the effective date of the agreement to form a combined merged area. If the base collective bargaining agreement contains multiyear provisions, the duration and effect of the agreement shall be controlled by the terms of the agreement. The provisions of the base agreement shall apply to the offering of new contracts, or the continuation, modification, or termination of existing contracts between the acting or new board of the combined merged area and the combined employees of the new combined merged area.

[C71, 73, 75, 77, 79, 81, §280A.39]

86 Acts, ch 1245, §1475; 90 Acts, ch 1168, §40; 90 Acts, ch 1253, §44; 91 Acts, ch 117, §2

C93, §260C.39

96 Acts, ch 1215, §33; 97 Acts, ch 23, §27; 2008 Acts, ch 1115, §37, 71; 2021 Acts, ch 80, §140; 2024 Acts, ch 1170, §294; 2026 Acts, ch 1040, §115

Referred to in §331.383

Code editor directive applied

260C.40 Prohibition of controlled substances.

Each community college shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the community college or in conjunction with activities sponsored by a community college. Each community college shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the community college shall provide substance use disorder prevention programs for students and employees.

91 Acts, ch 267, §242

CS91, §280A.40

C93, §260C.40

2008 Acts, ch 1032, §108; 2023 Acts, ch 19, §1013

260C.41 Reserved.

260C.42 Payment of expenses.

The board of directors of a merged area shall audit and allow all just claims against the community college and an order shall not be drawn upon the treasury until the claim has

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been audited and allowed. However, the board of directors, by resolution, may authorize the secretary of the board, when the board is not in session, to issue payments for salaries pursuant to the terms of a written contract and to issue payments upon the receipt of verification filed with the secretary for all other general fund and plant fund expenses within limits established by resolution of the board; expenses involving auxiliary, agency, and scholarship and loan accounts; and refunds to students for tuition and fees. The secretary shall either deliver in person or mail the payments to the payees. A payment shall be made payable only to the person performing the service or furnishing the supplies for which the payment is issued. Payments issued prior to audit and allowance by the board shall be allowed by the board at the first meeting held after the issuance and shall be entered in the minutes of the meeting.

[82 Acts, ch 1058, §1]
C83, §280A.42
87 Acts, ch 233, §479; 88 Acts, ch 1061, §1; 90 Acts, ch 1253, §45
C93, §260C.42

260C.43 Claims.

The board of directors of each merged area shall audit claims against the merged area to ensure proper and just payment of all claims. Each payment shall be made payable to the vendor entitled to receive the payment with appropriate justification to ensure that the payment is in accordance with generally accepted accounting principles and procedures and in accordance with the system prescribed under section 260C.5, subsection 9. The board may designate one or more members of the board or may employ a certified public accountant to perform and certify the audit to the board to comply with this section.

[82 Acts, ch 1059, §1]
C83, §280A.43
C93, §260C.43

260C.44 Apprenticeship programs.

1. Each community college is authorized to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations. Any apprenticeship program established under this section shall comply with requirements established by the United States department of labor, office of apprenticeship. Participation in an apprenticeship program or apprenticeship agreement by an apprenticeship sponsor shall be on a voluntary basis.

2. For purposes of this section:

a. "Apprentice" means a person who is at least sixteen years of age, except where a higher minimum age is required by law, who is employed in an apprenticeable occupation, and is registered with the United States department of labor, office of apprenticeship.

b. "Apprenticeable occupation" means an occupation approved for apprenticeship by the United States department of labor, office of apprenticeship.

c. "Apprenticeship program" means a plan, registered with the United States department of labor, office of apprenticeship, which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

d. "Apprenticeship sponsor" means a person operating an apprenticeship program or in whose name an apprenticeship program is being operated, registered, or approved.

90 Acts, ch 1253, §46
C91, §280A.44
C93, §260C.44
2010 Acts, ch 1069, §35; 2010 Acts, ch 1193, §47; 2023 Acts, ch 64, §39
Referred to in §84G.4, 260F.6B

260C.45 Quality instructional centers. Repealed by 2006 Acts, ch 1152, §56.

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260C.46 Program and administrative sharing.

The department shall establish guidelines and an approval process for program sharing agreements and for administrative sharing agreements entered into by two or more community colleges or by a community college and a higher education institution under the control of the board of regents. Guidelines established shall be designed to increase student access to programs, enhance educational program offerings throughout the state, and enhance interinstitutional cooperation in program offerings.

90 Acts, ch 1253, §48
C91, §280A.46
C93, §260C.46
97 Acts, ch 23, §29; 2023 Acts, ch 19, §2649
Referred to in §260C.5, 260C.28

260C.47 Accreditation of community college programs.

1. The state board of education shall establish an accreditation process for community college programs. The process shall be jointly developed and agreed upon by the department and the community colleges. The state accreditation process shall be integrated with the accreditation process of a federally recognized accreditor of postsecondary educational institutions selected by the board, which shall incorporate the standards for community colleges developed under section 260C.48; and shall identify and make provision for the needs of the state that are not met by the accreditor's accreditation process. The department shall use a two-component process for the continued accreditation of community college programs.

a. The first component consists of submission of required data by the community colleges and annual monitoring by the department of all community colleges for compliance with state program evaluation requirements adopted by the state board.

b. The second component consists of the use of an accreditation team appointed by the director of the department, to conduct an evaluation, including an on-site visit of each community college, with a comprehensive evaluation occurring once every ten years, and an interim evaluation midway between comprehensive evaluations. The number and composition of the accreditation team shall be determined by the director, but the team shall include members of the department staff and community college staff members from community colleges other than the community college that conducts the programs being evaluated for accreditation. The accreditation team shall monitor the quality faculty plan implemented by each community college pursuant to section 260C.36.

c. Rules adopted by the state board shall include provisions for coordination of the accreditation process under this section with activities of accreditation agencies, which are designed to avoid duplication in the accreditation process.

2. Prior to a visit to a community college, members of the accreditation team shall have access to the program audit report filed with the department for that community college. After a visit to a community college, the accreditation team shall determine whether the accreditation standards for a program have been met and shall make a report to the director and the state board, together with a recommendation as to whether the program of the community college should remain accredited. The accreditation team shall report strengths and weaknesses, if any, for each program standard and shall advise the community college of available resources and technical assistance to further enhance strengths and improve areas of weakness. A community college may respond to the accreditation team's report.

3. The state board shall determine whether a program of a community college shall remain accredited. If the state board determines that a program of a community college does not meet accreditation standards, the director of the department, in cooperation with the board of directors of the community college, shall establish a plan prescribing the procedures that must be taken to correct deficiencies in meeting the program standards, and shall establish a deadline date for correction of the deficiencies. The deadline for correction of deficiencies under a plan shall be no later than June 30 of the year following the on-site visit of the accreditation team. The plan is subject to approval of the state board. Plans shall include components which address meeting program deficiencies, sharing or merger

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options, discontinuance of specific programs or courses of study, and any other options proposed by the state board or the accreditation team to allow the college to meet the program standards.

4. During the time specified in the plan for its implementation, the community college program remains accredited. The accreditation team shall revisit the community college and shall determine whether the deficiencies in the standards for the program have been corrected and shall make a report and recommendation to the director and the state board. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies in the program have been corrected.

5. If the deficiencies have not been corrected in a program of a community college, the community college board shall take one of the following actions within sixty days from removal of accreditation:

a. Merge the deficient program or programs with a program or programs from another accredited community college.

b. Contract with another educational institution for purposes of program delivery at the community college.

c. Discontinue the program or programs which have been identified as deficient.

6. The director of the department shall give a community college which has a program which fails to meet accreditation standards at least one year's notice prior to removal of accreditation of the program. The notice shall be given by certified mail or restricted certified mail addressed to the superintendent of the community college and shall specify the reasons for removal of accreditation of the program. The notice shall also be sent by ordinary mail to each member of the board of directors of the community college. Any good faith error or failure to comply with the notice requirements shall not affect the validity of any action by the director. If, during the year, the community college remedies the reasons for removal of accreditation of the program and satisfies the director that the community college will comply with the accreditation standards for that program in the future, the director shall continue the accreditation of the program of the community college and shall transmit notice of the action to the community college by certified mail or restricted certified mail.

7. The action of the director to remove a community college's accreditation of the program may be appealed to the state board. At the hearing, the community college may be represented by counsel and may present evidence. The state board may provide for the hearing to be recorded or reported. If requested by the community college at least ten days before the hearing, the state board shall provide for the hearing to be recorded or reported at the expense of the community college, using any reasonable method specified by the community college. Within ten days after the hearing, the state board shall render a written decision, and shall affirm, modify, or vacate the action or proposed action to remove the college's accreditation of the program. Action by the state board is final agency action for purposes of chapter 17A.

90 Acts, ch 1253, §49; 90 Acts, ch 1254, §2
C91, §280A.47
92 Acts, ch 1040, §1
C93, §260C.47
93 Acts, ch 82, §5, 6, 11; 96 Acts, ch 1215, §34; 99 Acts, ch 114, §15; 2002 Acts, ch 1047, §6, 7, 20; 2010 Acts, ch 1069, §36; 2014 Acts, ch 1013, §13, 14; 2017 Acts, ch 29, §78, 79; 2025 Acts, ch 62, §5, 9; 2026 Acts, ch 1040, §115
Code editor directive applied

260C.48 Standards for accrediting community college programs.

1. The state board shall develop standards and rules for the accreditation of community college programs. Except as provided in this subsection and subsection 4, standards developed shall be general in nature so as to apply to more than one specific program of instruction. With regard to community college-employed instructors, the standards adopted shall at a minimum require that community college instructors meet the following requirements:

a. (1) Instructors in the subject area of career and technical education shall be registered,

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certified, or licensed in the occupational area in which the state requires registration, certification, or licensure, and shall hold the appropriate registration, certificate, or license for the occupational area in which the instructor is teaching, and shall meet at least one of the following qualifications:

(a) Possess a baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor teaches classes, or possess a baccalaureate degree in any area of study if at least eighteen of the credit hours completed were in the career and technical field of instruction in which the instructor teaches classes.

(b) Possess an associate degree in the career and technical education field of instruction in which the instructor is teaching, if such degree is considered terminal for that field of instruction, and have at least three thousand hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes.

(c) Have special training and at least six thousand hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree in the area or related area of study or occupational area in which the instructor is teaching classes and the instructor does not meet the requirements of subparagraph (2).

(2) For purposes of subparagraph (1), subparagraph divisions (b) and (c), if the instructor is a licensed practitioner who holds a career and technical endorsement under chapter 256, subchapter VII, part 3, relevant work experience in the occupational area includes but is not limited to classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

b. Instructors in the subject area of arts and sciences shall meet either of the following qualifications:

(1) Possess a master's degree from an accredited graduate school, and has successfully completed a minimum of twelve credit hours of graduate level courses in each field of instruction in which the instructor is teaching classes. For purposes of this subparagraph, *"accredited"* means that a graduate school meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

(2) Have two or more years of successful experience in a professional field or area in which the instructor is teaching classes and in which postbaccalaureate recognition or professional licensure is necessary for practice, including but not limited to the fields or areas of accounting, engineering, law, law enforcement, and medicine.

2. Standards developed shall include a provision that the full-time teaching load for an instructor in arts and sciences courses shall be fifteen credit hours per semester, or the equivalent, and the maximum academic workload shall be sixteen credit hours per semester, or the equivalent. An instructor may also have an additional teaching assignment if the instructor and the community college administration mutually consent to the additional assignment and the total teaching load does not exceed twenty-two hours of credit per semester, or the equivalent.

3. Standards developed shall include provisions requiring equal access in recruitment, enrollment, and placement activities for students with special education needs. The provisions shall include a requirement that students with special education needs shall receive instruction in the least restrictive environment with access to the full range of program offerings at a college, through, but not limited to, adaptation of curriculum, instruction, equipment, facilities, career guidance, and counseling services.

4. Standards relating to quality assurance of faculty and ongoing quality professional development shall be the accreditation standards of similar accredited institutions of higher education that are consistent with the standards established pursuant to this section and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of this subsection, *"accredited"* means that an institution of higher education meets the standards established by an accrediting agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

90 Acts, ch 1253, §50; 90 Acts, ch 1254, §3

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C91, §280A.48
C93, §260C.48
93 Acts, ch 82, §7, 8; 2002 Acts, ch 1047, §8, 9, 20; 2007 Acts, ch 214, §23; 2008 Acts, ch 1181, §29, 30; 2011 Acts, ch 20, §9; 2014 Acts, ch 1013, §15; 2015 Acts, ch 29, §39; 2015 Acts, ch 48, §1; 2020 Acts, ch 1031, §1; 2020 Acts, ch 1121, §64, 70; 2021 Acts, ch 76, §52; 2021 Acts, ch 80, §141; 2022 Acts, ch 1011, §8, 9; 2023 Acts, ch 19, §2556
Referred to in §260C.36, 260C.47

260C.49 Rules.
The department shall adopt rules and definitions of terms necessary for the administration of this chapter. The school budget review committee shall adopt rules under chapter 17A to carry out section 260C.18B.
96 Acts, ch 1215, §35; 2026 Acts, ch 1040, §115
Code editor directive applied

260C.50 Adult education.
1. For purposes of this section, "*adult education*" means integrated basic education and technical skills instruction.
2. The department and the community colleges shall jointly implement adult education to assist adults and youths sixteen years of age and older who are not in school in obtaining the knowledge and skills necessary for further education, work, and community involvement.
3. The state board, in consultation with the community colleges, shall prescribe standards for adult education including but not limited to contextualized and integrated instruction, assessments, instructor qualification and professional development, data collection and reporting, and performance benchmarks.
4. The state board, in consultation with the community colleges, shall adopt rules pursuant to chapter 17A to administer this section.
2013 Acts, ch 141, §40; 2023 Acts, ch 19, §2292

260C.51 through 260C.55 Reserved.

SUBCHAPTER III

RESIDENCE HALLS AND DORMITORIES — FINANCING

260C.56 Definitions.
As used in this subchapter:
1. "*Board*" means a board of directors of a community college.
2. "*Bonds or notes*" means revenue bonds or revenue notes which are payable solely from net rents, profits, and other income derived from the operation of residence halls, dormitories, incidental facilities, and additions.
3. "*Institution*" means a community college organized under this chapter.
4. "*Project*" means the acquisition by purchase, lease in accordance with section 260C.38, or construction of buildings for use as student residence halls and dormitories, including dining and other incidental facilities therefor, and additions to such buildings, the reconstruction, completion, equipment, improvement, repair or remodeling of residence halls, dormitories, or additions or incidental facilities, and the acquisition of property of every kind and description, whether real, personal, or mixed, by gift, purchase, lease, condemnation, or otherwise and the improvement of the property.
90 Acts, ch 1253, §58; 90 Acts, ch 1254, §4
C91, §280A.56
91 Acts, ch 267, §243, 244
C93, §260C.56
2014 Acts, ch 1026, §143
Referred to in §260C.34, 260C.69

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260C.57 Authorization — contracts — title.

Subject to and in accordance with the provisions of this subchapter, the board of directors of each community college is hereby authorized to undertake and carry out any project at a community college under the board's control and to operate, control, maintain, and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 260C.19. The title to all real estate acquired under the provisions of this subchapter and the improvements erected on the real estate shall be taken and held in the name of the merged area. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of the institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this subchapter and to insure that no property tax revenues will be needed to retire the bonds or notes.

90 Acts, ch 1253, §59
C91, §280A.57
C93, §260C.57
94 Acts, ch 1023, §94; 2014 Acts, ch 1026, §143

260C.58 Bonds or notes.

1. To pay all or any part of the cost of carrying out any project at any institution the board is authorized to borrow money and to issue and sell negotiable bonds or notes and to refund and refinance bonds or notes issued for any project or for refunding purposes at a lower rate, the same rate, or a higher rate or rates of interest and from time to time as often as the board shall find it to be advisable and necessary so to do. Bonds or notes issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or issued for refunding purposes, may either be sold in the manner specified for the selling of certificates under section 260E.6 and the proceeds applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. A finding by the board in the resolution authorizing the issuance of the refunding bonds or notes, that the bonds or notes being refunded were issued for a purpose specified in this subchapter and constitute binding obligations of the board, shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this subchapter. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded, to fund interest in arrears or about to become due, or to allow for sufficient funding of the escrow account on the bonds to be refunded.

2. *a.* All bonds or notes issued under the provisions of this subchapter shall be payable from and shall be secured by an irrevocable first lien pledge of a sufficient portion of any of the following:

(1) The net rents, profits, and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement.

(2) The net rents, profits, and income not pledged for other purposes derived from the

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operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at the particular institution.

b. In addition, the board may secure any bonds or notes issued by borrowing money, by mortgaging any real estate or improvements erected on real estate, or by pledging rents, profits, and income received from property for the discharge of mortgages. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

90 Acts, ch 1253, §60
C91, §280A.58
91 Acts, ch 267, §245
C93, §260C.58
2014 Acts, ch 1026, §66; 2015 Acts, ch 30, §90

260C.59 Rates and terms of bonds or notes.

The bonds or notes may bear a date or dates, may bear interest at such rate or rates, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face of the bonds, and may contain any terms and covenants as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, any underwriter discount, and engineering, administrative and legal expenses. The bonds or notes shall be executed by the president of the board of directors and attested by the secretary. Any bonds or notes bearing the signatures of officers in office on the date of the signing shall be valid and binding for all purposes, notwithstanding that before delivery of the bonds or notes any or all persons whose signatures appear on the bonds or notes shall have ceased to be officers. Each bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at the institution named, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the bonds or notes are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

90 Acts, ch 1253, §61
C91, §280A.59
91 Acts, ch 267, §246
C93, §260C.59
94 Acts, ch 1023, §95

260C.60 Issuance resolution.

Upon the determination by the board to undertake and carry out any project or to refund outstanding bonds or notes, the board shall adopt a resolution generally describing the contemplated project and setting forth the estimated cost, or describing the obligations to be refunded, fixing the amount of bonds or notes to be issued, the maturity or maturities, the interest rate or rates and all details of the project. The resolution shall contain any covenants as may be determined by the board as to the issuance of additional bonds or notes that may be issued payable from the net rents, profits and income of the residence halls or dormitories, the amendment or modification of the resolution authorizing the issuance of any bonds or notes, the manner, terms and conditions and the amount or percentage of assenting bonds or notes necessary to effectuate the amendment or modification, and any other covenants as may be deemed necessary or desirable. In the discretion of the board any bonds or notes issued under the terms of this subchapter may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa.

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The provisions of this subchapter and of any resolution or other proceedings authorizing the issuance of bonds or notes and providing for the establishment and maintenance of adequate rates, fees or rentals and the application of the proceeds thereof shall constitute a contract with the holders of the bonds or notes.

90 Acts, ch 1253, §62
C91, §280A.60
91 Acts, ch 267, §247
C93, §260C.60

260C.61 Rates, fees, and rentals — pledge.

If bonds or notes are issued by a board, the board shall establish, impose, and collect rates, fees or rentals for the use of and services provided by the residence halls and dormitories, including dining and other incidental facilities therefor, at the institution on behalf of which the bonds or notes are issued, shall adjust the rates, fees, or rentals from time to time, in order to always provide net amounts sufficient to pay the principal of and interest on the bonds or notes as they become due, and shall maintain a reserve. The board may pledge a sufficient amount of the net rents, profits and income derived from the operation of residence halls and dormitories, including dining and other facilities, at the institution for this purpose. Rates, fees, or rentals collected at one institution shall not be used to discharge bonds or notes issued for or on account of another institution. All bonds or notes issued under the terms of this subchapter shall be exempt from taxation by the state of Iowa and the interest on the bonds or notes is exempt from the state income tax.

90 Acts, ch 1253, §63
C91, §280A.61
C93, §260C.61
2014 Acts, ch 1026, §143
Referred to in §422.7(2)(k)

260C.62 Accounts.

1. A certified copy of each resolution providing for the issuance of bonds or notes under this subchapter shall be filed with the treasurer of the institution on behalf of which the bonds or notes are issued and the treasurer shall keep and maintain separate accounts for each issue of bonds or notes in accordance with the covenants and directions set out in the resolution providing for the issuance of the bonds or notes. All rates, fees, or rentals collected for the use of and services provided by the residence halls and dormitories, including dining and other incidental facilities, at each institution shall be held in trust by the treasurer, separate and apart from all other funds, to be used only for the purposes specified in this subchapter and as may be required and provided for by the proceedings of the board authorizing the issuance of bonds or notes. The treasurer of each institution shall disburse funds from the proper account for the payment of the principal of and interest on the bonds or notes in accordance with the directions and covenants of the resolution authorizing the issuance of the bonds or notes.

2. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

90 Acts, ch 1253, §64
C91, §280A.62
C93, §260C.62
2014 Acts, ch 1026, §67

260C.63 No obligation against state.

Under no circumstances shall any bonds or notes issued under the terms of this subchapter be or become or be construed to constitute a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. Taxes, appropriations, or other funds of the state of Iowa shall not be pledged for or used to pay for the bonds or notes or for the interest on the bonds or notes. Any principal and interest on bonds or notes issued

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under this subchapter shall be payable only from the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining and other incidental facilities, at the institutions of higher learning under the control of the board, and the sole remedy for any breach or default of the terms of any bonds or notes or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this subchapter and the terms of the resolution under which the bonds or notes are issued.

90 Acts, ch 1253, §65
C91, §280A.63
C93, §260C.63
2014 Acts, ch 1026, §143

260C.64 Who may invest.

All banks, trust companies, building and loan associations, savings associations, investment companies, and other persons carrying on an investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or notes issued pursuant to this subchapter. However, this section shall not be construed as relieving any persons from any duty of exercising reasonable care in selecting securities for purchase or investment.

90 Acts, ch 1253, §66
C91, §280A.64
C93, §260C.64
2012 Acts, ch 1017, §64; 2014 Acts, ch 1026, §143

260C.65 Federal or other aid accepted.

The board of directors of each community college may apply for and accept federal aid or nonfederal gifts or grants of funds, and may use the aid, gifts, or funds to pay all or any part of the cost of carrying out any project at any institution under the terms of this subchapter or to pay any bonds and interest on the bonds issued for any of the purposes specified in this subchapter.

90 Acts, ch 1253, §67
C91, §280A.65
C93, §260C.65
94 Acts, ch 1023, §96; 2014 Acts, ch 1026, §143

260C.66 Reports to general assembly.

1. The board of directors of each community college shall determine, in consultation with the legislative services agency, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The board of directors of each community college shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

a. Identification of both undercharges and overcharges for line items of projects.

b. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.

c. Identification of complaints received by an institution regarding the construction of a project.

2. If the board of directors of a community college approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

90 Acts, ch 1253, §68

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C91, §280A.66
C93, §260C.66
94 Acts, ch 1023, §97; 2003 Acts, ch 35, §45, 49; 2010 Acts, ch 1061, §180

260C.67 Alternative method.

This subchapter shall be construed as providing an alternative and independent method for carrying out any project at any institution under the control of a community college board of directors, for the issuance and sale or exchange of bonds or notes in connection with a project and for refunding bonds or notes pertinent to the project, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and no other or further proceeding in respect to the issuance or sale or exchange of bonds or notes under this subchapter, shall be required except as prescribed by this subchapter, any provisions of other statutes of the state to the contrary notwithstanding.

90 Acts, ch 1253, §69
C91, §280A.67
C93, §260C.67
94 Acts, ch 1023, §98; 2014 Acts, ch 1026, §143

260C.68 Prior action legalized.

All rights previously acquired in connection with the financing of any project at any institution are preserved and all acts and proceedings taken by the board preliminary to and in connection with the authorization and issuance of any previously issued and outstanding notes or other obligations for any project are hereby legalized, validated, and confirmed and the notes or obligations are hereby declared to be legal and to constitute valid and binding obligations of the board according to their terms and payable solely and only from the sources referred to in the notes or obligations.

90 Acts, ch 1253, §70
C91, §280A.68
C93, §260C.68

260C.69 Dormitory space priority.

1. Each community college which completes a project, as defined under section 260C.56, subsection 4, shall set aside a percentage of available dormitory space for the purposes of meeting the needs of the following:

a. Students, with families, who are participating in specialized or intensive programs.

b. Students who are participating in specialized or intensive programs.

c. Child care arrangements for students, faculty, or staff.

d. Students whose residence is located too far from the community college to permit commuting to and from school, as determined by the board of directors of the merged area.

e. Students whose disabilities require special housing adaptations.

2. Once all priorities have been met, students shall be allotted rooms on a first come, first served basis.

90 Acts, ch 1253, §71
C91, §280A.69
C93, §260C.69
99 Acts, ch 192, §33; 2010 Acts, ch 1061, §180; 2011 Acts, ch 34, §67

260C.70 Ten-year program and two-year bonding estimate submitted each year. Repealed by 2002 Acts, ch 1140, §44.

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SUBCHAPTER IV

FINANCING THROUGH IOWA FINANCE AUTHORITY

260C.71 Community college bond program — definitions — funding — bonds and notes.

1. As used in this section and section 260C.72, unless the context otherwise requires:

a. "Authority" means the Iowa finance authority.

b. "Bonds" means revenue bonds which are payable solely as provided in this section and section 260C.72.

2. The authority shall cooperate with the state board, individual community colleges, and private developers, acting in conjunction with a community college to build housing facilities in connection with the community college, in the creation, administration, and funding of a community college dormitory bond program to finance housing facilities, such as dormitories, in connection with a community college.

3. The authority may issue its bonds and notes for the purpose of funding the nonrecurring cost of acquiring, constructing, and equipping a community college related facility, such as a dormitory.

4. The authority may issue its bonds and notes for the purposes of this chapter and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amount payable under the loan agreements or any other instruments securing the debt obligations under the loan agreements.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or other instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or other instruments, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

5. The powers granted the authority under this section are in addition to other powers contained in chapter 16. All other provisions of chapter 16, except section 16.28, subsection 4, apply to bonds or notes issued and powers granted to the authority under this section, except to the extent they are inconsistent with this section.

6. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax, both personal and corporate.

90 Acts, ch 1253, §76; 90 Acts, ch 1254, §6
C91, §280A.71
C93, §260C.71
2011 Acts, ch 20, §10
Referred to in §16.162, 260C.72, 260C.73, 422.7(2)(l)

260C.72 Security — reserve funds — pledges — nonliability.

1. *a.* The authority may provide in the resolution, trust agreement, or other instrument authorizing the issuance of its bonds or notes pursuant to section 260C.71 that the principal of, premium, and interest on the bonds or notes are payable from any of the following and may pledge the same to its bonds and notes:

(1) From the net rents, profits, and income arising from the project or property pledged or mortgaged.

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(2) From the net rents, profits, and income which has not been pledged for other purposes arising from any similar housing facility under the control and management of the community college or state board.

(3) From the fees or charges established by the community college or state board for students attending the institution who are living in the housing facility for which the obligation was incurred.

(4) From the income derived from gifts and bequests made to the institutions under the control of the community college or state board for such purposes.

(5) From the amounts on deposit in the name of a community college or a private developer or operator of a community college facility, including but not limited to revenues from a purchase, rental, or lease agreement, loan agreement, or dormitory charges.

(6) From the amounts payable to the authority, the community college board of directors, the state board, or a private developer or operator, pursuant to a loan agreement, lease agreement, or sale agreement.

(7) From the other funds or accounts established by the authority in connection with the program or the sale and issuance of its bonds or notes.

b. No obligation created hereunder shall ever be or become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely as provided in this section and section 260C.71.

2. The authority may establish reserve funds to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection, the proceeds of the sale of its bonds or notes and other money which is made available from any other source.

3. A pledge made in respect of bonds or notes is valid and binding from the time the pledge is made. The money or property so pledged and received after the pledge by the authority is immediately subject to the lien of the pledge without physical delivery or further act. The lien of the pledge is valid and binding as against all persons having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, or any other instrument by which a pledge is created needs to be recorded, filed, or perfected under chapter 554, to be valid, binding, or effective against all persons.

4. The members of the authority or persons executing the bonds or notes are not personally liable on the bonds or notes and are not subject to personal liability or accountability by reason of the issuance of the bonds or notes.

5. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority and are payable solely from the income and receipts or other funds or property of the community college or private developer, and the amounts on deposit in a community college bond fund, and the amounts payable to the authority under its loan agreements with a community college or private developer to the extent that the amounts are designated in the resolution, trust agreement, or other instrument of the authority authorizing the issuance of the bonds or notes as being available as security for the bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state to the payment of any bonds or notes. The issuance of any bonds or notes by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy, or pledge any form of taxation whatever to the payment of the bonds or notes.

90 Acts, ch 1253, §77; 90 Acts, ch 1254, §7, 8
C91, §280A.72
C93, §260C.72
2010 Acts, ch 1061, §180; 2011 Acts, ch 20, §11
Referred to in §16.162, 260C.71, 260C.73

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260C.73 Rules.

The authority shall adopt rules pursuant to chapter 17A to implement sections 260C.71 and 260C.72.

90 Acts, ch 1253, §78
C91, §280A.73
C93, §260C.73

CHAPTER 260D

RESERVED

CHAPTER 260E

INDUSTRIAL NEW JOBS TRAINING

Referred to in §7C.4A, 15.251, 84A.5, 260F.2, 260J.1, 260J.2, 403.19, 403.21, 422.16A, 427B.19, 558.1, 558.41

Legislative intent that chapter 260F complement this chapter; 85 Acts, ch 235, §9
Supplemental new jobs credit from withholding; see §260J.1

260E.1	Title.	260E.6	Certificates.
260E.2	Definitions.	260E.7	Program review by department of workforce development.
260E.3	Agreement.		
260E.4	Incremental property taxes.		
260E.5	New jobs credit from withholding.	260E.8	Eligible program costs.

260E.1 Title.

This chapter shall be known and may be cited as the *"Iowa Industrial New Jobs Training Act"*.

83 Acts, ch 171, §1, 8
CS83, §280B.1
C93, §260E.1

260E.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Agreement"* is the agreement between an employer and a community college concerning a project.
2. *"Board of directors"* means the board of directors of a community college.
3. *"Certificate"* means industrial new jobs training certificates issued pursuant to section 260E.6.
4. *"Community college"* means a community college established under chapter 260C.
5. *"Date of commencement of the project"* means the date of the agreement.
6. *"Employee"* means the person employed in a new job. *"Employee"* does not include a person not subject to the withholding of Iowa income pursuant to a reciprocal agreement under section 422.8, subsection 4.
7. *"Employer"* means the person providing new jobs in the merged area served by the community college and entering into an agreement.
8. *"Incremental property taxes"* means the taxes as provided in sections 403.19 and 260E.4.
9. *"Industry"* means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services. *"Industry"* does not include a business which closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state of Iowa. This subsection does not prohibit a business

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from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

10. *"New job"* means a new, permanent, full-time equivalent position added to an employer's payroll, at the location of the employer's project, in excess of the employer's base employment level.

11. *"New jobs credit from withholding"* means the credit as provided in section 260E.5.

12. *"New jobs training program"* or *"program"* means the project or projects established by a community college for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the community college.

13. *"Program costs"* means all necessary and incidental costs of providing program services.

14. *"Program services"* includes but is not limited to the following:

a. New jobs training.

b. Adult basic education and job-related instruction.

c. Career and technical skill-assessment services and testing.

d. Training facilities, equipment, materials, and supplies.

e. On-the-job training.

f. Administrative expenses for the new jobs training program.

g. Subcontracted services with institutions governed by the board of regents, private colleges or universities, or other federal, state, or local agencies.

h. Contracted or professional services.

i. Issuance of certificates.

15. *"Project"* means a training arrangement which is the subject of an agreement entered into between the community college and an employer to provide program services.

83 Acts, ch 171, §2, 8
CS83, §280B.2
85 Acts, ch 240, §2; 90 Acts, ch 1253, §73
C93, §260E.2
2012 Acts, ch 1018, §10; 2016 Acts, ch 1108, §56; 2026 Acts, ch 1199, §26
Subsection 10 stricken and rewritten

260E.3 Agreement.

1. A community college may enter into an agreement to establish a project. If an agreement is entered into, the community college and the employer shall notify the department of revenue as soon as possible. An agreement shall provide for program costs, including deferred costs, which may be paid from one or a combination of the following sources:

a. Incremental property taxes to be received or derived from an employer's business property where new jobs are created as a result of the project.

b. New jobs credit from withholding to be received or derived from new employment resulting from the project.

c. Tuition, student fees, or special charges fixed by the board of directors to defray program costs in whole or in part.

d. Guarantee of payments to be received under paragraph *"a"*, *"b"*, or *"c"*.

2. *a.* For an agreement entered into on or before June 30, 2026, payment of program costs shall not be deferred for a period longer than ten years from the date of commencement of the project, and the agreed upon period shall not be extended.

b. For an agreement entered into on or after July 1, 2026, payment of program costs shall not be deferred for a period longer than seven years from the date of commencement of the project.

3. Costs of on-the-job training for employees shall not exceed fifty percent of the annual gross payroll costs for up to one year of the new jobs. For purposes of this subsection, *"gross payroll"* can be the gross wages, salaries, and benefits for the jobs in training in the project.

4. An agreement shall include a provision which fixes the minimum amount of

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incremental property taxes, new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs.

5. Any payments required to be made by an employer are a lien upon the employer's business property until paid and have equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchaser at tax sale obtains the property subject to the remaining payments.

6. Upon receipt of a notice that a community college and an employer have entered into an agreement, the department of revenue shall provide a copy of the agreement to the department of workforce development for review. The department of workforce development may provide feedback regarding the agreement to the department of revenue within seven calendar days after the date of receipt of the copy of the agreement. The department of revenue must share any such feedback with the community college.

83 Acts, ch 171, §3, 8
CS83, §280B.3
90 Acts, ch 1253, §74
C93, §260E.3
94 Acts, ch 1182, §1, 2; 95 Acts, ch 195, §11, 44; 95 Acts, ch 201, §1, 3; 2003 Acts, ch 145, §286; 2026 Acts, ch 1199, §27, 28
Referred to in §260E.8, 260J.1, 403.21
Subsection 2 amended
NEW subsection 6

260E.4 Incremental property taxes.

If an agreement provides that all or part of program costs are to be paid for by incremental property taxes, the board of directors shall provide by resolution that taxes levied on the employer's taxable business property, where new jobs are created as a result of a project, each year by or for the benefit of the state, city, county, school district, or other taxing district after the effective date of the resolution shall be divided as provided in section 403.19, subsections 1 and 2, in the same manner as if the employer's business property, where new jobs are created as a result of a project, was taxable property in an urban renewal project and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of directors shall be allocated to and when collected be paid into a special fund of the community college and may be irrevocably pledged by the community college to pay the principal of and interest on the certificates issued by the community college to finance or refinance, in whole or in part, the project. However, with respect to any urban renewal project as to which an ordinance is in effect under section 403.19, the collection of incremental property taxes authorized by this chapter are suspended in favor of collection of incremental taxes under section 403.19. As used in this section, *"taxes"* includes, but is not limited to, all levies on an ad valorem basis upon land or real property of the employer's business, where new jobs are created as a result of a project.

83 Acts, ch 171, §4, 8
CS83, §280B.4
90 Acts, ch 1253, §79
C93, §260E.4
Referred to in §260E.2, 403.19, 427B.17

260E.5 New jobs credit from withholding.

If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, it shall be done as follows:

1. New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs.

2. An amount equal to one and one-half percent of the gross wages paid by the employer to each employee participating in a project shall be credited from the payment made by an employer pursuant to section 422.16. If the amount of the withholding by the employer is less than one and one-half percent of the gross wages paid to the employees covered by the

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agreement, then the employer shall receive a credit against other withholding taxes due by the employer. The employer shall remit the amount of the credit quarterly in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and when collected paid into a special fund of the community college to pay the principal of and interest on certificates issued by the community college to finance or refinance, in whole or in part, the project. When the principal and interest on the certificates have been paid, the employer credits shall cease and any money received after the certificates have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

3. The new jobs credit from withholding and the special fund into which it is paid, may be irrevocably pledged by a community college for the payment of the principal of and interest on the certificate issued by a community college to finance or refinance, in whole or in part, the project.

4. The employer shall certify to the department of revenue that the credit in withholding is in accordance with an agreement and shall provide other information the department may require.

5. A community college shall certify to the department of revenue the amount of new jobs credit from withholding an employer has remitted to the special fund and shall provide other information the department may require.

6. An employee participating in a project will receive full credit for the amount withheld as provided in section 422.16.

7. A bond issued to a community college for a project shall not exceed seventy percent of total program costs related to training expenses.

83 Acts, ch 171, §5, 8
CS83, §280B.5
90 Acts, ch 1253, §80
C93, §260E.5
2003 Acts, ch 145, §286; 2026 Acts, ch 1199, §29
Referred to in §260E.2, 260E.7, 260J.1, 403.19A
NEW subsection 7

260E.6 Certificates.

To provide funds for the present payment of the costs of new jobs training programs, a community college may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The receipts shall be pledged to the payment of principal of and interest on the certificates.

1. Certificates may be sold at public sale or at private sale at par, premium, or discount at the discretion of the board of directors. Chapter 75 does not apply to the issuance of these certificates.

2. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of directors may provide by resolution authorizing the issuance of the certificates.

3. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded, may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

4. To further secure the payment of the certificates, the board of directors shall, by resolution, provide for the assessment of an annual levy of a standby tax upon all taxable property within the merged area. A copy of the resolution shall be sent to the county auditor of each county in which the merged area is located. The revenues from the standby tax shall be deposited in a special fund and shall be expended only for the payment of principal

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of and interest on the certificates issued as provided in this section, when the receipt of payment for program costs as provided in the agreement is insufficient. If payments are necessary and made from the special fund, the amount of the payments shall be promptly repaid into the special fund from the first available payments received for program costs as provided in the agreement which are not required for the payment of principal of or interest on certificates due. No reserves may be built up in this fund in anticipation of a projected default. The board of directors shall adjust the annual standby tax levy for each year to reflect the amount of revenues in the special fund and the amount of principal and interest which is due in that year.

5. Before certificates are issued, the board of directors shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice by action in the district court of a county in the area within which the community college is located, appeal the decision of the board of directors in proposing to issue the certificates. The action of the board of directors in determining to issue the certificates is final and conclusive unless the district court finds that the board of directors has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of directors to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

6. The board of directors shall determine if revenues are sufficient to secure the faithful performance of obligations in the agreement.

83 Acts, ch 171, §6, 8
CS83, §280B.6
88 Acts, ch 1158, §58; 90 Acts, ch 1253, §81
C93, §260E.6
Referred to in §260C.58, 260E.2, 260J.1, 260J.2

260E.7 Program review by department of workforce development.

1. The department of workforce development, in consultation with the department of education and the department of revenue, shall coordinate and review the new jobs training program. The department of workforce development shall adopt, amend, and repeal rules under chapter 17A that the community college will use in developing projects with new and expanding industrial new jobs training proposals and that the department of workforce development shall use to review and report on the new jobs training program as required in this section.

2. *a.* The department of workforce development, in consultation with the community colleges participating in the new jobs training program pursuant to this chapter, shall identify the information necessary to effectively coordinate and review the program, and the community colleges shall provide such information to the department. Using the information provided, the department, in consultation with the community colleges, shall issue a report on the effectiveness of the program.

b. In coordinating and reviewing the program, the department of workforce development shall give due regard to the confidentiality of certain information provided by the community colleges.

3. The department of workforce development is authorized to make any rule that is adopted, amended, or repealed effective immediately upon filing with the administrative rules coordinator or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication.

4. A community college that receives a new jobs credit from withholding under section 260E.5 shall annually report a detailed accounting of the community college's bond interest to the department of workforce development, the department of education, and the department of revenue.

83 Acts, ch 171, §7, 8
CS83, §280B.7

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90 Acts, ch 1253, §82
C93, §260E.7
2006 Acts, ch 1100, §5; 2011 Acts, ch 118, §88, 89; 2023 Acts, ch 19, §2202; 2026 Acts, ch 1199, §30
NEW subsection 4

260E.8 Eligible program costs.

To be eligible to receive a new jobs credit from withholding, a community college must document to the satisfaction of the department that the community college's program costs meet all of the following criteria:

1. The program costs are incurred over the period of time specified in the agreement under section 260E.3.
2. The program costs are not incurred to reimburse travel, conferences, or legal fees.
3. Administrative expenses account for no more than fifteen percent of the program costs.
4. The program costs are not incurred for a project that leads directly to a professional degree in medicine, law, accounting, or other professional area, or a project that includes onboarding or basic computer skills.

2026 Acts, ch 1199, §31
NEW section

CHAPTER 260F

JOBS TRAINING

Referred to in §7C.4A, 84A.5, 84G.3, 84G.4, 260C.18A, 427B.19, 558.41

Legislative intent that chapter complement chapter 260E;
85 Acts, ch 235, §9

260F.1 Title.
260F.2 Definitions.
260F.3 Agreement.
260F.4 and 260F.5 Repealed by 96 Acts, ch 1180, §21.
260F.6 Job training fund.
260F.6A Business network training projects.
260F.6B High technology apprenticeship program.
260F.7 Coordination — department of workforce development.
260F.8 Allocation.
260F.9 Job retention program. Repealed by 2003 Acts, 1st Ex, ch 2, §93.
260F.10 Reporting. Repealed by 2007 Acts, ch 126, §115.

260F.1 Title.

This chapter shall be known and may be cited as the *"Iowa Jobs Training Act"*.

85 Acts, ch 235, §1
CS85, §280C.1
C93, §260F.1
96 Acts, ch 1180, §9

260F.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Agreement"* is the agreement between a business and a community college concerning a project.
2. *"Community college"* means a community college established under chapter 260C.
3. *"Date of commencement of the project"* means the date of the preliminary agreement or the date an application for assistance is received by the department.
4. *"Department"* means the department of workforce development.
5. *"Eligible business"* or *"business"* means a business training employees which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services and which meets

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the other criteria established by the department. *"Eligible business"* does not include a business whose training costs can be economically funded under chapter 260E, a business which closes or substantially reduces its employment base in order to relocate substantially the same operation to another area of the state, or a business which is involved in a strike, lockout, or other labor dispute in Iowa.

6. *"Employee"* means a person currently employed by a business who is to be trained. However, *"employee"* does not include a person with executive responsibilities or replacement workers who are hired as a result of a strike, lockout, or other labor dispute in Iowa.

7. *"Jobs training program"* or *"program"* means the project or projects established by a community college for the training of employees.

8. *"Participating business"* means a business training employees which enters into an agreement with the community college.

9. *"Program costs"* means all necessary and incidental costs of providing program services.

10. *"Program services"* includes but is not limited to the following:

a. Training of employees.

b. Adult basic education and job-related instruction.

c. Career and technical skill-assessment services and testing.

d. Training facilities, equipment, materials, and supplies.

e. Administrative expenses for the jobs training program.

f. Subcontracted services with institutions governed by the state board of regents, private colleges or universities, or other federal, state, or local agencies.

g. Contracted or professional services.

11. *"Project"* means a training arrangement which is the subject of an agreement entered into between the community college and a business to provide program services. *"Project"* also means a training arrangement which is sponsored by the department and administered under sections 260F.6A and 260F.6B.

85 Acts, ch 235, §2
CS85, §280C.2
90 Acts, ch 1253, §83; 92 Acts, ch 1042, §1, 2
C93, §260F.2
96 Acts, ch 1180, §10; 97 Acts, ch 201, §20; 2011 Acts, ch 118, §77, 78, 87, 89; 2012 Acts, ch 1018, §11; 2016 Acts, ch 1108, §57; 2018 Acts, ch 1041, §67; 2023 Acts, ch 19, §2206 – 2208

260F.3 Agreement.

A community college may enter into an agreement to establish a project. An agreement shall provide for, but is not limited to, the following:

1. Date of agreement.
2. Anticipated number of employees to be trained.
3. Estimated cost of training.
4. Anticipated dates of commencement and termination of training.
5. Other criteria established by the department of education.

85 Acts, ch 235, §3
CS85, §280C.3
90 Acts, ch 1253, §84; 92 Acts, ch 1042, §3, 4
C93, §260F.3
94 Acts, ch 1182, §3, 4; 96 Acts, ch 1180, §11; 96 Acts, ch 1186, §23; 2023 Acts, ch 19, §2209
A project entered into by a community college and a business under this section on or before June 30, 2023, shall be valid and continue per the terms of the agreement and be administered by the department of workforce development; 2023 Acts, ch 19, §2215

260F.4 and 260F.5 Repealed by 96 Acts, ch 1180, §21.

260F.6 Job training fund.

1. There is established for the community colleges a job training fund in the department of workforce development in the workforce development fund established in section 84G.3. The job training fund consists of moneys appropriated for the purposes of this chapter plus

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the interest and principal from repayment of advances made to businesses for program costs, plus the repayments, including interest, of loans made from that retraining fund, and interest earned from moneys in the job training fund.

2. To provide funds for the present payment of the costs of a training program by the business, the community college may provide to the business an advance of the moneys to be used to pay for the program costs as provided in the agreement. To receive the funds for this advance from the job training fund established in subsection 1, the community college shall submit an application to the department. The amount of the advance shall not exceed fifty thousand dollars for any business site, or one hundred thousand dollars within a three-fiscal-year period for any business site. If the project involves a consortium of businesses, the maximum award per project shall not exceed one hundred thousand dollars. Participation in a consortium does not affect a business site's eligibility for individual project assistance. Prior to approval a business shall agree to match program amounts in accordance with criteria established by the department.

3. Notwithstanding the requirements of this section, moneys in the job training fund may be used by a community college to conduct entrepreneur development and support activities.

85 Acts, ch 235, §6

CS85, §280C.6

88 Acts, ch 1131, §1; 90 Acts, ch 1253, §86; 90 Acts, ch 1255, §16; 91 Acts, ch 2, §1, 2; 92 Acts, ch 1042, §7

C93, §260F.6

93 Acts, ch 180, §44; 95 Acts, ch 184, §8; 96 Acts, ch 1180, §12; 2001 Acts, ch 188, §24; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 141, §41; 2014 Acts, ch 1026, §68; 2023 Acts, ch 19, §2210

Referred to in §84G.3, 84G.4, 260F.6B

260F.6A Business network training projects.

The community colleges and the department are authorized to fund business network training projects which include five or more businesses and are located in two or more community college districts. A business network training project must have a designated organization or lead business to serve as the administrative entity that will coordinate the training program. The businesses must have common training needs and develop a plan to meet those needs. The department shall adopt rules governing this section's operation and participant eligibility.

96 Acts, ch 1180, §13; 2011 Acts, ch 118, §87, 89; 2023 Acts, ch 19, §2211

Referred to in §260F.2

A project sponsored by and administered under this section by the economic development authority on or before June 30, 2023, shall be valid and continue per the terms of the training arrangement and shall be administered by the department of workforce development; 2023 Acts, ch 19, §2215

260F.6B High technology apprenticeship program.

The community colleges and the department are authorized to fund high technology apprenticeship programs which comply with the requirements specified in section 260C.44 and which may include both new and statewide apprenticeship programs. Notwithstanding the provisions of section 260F.6, subsection 2, relating to maximum award amounts, moneys allocated to the community colleges with high technology apprenticeship programs shall be distributed to the community colleges based upon contact hours under the programs administered during the prior fiscal year as determined by the department of education. The department shall adopt rules governing this section's operation and participant eligibility.

97 Acts, ch 201, §21; 2011 Acts, ch 118, §85, 89; 2014 Acts, ch 1026, §69; 2023 Acts, ch 19, §2212

Referred to in §84G.4, 260F.2

A project sponsored by and administered under this section by the economic development authority on or before June 30, 2023, shall be valid and continue per the terms of the training arrangement and shall be administered by the department of workforce development; 2023 Acts, ch 19, §2215

260F.7 Coordination — department of workforce development.

The department, in consultation with the department of education, shall coordinate the jobs training program. A project shall not be funded under this chapter unless the department approves the project. The department shall adopt rules pursuant to chapter 17A governing

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the program's operation and eligibility for participation in the program. The department shall establish by rule criteria for determining what constitutes an eligible business.

85 Acts, ch 235, §7
CS85, §280C.7
88 Acts, ch 1131, §2; 90 Acts, ch 1253, §87; 92 Acts, ch 1042, §8
C93, §260F.7
96 Acts, ch 1180, §14; 96 Acts, ch 1186, §23; 2011 Acts, ch 118, §85, 89; 2014 Acts, ch 1026, §70; 2023 Acts, ch 19, §2213

260F.8 Allocation.

1. For each fiscal year, the department shall make funds available to the community colleges. The department shall allocate by formula from the moneys in the fund an amount for each community college to be used to provide the financial assistance for proposals of businesses whose applications have been approved by the department. The financial assistance shall be provided by the department from the amount set aside for that community college. If any portion of the moneys set aside for a community college have not been used or committed by May 1 of the fiscal year, that portion is available for use by the department to provide financial assistance to businesses applying to other community colleges. The department shall adopt by rule a formula for this set-aside.

2. Moneys available to the community colleges for this program may be used to provide forgivable loans to train employees.

92 Acts, ch 1042, §9; 93 Acts, ch 180, §45; 96 Acts, ch 1180, §15; 97 Acts, ch 23, §30; 2011 Acts, ch 118, §87, 89; 2023 Acts, ch 19, §2214

260F.9 Job retention program. Repealed by 2003 Acts, 1st Ex, ch 2, §93.

260F.10 Reporting. Repealed by 2007 Acts, ch 126, §115.

CHAPTER 260G

ACCELERATED CAREER EDUCATION PROGRAM

Referred to in §84A.5, 260C.18A

260G.1 Title.
260G.2 Definitions.
260G.3 Program agreements.
260G.4 Program eligibility and designation.
260G.4A Program job credits from withholding.
260G.4B Maximum statewide program job credit.
260G.4C Administration and reporting.
260G.5 Customer tracking system.
260G.6 Fund established — allocation of moneys.
260G.7 Future program discontinuance. Repealed by 2014 Acts, ch 1092, §152.
260G.8 and 260G.9 Reserved.
260G.10 Reporting. Repealed by 2007 Acts, ch 126, §115.

260G.1 Title.

This chapter shall be known and may be cited as the *"Accelerated Career Education Program Act"*.

99 Acts, ch 179, §1, 12

260G.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Accelerated career education program"* means a program established pursuant to section 260G.3.

2. *"Agreement"* means a program agreement referred to in section 260G.3 between an employer and a community college.

3. *"Board of directors"* means the board of directors of a community college.

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4. *"Community college"* means a community college established under chapter 260C or a consortium of two or more community colleges.

5. *"Employee"* means a person employed in a program job.

6. *"Employer"* means a business or consortium of businesses engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, construction, conducting research and development, or providing services in interstate or intrastate commerce, but excludes retail services.

7. *"Highly skilled job"* means a job with a broadly based, high performance skill profile including advanced computation and communication skills, technology skills, and workplace behavior skills, and for which an applied technical education is required.

8. *"Participant"* means an individual who is enrolled in an accelerated career education program at a community college.

9. *"Participant position"* means the individual student enrollment position available in an accelerated career education program.

10. *"Program capital costs"* includes, but is not limited to, costs related to any or all of the following:

a. Classroom and laboratory renovation.

b. New classroom and laboratory construction.

c. Site acquisition or preparation.

d. Instructional equipment and technology.

11. *"Program costs"* means all necessary and incidental costs of providing program services.

12. *"Program job"* means a highly skilled job available from an employer pursuant to a program agreement.

13. *"Program job credit"* means the credit as provided in section 260G.4A.

14. *"Program job position"* means a job position which is planned or available for an employee by the employer pursuant to a program agreement.

15. *"Program services"* includes, but is not limited to, all of the following provided they are pursuant to a program agreement:

a. Program needs assessment and development.

b. Job task analysis.

c. Curriculum development and revision.

d. Instruction.

e. Instructional materials and supplies.

f. Computer software and upgrades.

g. Instructional support.

h. Administrative and student services.

i. Related school-to-career training programs.

j. Skill or career interest assessment services and testing.

k. Contracted services.

99 Acts, ch 179, §2, 12; 2000 Acts, ch 1196, §2, 10

260G.3 Program agreements.

1. A community college may enter into an agreement with an employer in the community college's merged area to establish an accelerated career education program. The program shall be developed by an employer, a community college, and any employee of an employer who represents a program job. If a bargaining agreement is in place, a representative of the employee bargaining unit shall also take part in the development of the program.

2. An agreement may include reasonable and necessary provisions to implement the accelerated career education program. If an agreement is entered into, the community college and the employer shall notify the department of revenue as soon as possible. The community college shall also file a copy of the agreement with the department of workforce development as required in section 260G.4B. The agreement shall provide for program costs, including deferred costs, which may be paid from any of the following sources:

a. Program job credits which the employer receives based on the number of program job positions agreed to by the employer to be available under the agreement.

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b. Cash or in-kind contributions by the employer toward the program cost. At a minimum, the employer contribution shall be twenty percent of the program costs.

c. Tuition, student fees, or special charges fixed by the board of directors to defray program costs.

d. Guarantee by the employer of payments to be received under paragraphs *"a"* and *"b"*.

3. An agreement shall include a provision which specifies the type and amount of funding sources which shall be used to pay for program costs.

4. An agreement shall describe program services and schedules for implementation.

5. The term of an agreement shall not exceed five years from the date of the agreement. However, the agreement may be renewed.

6. As part of the agreement, the employer shall agree to interview graduating participants for full-time positions with the employer and to provide future hiring preferences to graduates of the accelerated career education program provided for in the agreement.

7. As part of an agreement, if an employer has more than four sponsored participants in the program, the employer shall agree to offer a program job position of full-time employment to at least twenty-five percent of those participants who successfully complete the program.

8. An agreement shall provide for a wage level of no less than two hundred percent of the federal poverty level for a family of two as defined by the most recently revised poverty income guidelines as published by the United States department of health and human services at the time the agreement is entered into. The wage level shall be recertified for each year provided in the agreement on the anniversary of the effective date of the agreement.

9. An agreement shall allow an employer to decline to satisfy any provisions in the agreement relating to subsections 6 and 7 if an employer experiences an economic downturn. For purposes of this subsection, *"economic downturn"* may include a layoff of existing employees, reduced employment levels, increased inventories, or reduced sales, if specified in the agreement.

10. Participants shall agree to interview with the employer following completion of the accelerated career education program.

11. An agreement shall provide for employer default procedures.

99 Acts, ch 179, §3, 12; 2000 Acts, ch 1196, §3, 10; 2003 Acts, ch 145, §286; 2003 Acts, 1st Ex, ch 2, §79, 93, 209; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §2223

Referred to in §260G.2, 260G.4A

All agreements entered into by a community college under section 260G.3 on or before June 30, 2023, shall be valid and continue as provided in the terms of the agreement, including any provision of such agreement that provides for program job credits; 2023 Acts, ch 19, §2227

260G.4 Program eligibility and designation.

1. Any of the following community college programs are eligible for designation and approval as an accelerated career education program by the board of directors:

a. A credit career and technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree, which increases program capacity to enroll added participants.

b. A credit equivalent career and technical education program consisting of not less than five hundred forty contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential, which increases program capacity to enroll added participants.

2. Program costs shall be calculated or recalculated on an annual basis based on the required program services and for a specific number of participant positions.

99 Acts, ch 179, §4, 12; 2016 Acts, ch 1108, §58

260G.4A Program job credits from withholding.

In order to develop and retain program jobs within the state, an agreement entered into under section 260G.3 may include a provision for program job credits based on program jobs identified in the agreement. If a program provides that part of the program costs are to be met by receipt of program job credits, the method to be used shall be as follows:

1. Program job credits shall be based upon the program job positions identified and agreed to in the agreement.

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2. Eligibility for program job credits shall be based on certification of program job positions and program job wages by the employer at the time established in the agreement. An amount up to ten percent of the gross program job wage as certified by the employer in the agreement shall be credited from the total payment made by an employer pursuant to section 422.16. The employer shall receive a credit against all withholding taxes due by the employer regardless of whether or not the withholding from the employer of current program job wages is less than ten percent. The employer shall remit the amount of the credit quarterly in the same manner as withholding payments are reported to the department of revenue, to the community college to be allocated to and when collected paid into a special fund of the community college to pay, in part, the program costs. When the program costs have been paid, the employer credits shall cease and any moneys received after the program costs have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

3. The employer shall certify to the department of revenue that the program job credit is in accordance with the agreement and shall provide other information the department may require.

4. A community college shall certify to the department of revenue that the amount of the program job credit is in accordance with an agreement and shall provide other information the department may require.

5. Employees from an employer participating in an agreement shall receive full credit for the amount withheld as provided in section 422.16.

6. Pursuant to an agreement or a statement of intent to enter into an agreement dated on or after July 1, 2000, program job credits may be allocated retroactively to program costs incurred on or after July 1, 2000.

2000 Acts, ch 1196, §4, 10; 2001 Acts, ch 99, §1, 2; 2003 Acts, ch 145, §286
Referred to in §260G.2

260G.4B Maximum statewide program job credit.

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed five million four hundred thousand dollars. A community college shall file a copy of each agreement with the department of workforce development. The department of workforce development shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department of workforce development shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the department of workforce development shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

2. For the fiscal year beginning July 1, 2023, and for every fiscal year thereafter, the department of workforce development shall divide equally among the community colleges thirty percent of the program job credits available for that fiscal year for allocation to each community college to be used to provide funding for approved programs. If any portion of the allocation to a community college under this subsection has not been committed by April 1 of the fiscal year for which the allocation is made, the uncommitted portion is available for use by other community colleges. Once a community college has committed its allocation for any fiscal year under this subsection, the community college may receive additional

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program job credit allocations from those program job credits authorized and still available for that fiscal year.

2000 Acts, ch 1196, §5, 10; 2001 Acts, ch 176, §35; 2002 Acts, ch 1175, §30; 2003 Acts, ch 179, §35; 2004 Acts, ch 1101, §31; 2010 Acts, ch 1138, §9; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §2224

Referred to in §260G.3

260G.4C Administration and reporting.

The department of workforce development shall administer the statewide allocations of program job credits to accelerated career education programs. The department of workforce development shall provide information about the accelerated career education programs to the general assembly annually on or before March 15.

2000 Acts, ch 1196, §6, 10; 2008 Acts, ch 1122, §14; 2011 Acts, ch 118, §79, 85, 89; 2023 Acts, ch 19, §2225

260G.5 Customer tracking system.

All participants in an accelerated career education program shall be included in the customer tracking system implemented by the department of workforce development pursuant to section 84A.5 following program completion.

99 Acts, ch 179, §8, 12

260G.6 Fund established — allocation of moneys.

1. An accelerated career education fund is established in the state treasury under the control of the department of workforce development consisting of moneys appropriated to the fund for purposes of funding the cost of accelerated career education program capital projects.

2. Projects funded pursuant to this section shall be for vertical infrastructure as defined in section 8.57, subsection 3, paragraph "*c*".

3. If moneys are appropriated by the general assembly to support program capital costs, the moneys shall be allocated equally to each community college.

99 Acts, ch 179, §9, 12; 2000 Acts, ch 1154, §19; 2009 Acts, ch 123, §7; 2011 Acts, ch 34, §68; 2011 Acts, ch 118, §80, 85, 89; 2012 Acts, ch 1018, §2; 2012 Acts, ch 1021, §137; 2023 Acts, ch 19, §2226

260G.7 Future program discontinuance. Repealed by 2014 Acts, ch 1092, §152.

260G.8 and 260G.9 Reserved.

260G.10 Reporting. Repealed by 2007 Acts, ch 126, §115.

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CHAPTER 260H

PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT ACT

Referred to in §260C.18A

260H.1	Title.	260H.7	Career pathways and bridge curriculum development program.
260H.2	Pathways for academic career and employment program — fund.	260H.7A	Pathway navigators.
260H.3	Eligibility criteria.	260H.7B	Regional industry sector partnerships. Transferred to §84A.15; 2023 Acts, ch 19, §2197.
260H.4	Program outcomes.		
260H.5	Program component requirements.	260H.8	Rules.
260H.6	Pipeline program.		

260H.1 Title.

This chapter shall be known and may be cited as the *"Pathways for Academic Career and Employment Act"*.

2011 Acts, ch 132, §71, 106

260H.2 Pathways for academic career and employment program — fund.

1. A pathways for academic career and employment program is established to provide funding to community colleges for the development of projects in coordination with the economic development authority, the department of education, the department of workforce development, local workforce development boards established pursuant to section 84A.4, and community partners to implement a simplified, streamlined, and comprehensive process, along with customized support services, to enable eligible participants to acquire effective academic and employment training to secure gainful, quality, in-state employment.

2. *a.* A pathways for academic career and employment fund is created for the community colleges in the state treasury to be administered by the department of education and the department of workforce development. The moneys in the pathways for academic career and employment fund are appropriated to the department of education for the pathways for academic career and employment program.

b. The aggregate total of grants awarded from the pathways for academic career and employment fund during a fiscal year shall not be more than five million dollars.

c. Moneys in the fund shall be allocated pursuant to the formula established in section 260C.18C. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2011 Acts, ch 118, §87, 89; 2011 Acts, ch 132, §72, 106; 2012 Acts, ch 1023, §36; 2013 Acts, ch 141, §42; 2016 Acts, ch 1118, §16, 21; 2023 Acts, ch 19, §2194

260H.3 Eligibility criteria.

1. Projects eligible for funding for the pathways for academic career and employment program shall be projects that further the ability of members of target populations to secure gainful, quality employment. For the purposes of this chapter, *"target population"* includes:

a. Persons deemed low skilled for the purposes of attaining gainful, quality, in-state employment.

b. Persons earning incomes at or below two hundred fifty percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

c. Unemployed persons.

d. Underemployed persons.

e. Dislocated workers, including workers eligible for services and benefits under the federal Trade Adjustment Act of 2002, Pub. L. No. 107-210, as determined by the department of workforce development and the federal internal revenue service.

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2. Projects eligible for funding for the pathways for academic career and employment program shall be projects that further partnerships that link the community colleges to industry and nonprofit organizations and projects that further program outcomes as provided in section 260H.4.

2011 Acts, ch 132, §73, 106; 2013 Acts, ch 141, §43

260H.4 Program outcomes.

Projects eligible for funding for the pathways for academic career and employment program shall be programs which further the following program outcomes:

1. Enabling the target populations to:

a. Acquire and demonstrate competency in basic skills.

b. Acquire and demonstrate competency in a specified technical field.

c. Complete a specified level of postsecondary education.

d. Earn a national career readiness certificate.

e. Obtain employer-validated credentials.

f. Secure gainful employment in high-quality, local jobs.

2. Satisfaction of economic and employment goals including but not limited to:

a. Economic and workforce development requirements in each region served by the community colleges as defined by local workforce development boards established pursuant to section 84A.4.

b. Needs of industry partners in areas including but not limited to:

(1) Information technology.

(2) Health care.

(3) Advanced manufacturing.

(4) Transportation and logistics.

(5) Any other industry designated as in-demand by a local workforce development board established pursuant to section 84A.4.

2011 Acts, ch 132, §74, 106; 2013 Acts, ch 141, §44, 45; 2016 Acts, ch 1118, §17, 18, 21

Referred to in §260H.3

260H.5 Program component requirements.

Program components of a pathways for academic career and employment project implemented at a community college shall:

1. Include measurable and effective recruitment, assessment, and referral activities designed for the target populations.

2. Integrate basics skills and work-readiness training with occupational skills training.

3. Combine customized supportive and case management services with training services to help participants overcome barriers to employment.

4. Provide training services at times, locations, and through multiple, flexible modalities that are easily understood and readily accessible to the target populations. Such modalities shall support timeless entry, individualized learning, and flexible scheduling, and may include online remediation, learning lab and cohort learning communities, tutoring, and modularization.

2011 Acts, ch 132, §75, 106

260H.6 Pipeline program.

Each community college receiving funding for the pathways for academic career and employment program shall develop a pipeline program in order to better serve the academic, training, and employment needs of the target populations. A pipeline program shall have the following goals:

1. To strengthen partnerships with community-based organizations and industry representatives.

2. To improve and simplify the identification, recruitment, and assessment of qualified participants.

3. To conduct and manage an outreach, recruitment, and intake process, along with

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accompanying support services, reflecting sensitivity to the time and financial constraints and remediation needs of the target populations.

4. To conduct orientations for qualified participants to describe regional labor market opportunities, employer partners, and program requirements and expectations.

5. To describe the concepts of the project implemented with funds from the pathways for academic career and employment program and the embedded educational and support resources available through such project.

6. To outline the basic skills participants will learn and describe the credentials participants will earn.

7. To describe success milestones and ways in which temporal and instructional barriers have been minimized or eliminated.

8. To review how individualized and customized service strategies for participants will be developed and provided.

2011 Acts, ch 132, §76, 106

260H.7 Career pathways and bridge curriculum development program.

Each community college receiving funding for the pathways for academic career and employment program shall develop a career pathways and bridge curriculum development program in order to better serve the academic, training, and employment needs of the target populations. A career pathways and bridge curriculum development program shall have the following goals:

1. The articulation of courses and modules, the mapping of programs within career pathways, and establishment of bridges between credit and noncredit programs.

2. The integration and contextualization of basic skills education and skills training. This process shall provide for seamless progressions between adult basic education and general education development programs and continuing education and credit certificate, diploma, and degree programs.

3. The development of career pathways that support the attainment of industry-recognized credentials, diplomas, and degrees through stackable, modularized program delivery.

2011 Acts, ch 132, §77, 106

260H.7A Pathway navigators.

1. A community college may use moneys for the pathways for academic career and employment program to employ pathway navigators to assist students applying for or enrolled in eligible pathways for academic career and employment projects.

2. Pathway navigators shall provide services and support to aid students in selecting pathways for academic career and employment projects that will result in gainful, quality, in-state employment and to ensuring students are successful once enrolled in pathways for academic career and employment projects. Services the pathway navigators may provide include but are not limited to the following:

a. Interviewing and selecting students for enrollment in pathways for academic career and employment projects.

b. Assessing students' skills, interests, and previous academic and work experience for purposes of placement in pathways for academic career and employment projects.

c. Working with students to develop academic and career plans and to adjust such plans as needed.

d. Assisting students in applying for and receiving resources for financial aid and other forms of tuition assistance.

e. Assisting students with the admissions process, remedial education, academic credit transfer, meeting assessment requirements, course registration, and other procedures necessary for successful completion of pathways for academic career and employment projects.

f. Assisting in identifying and resolving obstacles to students' successful completion of pathways for academic career and employment projects.

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g. Connecting students with useful college resources or outside support services such as access to child care, transportation, and tutorial assistance, as needed.

h. Maintaining ongoing contact with students enrolled in pathways for academic career and employment projects and ensuring students are making satisfactory progress toward the successful completion of projects.

i. Providing support to students transitioning from remedial education, short-term training, and classroom experience to employment.

j. Coordinating activities with community-based organizations that serve as key recruiters for pathways for academic career and employment projects and assisting students throughout the recruitment process.

k. Coordinating adult basic education services.

2013 Acts, ch 141, §46

260H.7B Regional industry sector partnerships. Transferred to §84A.15; 2023 Acts, ch 19, §2197.

260H.8 Rules.

The department of education, in consultation with the community colleges, the economic development authority, and the department of workforce development, shall adopt rules pursuant to chapter 17A to implement this chapter. Local workforce development boards established pursuant to section 84A.4 shall be consulted in the development and implementation of rules adopted pursuant to this section.

2011 Acts, ch 118, §87, 89; 2011 Acts, ch 132, §78, 106; 2012 Acts, ch 1023, §37; 2016 Acts, ch 1118, §19, 21; 2023 Acts, ch 19, §2196

CHAPTER 260I

GAP TUITION ASSISTANCE ACT

Referred to in §260C.18A

260I.1 Title.
260I.2 Gap tuition assistance program — fund.
260I.3 Applicants for tuition assistance — eligibility criteria.
260I.4 Applicants for tuition assistance — additional provisions.
260I.5 Eligible costs.
260I.6 Eligible certificate programs.
260I.7 Initial assessment. Repealed by 2023 Acts, ch 111, §32.
260I.8 Program interview.
260I.9 Participation requirements.
260I.10 Oversight.
260I.11 Rules.

260I.1 Title.

This chapter shall be known and may be cited as the "*Gap Tuition Assistance Act*".

2011 Acts, ch 132, §79, 106

260I.2 Gap tuition assistance program — fund.

1. A gap tuition assistance program is established to provide funding to community colleges for need-based tuition assistance to applicants to enable completion of continuing education certificate training programs for in-demand occupations.

2. *a.* There is established for the community colleges a gap tuition assistance fund in the state treasury to be administered by the department of education. The funds in the gap tuition assistance fund are appropriated to the department of education for the gap tuition assistance program.

b. The aggregate total of grants awarded from the gap tuition assistance fund during a fiscal year shall not be more than two million dollars.

c. Except as provided in section 260I.10, subsection 4, moneys in the fund shall be allocated pursuant to the formula established in section 260C.18C. Notwithstanding section

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8.33, moneys in the fund at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for the purpose designated for subsequent fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2011 Acts, ch 132, §80, 106; 2012 Acts, ch 1132, §18; 2019 Acts, ch 135, §21
Referred to in §260I.10

260I.3 Applicants for tuition assistance — eligibility criteria.

1. The state board of education shall adopt rules pursuant to chapter 17A defining eligibility criteria for persons applying to receive tuition assistance under this chapter.

2. *a.* An applicant for tuition assistance under this chapter must have a demonstrated capacity to achieve the following outcomes:

(1) The ability to complete an eligible certificate program.

(2) The ability to enter a postsecondary certificate, diploma, or degree program for credit.

(3) The ability to gain full-time employment.

(4) The ability to maintain full-time employment over time.

b. The community college receiving the application shall only approve an applicant for tuition assistance under this chapter if the community college determines the applicant has a strong likelihood of achieving the outcomes described in paragraph *"a"* after considering factors including but not limited to:

(1) Barriers that may prevent an applicant from completing the certificate program.

(2) Barriers that may prevent an applicant from gaining employment in an in-demand occupation.

3. Applicants may be found eligible for partial or total tuition assistance.

4. The community college receiving the application may limit an applicant to one eligible certificate program or to eligible programs within one career pathway, based on the funding available to the community college for purposes of this program.

2011 Acts, ch 118, §87, 89; 2011 Acts, ch 132, §81, 106; 2015 Acts, ch 140, §44, 58, 59; 2019 Acts, ch 135, §22 – 24; 2020 Acts, ch 1063, §101; 2023 Acts, ch 111, §28

260I.4 Applicants for tuition assistance — additional provisions.

1. Only an applicant eligible to work in the United States shall be approved for tuition assistance under this chapter.

2. An application shall be valid for six months from the date of signature on the application.

3. Eligibility for tuition assistance under this chapter shall not be construed to guarantee enrollment in any community college certificate program.

2011 Acts, ch 132, §82, 106; 2013 Acts, ch 141, §48; 2015 Acts, ch 140, §45, 58, 59; 2019 Acts, ch 135, §25; 2023 Acts, ch 111, §29

260I.5 Eligible costs.

Costs of a certificate program eligible for coverage by tuition assistance shall include but are not limited to:

1. Tuition.

2. Direct training costs and support services.

3. Required books and equipment.

4. Fees including but not limited to fees for industry testing services and background check testing services.

5. Costs of providing direct staff support services including but not limited to marketing, outreach, application, interview, and assessment processes. Eligible costs for this purpose shall be limited to twenty percent of any allocation of moneys to the two smallest community colleges, ten percent of any allocation of moneys to the two largest community colleges, and fifteen percent of any allocation of moneys to the remaining eleven community colleges. Community college size shall be determined based on the most recent three-year rolling average full-time equivalent enrollment.

2011 Acts, ch 132, §83, 106; 2013 Acts, ch 141, §49; 2023 Acts, ch 111, §30

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260I.6 Eligible certificate programs.

For the purposes of this chapter, *"eligible certificate program"* means a program meeting all of the following criteria:

1. The program is aligned with a certificate, diploma, or degree for credit; is either not offered for credit or is offered for short-term credit that is not eligible under the federal Pell grant program; and does any of the following:

a. Offers a state, national, or locally recognized certificate.

b. Offers preparation for a professional examination or licensure.

c. Provides endorsement for an existing credential or license.

d. Represents recognized skill standards defined by an industrial sector.

e. Offers a similar credential or training.

2. The program offers training or a credential in an in-demand occupation. For the purposes of this chapter, *"in-demand occupation"* includes occupations in the following industries:

a. Information technology.

b. Health care.

c. Advanced manufacturing.

d. Transportation and logistics.

e. Any other industry designated as in-demand by a local workforce development board established pursuant to section 84A.4.

2011 Acts, ch 132, §84, 106; 2016 Acts, ch 1118, §20, 21; 2023 Acts, ch 111, §31; 2026 Acts, ch 1040, §67

Subsection 1, unnumbered paragraph 1 amended

260I.7 Initial assessment. Repealed by 2023 Acts, ch 111, §32.

260I.8 Program interview.

An applicant for tuition assistance under this chapter shall meet with a member of the staff for an eligible certificate program offered by the community college receiving the application. The staff member shall discuss the relevant industry, any applicable occupational research, and any applicable training relating to the eligible certificate program. The discussion shall include an evaluation of the applicant's capabilities, needs, family situation, work history, educational background, attitude and motivation, employment skills, vocational and technical potential, and employment barriers. The discussion shall also include potential start dates, support needs, and other requirements for an eligible certificate program.

2011 Acts, ch 132, §86, 106; 2016 Acts, ch 1108, §59

260I.9 Participation requirements.

1. A participant in an eligible certificate program who receives tuition assistance pursuant to this chapter shall do all of the following:

a. Maintain regular contact with staff members for the certificate program to document the applicant's progress in the program.

b. Sign a release form to provide relevant information to community college faculty or case managers.

c. Discuss with staff members for the certificate program any issues that may impact the participant's ability to complete the certificate program, obtain employment, and maintain employment over time.

d. Attend all required courses regularly.

e. Meet with staff members for the certificate program to develop a job search plan.

2. A community college may terminate tuition assistance for a participant who fails to meet the requirements of this section.

2011 Acts, ch 132, §87, 106

260I.10 Oversight.

1. The department of education, in coordination with the community colleges, shall establish a steering committee. The steering committee shall determine if the performance

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measures of the gap tuition assistance program are being met and shall take necessary steps to correct any deficiencies. The steering committee shall meet at least quarterly to evaluate and monitor the performance of the gap tuition assistance program.

2. The department of education, in coordination with the community colleges, shall develop a common intake tracking system that shall be implemented consistently by each participating community college.

3. The department of education shall coordinate statewide oversight, evaluation, and reporting efforts for the gap tuition assistance program.

4. The department of education, in coordination with the community colleges, may adjust the allocations generated pursuant to section 260I.2, subsection 2, paragraph "*c*", to ensure efficient delivery of services.

2011 Acts, ch 132, §88, 106; 2019 Acts, ch 135, §27; 2020 Acts, ch 1063, §385, 391, 392
Referred to in §260I.2

260I.11 Rules.

The state board of education, in consultation with the community colleges, shall adopt rules pursuant to chapter 17A and this chapter to implement the provisions of this chapter.

2011 Acts, ch 118, §87, 89; 2011 Acts, ch 132, §89, 106; 2019 Acts, ch 135, §28

CHAPTER 260J

NEW JOBS TRAINING PROJECT FUNDING — CREDITS AND LOANS

260J.1 Supplemental new jobs credit from withholding.
260J.2 Loans payable from new jobs credit from withholding.

260J.1 Supplemental new jobs credit from withholding.

In order to promote the creation of additional high-quality new jobs within the state, an agreement under section 260E.3 may include a provision for a supplemental new jobs credit from withholding from jobs created under the agreement. A provision in an agreement for which a supplemental credit from withholding is included shall provide for the following:

1. That the project shall be administered in the same manner as a project under chapter 260E and that a supplemental new jobs credit from withholding in an amount equal to one and one-half percent of the gross wages paid by the employer pursuant to section 422.16 is authorized to fund the program services for the additional project.

2. That the supplemental new jobs credit from withholding shall be collected, accounted for, and may be pledged by the community college in the same manner as described in section 260E.5.

3. That the employer shall agree to pay wages for the jobs for which the credit is taken of at least the laborshed wage. For purposes of this subsection, *"laborshed wage"* means the wage level represented by those wages within two standard deviations from the mean wage within the laborshed area in which the eligible business is located, as calculated by the department of workforce development by rule, using the most current covered wage and employment data available to the department for the laborshed area. Eligibility for the supplemental credit shall be based on a one-time determination of starting wages by the community college.

4. To provide funds for the payment of the costs of the additional project, a community college may borrow money, issue and sell certificates, and secure the payment of the certificates in the same manner as described in section 260E.6, including, but not limited to, providing the assessment of an annual levy as described in section 260E.6, subsection 4. The program and credit authorized by this section are in addition to, and not in lieu of, the program and credit authorized in chapter 260E.

96 Acts, ch 1180, §8
C97, §15A.7

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97 Acts, ch 23, §6; 2002 Acts, ch 1050, §3; 2009 Acts, ch 123, §25; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1126, §15; 2023 Acts, ch 19, §2201, 2205
C2024, §260J.1
Referred to in §260J.2, 422.16A

260J.2 Loans payable from new jobs credit from withholding.

1. As an additional means to provide moneys for the payment of the costs of a new jobs training project or multiple projects under chapter 260E and this chapter, a community college may make an advance or loan, including an interfund transfer or a loan from moneys on hand and legally available, to be paid from the same sources and secured in the same manner as certificates described in sections 260J.1 and 260E.6.

2. Revenues from a job training agreement received prior to the completion by a business of its repayment obligation for a project and not pledged to certificates, loans, or advances, and not necessary for the payment of principal and interest maturing on such certificates, loans, or advances, may be applied by the community college to the reduction of any other outstanding certificates, loans, or advances.

98 Acts, ch 1225, §22
C99, §15A.8
2023 Acts, ch 19, §2205
C2024, §260J.2
Referred to in §422.16A

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SUBTITLE 3

HIGHER EDUCATION

CHAPTER 261

COLLEGE STUDENT AID COMMISSION

Transferred to chapter 256, subchapter VII, part 4, pursuant to directive; 2023 Acts, ch 19, §2641
Former §261.114 repealed by its own terms effective July 1, 2023; 2018 Acts, ch 1163, §19
Continuity of scholarships, loans, or grants awarded by college student aid commission prior to July 1, 2023; use of federal funds to employ personnel necessary for program administration; 2023 Acts, ch 19, §2642

CHAPTER 261A

HIGHER EDUCATION LOAN AUTHORITY (PRIVATE INSTITUTIONS)

Referred to in §12.28, 12.30

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SUBCHAPTER I

GENERAL PROVISIONS

261A.1 Short title and citation.

This chapter may be cited as the *"Iowa Higher Education Loan Authority Act"*.

[82 Acts, ch 1031, §1]

Referred to in §261A.24

261A.2 Declaration of purpose.

It is declared that for the benefit of the people of the state of Iowa, the conduct and increase of their commerce, the protection and enhancement of their welfare, the development of continued prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities and skills; that to achieve these ends it is of the utmost importance that students attending institutions of higher education located in Iowa have reasonable financial alternatives to enhance their access to such institutions; that reasonable financial access to institutions of higher education will assist youth in achieving the optimum levels of learning and development of their intellectual and mental capacities and skills; that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable students and the families of students attending institutions of higher education located in Iowa to appropriately and prudently finance the cost or a portion of the cost of higher education; and that it is the intent of this chapter to supplement federal guaranteed higher education loan programs, other student loan programs, and grant or scholarship programs to provide the needed additional options for the financing of a student's higher education in execution of the public policy set forth above.

[82 Acts, ch 1031, §2]

Referred to in §261A.24

261A.3 Legislative findings.

The general assembly finds as follows:

1. The establishment of the authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their education, health and welfare, and for the promotion of the economy, which are public purposes.
2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by this chapter.
3. There exists a serious problem in this state regarding the ability of students to obtain financing for the cost of education beyond the high school level.
4. Escalating costs of securing such an education have contributed to the difficulties faced by students in attempting to finance an education.
5. Without public action as contemplated by this chapter, many students will be forced to postpone or abandon plans for obtaining additional education.
6. It is in the interests and welfare of the citizens of the state to provide a means for assisting students to continue their education.
7. Without public action as contemplated by this chapter, the inability to obtain educational financing will result in declining enrollments at institutions of higher education.
8. It is necessary to create a higher education loan authority to encourage the investment of private capital in the provision of funds for the financing of student loans.
9. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

[82 Acts, ch 1031, §3]

Referred to in §261A.24

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261A.4 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Authority"* means the Iowa higher education loan authority created by this chapter, and *"members of the authority"* means those persons appointed to the authority pursuant to section 261A.6.

2. *"Authority loans"* means loans by the authority to institutions of higher education for the purpose of funding education loans.

3. *"Bond resolution"* means a resolution of the authority and the trust agreement, if any, and any supplements or amendments to the resolution and agreement, authorizing the issuance of and providing for the terms and conditions applicable to obligations.

4. *"Bond service charges"* means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the authority on obligations.

5. *"Borrower"* means a student who has received an education loan or a parent who has received or agreed to pay an education loan.

6. *"Cost of attendance"* means the amount defined by the institution for the purpose of the guaranteed student loan program as defined under Tit. IV, part B, of the Higher Education Act of 1965, as amended.

7. *"Default insurance"* means insurance insuring education loans, authority loans, or obligations against default.

8. *"Default reserve fund"* means a fund established pursuant to a bond resolution for the purpose of securing education loans, authority loans, or obligations.

9. *"Education loan"* means a loan which is made by an institution to a student or parents of a student, or both, in amounts not in excess of the maximum amounts specified in rules adopted by the authority under chapter 17A to finance all or a portion of the cost of the student's attendance at the institution.

10. *"Education loan series portfolio"* means all education loans made by a specific institution which are funded from the proceeds of an authority loan to the institution from the proceeds of a related specific issue of obligations through the authority.

11. *"Governmental agency"* means the state or a state department, division, commission, institution, or authority, an agency, city, county, township, school district, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or a department, division, or agency of the United States, and an agency, commission, or authority established pursuant to an interstate compact or agreement.

12. *"Institution"* means a nonprofit educational institution located in Iowa not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or city of the state, which is authorized by law to provide a program of education beyond the high school level and which meets all of the following requirements:

a. Admits as regular students only individuals having a certificate of graduation from high school, or the recognized equivalent of such a certificate.

b. Provides an educational program for which it awards a baccalaureate degree; or provides an educational program which conditions admission upon the prior attainment of a baccalaureate degree or its equivalent, for which it awards a postgraduate degree; or provides not less than a two-year program which is acceptable for full credit toward a baccalaureate degree, or offers not less than a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

c. Is accredited by a nationally recognized accrediting agency or association or, if not accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are accredited.

d. Does not discriminate in the admission of students on the basis of age, race, creed, color, sex, national origin, religion, or disability.

e. Has a governing board which possesses its own sovereignty.

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f. Has a governing board, or delegated institutional officials, which possess final authority in all matters of local control, including educational policy, choice of personnel, determination of program, and financial management.

13. *"Loan funding deposit"* means money or other property that is deposited:

a. By an institution with the authority or a trustee.

b. In amounts deemed necessary by the authority as a condition for the institution's participation in the authority's programs.

c. For the purpose of one or more of the following:

(1) Providing security for obligations.

(2) Funding a default reserve fund.

(3) Acquiring default insurance.

(4) Defraying costs of the authority.

14. *"Obligations"* means bonds, notes, or other evidences of indebtedness of the authority, including interest coupons pertaining thereto, issued under this chapter, including refunding bonds.

15. *"Parent"* means a parent or guardian of a student at an institution.

16. *"Person"* means a public or private person, firm, partnership, association, corporation or other body.

[82 Acts, ch 1031, §4]
2008 Acts, ch 1031, §43
Referred to in §261A.24

261A.5 Creation as public instrumentality.

The Iowa higher education loan authority is created as a body politic and corporate. The authority is a public instrumentality and the exercise by the authority of the powers conferred by this chapter is the performance of an essential public function. The authority is attached to the college student aid commission for organizational and administrative purposes.

[82 Acts, ch 1031, §5]
86 Acts, ch 1245, §1455; 90 Acts, ch 1253, §122; 2024 Acts, ch 1043, §78
Referred to in §261A.24

261A.6 Membership of authority.

1. The authority consists of five members to be appointed by the governor subject to confirmation by the senate. The powers of the authority are vested in and exercised by the members of the authority. Each member of the authority shall be a resident of the state and not more than three members shall be members of the same political party.

2. *a.* For members appointed prior to July 1, 2024, members of the authority shall be appointed by the governor for terms of six years beginning and ending as provided in section 69.19. A member of the authority is eligible for reappointment.

b. For members appointed on or after July 1, 2024, members of the authority shall be appointed by the governor for terms of four years beginning and ending as provided in section 69.19. A member of the authority shall not serve more than two full terms.

c. The governor shall fill a vacancy for the remainder of the unexpired term. A member of the authority may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless the notice and hearing are waived by the member in writing.

3. The members of the authority shall annually elect one of the members as chairperson and one as vice chairperson. The members of the authority may appoint an executive director, an assistant executive director, and other officers as the members of the authority determine. The officers shall not be members of the authority, shall serve at the pleasure of the authority, and shall receive compensation as fixed by the authority.

4. The executive director or assistant executive director or other person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The executive director, assistant executive director, or other person may cause copies to be made of minutes and other records and

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documents of the authority and may give certificates under the official seal of the authority that the copies are true copies, and persons dealing with the authority may rely upon the certificates.

5. Three members of the authority constitute a quorum. The affirmative vote of a majority of the members of the authority is necessary for any action taken by the authority. The majority shall not include a member who has a conflict of interest and a statement by a member of a conflict of interest is conclusive for this purpose. A vacancy in the membership of the authority does not impair the right of a quorum to exercise the rights and perform the duties of the authority. An action taken by the authority under this chapter may be authorized by resolution at a regular or special meeting, and each resolution shall take effect immediately and need not be published or posted, except as provided in section 261A.25. Meetings of the authority shall be held at the call of the chairperson or at the request of two members.

6. The members of the authority shall not receive compensation for the performance of their duties as members but each member shall be paid necessary expenses while engaged in the performance of duties of the authority.

7. The members of the authority shall give bond as required for public officers in chapter 64.

8. The members of the authority are subject to and are officials within the meaning of chapter 68B.

9. Notwithstanding chapter 68B or any other laws to the contrary, it is not a conflict of interest or violation of a law for a trustee, director, officer, or employee of a participating institution or for a person having a favorable reputation for skill, knowledge, and experience in state and municipal finance or for a person having a favorable reputation for skill, knowledge, and experience in the higher education loan finance field to serve as a member of the authority. However, in each case to which this chapter is applicable, the trustee, director, officer, or employee of the participating institution shall abstain from discussion, deliberation, action, and vote by the authority in respect to an undertaking pursuant to this chapter in which the participating institution of higher education has an interest; and the person having a favorable reputation for skill, knowledge, and experience in state and municipal finance shall abstain from discussion, deliberation, action, and vote by the authority in respect to a sale, purchase, or ownership of obligations of the authority in which an investment banking firm or insurance company or bank of which the person is a partner, officer, or employee has or may have a current or future interest; and the person having a favorable reputation for skill, knowledge, and experience in the higher education loan finance field shall abstain from discussion, deliberation, action, and vote by the authority in respect to an action of the authority in which a partnership, firm, joint venture, sole proprietorship, or corporation of which the person is an owner, venturer, participant, partner, officer, or employee has or may have a current or future interest.

10. All employees of the authority are exempt from chapter 8A, subchapter IV, and chapter 97B.

[82 Acts, ch 1031, §6, 28]
86 Acts, ch 1245, §843; 2003 Acts, ch 145, §229; 2024 Acts, ch 1170, §295
Referred to in §261A.4, 261A.24
Confirmation, see §2.32

261A.7 Duties of authority.

The authority shall:

1. Adopt rules for the regulation of its affairs and the conduct of its business.
2. Adopt an official seal and alter the seal at pleasure.
3. Maintain an office at a place or places it designates.
4. *a.* Establish criteria for and guidelines encompassing the types of and qualifications for education loan financing programs. The authority may issue obligations for the purpose of making authority loans to institutions participating in a program of the authority for the purpose of providing education loans. The criteria and guidelines established by the authority for its education loan financing programs include eligibility standards for

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borrowers the authority determines are necessary or desirable in order to effectuate the purposes of this chapter, including the following:

(1) Each student shall have a certificate of admission or enrollment at a specific participating institution.

(2) Each student or the student's parents shall satisfy financial qualifications the authority establishes to effectuate the purposes of this chapter.

(3) Each student and the student's parents shall submit information required by the authority to the applicable institution.

b. The authority may contract with financial institutions and other qualified loan origination and servicing organizations, which shall assist in prequalifying borrowers for education loans and which shall service and administer each education loan and each institution's respective loan series portfolio. Each education loan's fees shall include a portion, if necessary, to cover the applicable pro rata cost of a servicing organization.

c. The authority may establish criteria governing the eligibility of institutions to participate in its programs, the making of authority loans and education loans, provisions for default, the establishment of default reserve funds, the purchase of default insurance, the provision of prudent debt service reserves, and the furnishing by participating institutions of higher education of additional guarantees of the education loans, authority loans, or obligations that the authority determines necessary. Criteria shall be established to assure the marketability of the obligations and the adequacy of the security for the obligations.

d. The authority shall establish limitations upon the principal amounts and the terms of education loans, criteria regarding the qualifications and characteristics of borrowers and procedures for allocating authority loans among institutions eligible for its program in order to effectuate the purposes of this chapter.

5. Issue obligations for its corporate purposes and fund or refund the obligations as provided in this chapter.

6. Fix and revise from time to time and charge and collect rates, fees, and charges for the services furnished or to be furnished by the authority, and contract with persons in respect to the services, including financial institutions, loan originators, servicers, administrators, issuers of letters of credit, and insurers.

7. Establish rules under chapter 17A with respect to authority loans, education loans, and education loan series portfolios.

8. Receive and accept from any source, loans, contributions or grants for or in aid of an authority education loan financing program or any portion of a program and, when required, use the funds, property, or labor only for the purposes for which it was loaned, contributed, or granted.

9. Make authority loans to institutions and require that the proceeds of the authority loans be used for making education loans and paying costs and fees in connection with the education loans.

10. Charge to and apportion among participating institutions its administrative and operating costs and expenses incurred in the exercise of its powers and duties.

11. Borrow working capital funds and other funds as necessary for start-up and continuing operations, provided that the funds are borrowed in the name of the authority only. Borrowings are limited obligations of the character described in section 261A.12 and are payable solely from revenues of the authority or the proceeds of obligations pledged for that purpose.

12. Notwithstanding other provisions in this chapter, commingle and pledge as security for a series or issue of obligations, with the consent of all of the institutions which are participating in the series or issue, the education loan series portfolios and some or all future education loan series portfolios of the institutions, and the loan funding deposits of the institutions. However, the education loan series portfolios and other security and moneys set aside in a fund or funds pledged for a series or issue of obligations shall be held for the sole benefit of the series or issue separate and apart from education loan series portfolios and other security and moneys pledged for any other series or issue of obligations. Obligations may be issued in series under one or more resolutions or trust agreements in the discretion of the authority.

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13. Examine records and financial reports of participating institutions, and examine records and financial reports of a contractor organization or institution retained by the authority.

14. Require that authority loans be used solely to make education loans. The authority shall require that institutions require that each borrower under an education loan use the proceeds solely for the cost of attendance and that each borrower certify as to the use of the proceeds.

15. Authorize its officers, agents, and employees to take any other action and do all things necessary or desirable in order to carry out the purposes of this chapter.

[82 Acts, ch 1031, §7]
2009 Acts, ch 41, §263
Referred to in §261A.24

261A.8 Powers of authority.

The authority may:

1. Sue and be sued in its own name, plead and be impleaded.

2. Employ consultants, attorneys, accountants, financial experts, loan processors, bankers, managers, and other employees and agents necessary in the authority's judgment, and fix their compensation.

3. When refunding obligations are issued to refund obligations, the proceeds of which were used to make authority loans, reduce the amount it is owed by the institutions which had received authority loans from the proceeds of the refunded obligations. The institutions may use this reduced amount to reduce the amount of interest being paid on education loans which the institutions had made pursuant to the authority loans from the proceeds of the refunded obligations.

[82 Acts, ch 1031, §8]
Referred to in §261A.24

261A.9 Expenses of authority — limitation of liability.

Expenses incurred in carrying out this chapter are payable solely from funds provided under this chapter and, except as specifically authorized under this chapter, a liability shall not be incurred by the authority beyond the extent to which moneys have been provided under this chapter.

[82 Acts, ch 1031, §9]
Referred to in §261A.24

261A.10 Acquisition of moneys, endowments, properties, and guarantees.

The authority may establish guidelines relating to the deposits of moneys, endowments, or properties by institutions which would provide prudent security for education loan funding programs, authority loans, education loans, or for obligations and may establish guidelines relating to guarantees of or contracts to purchase education loans or obligations by the institutions or by financial institutions or others. A default reserve fund may be established for each series or issue of obligations. The authority may receive moneys, endowments, properties, and guarantees it deems appropriate and, if necessary, may take title in the name of the authority or in the name of a participating institution or a trustee.

[82 Acts, ch 1031, §10]
Referred to in §261A.24

261A.11 Conveyance of loan funding deposit after payment of principal and interest.

When the principal of and interest on obligations of the authority issued to finance the cost of an education loan financing program or programs, including any refunding obligations issued to refund and refinance the obligations, have been fully paid and retired or when adequate provision has been made to fully pay and retire the obligations of the authority, and all other conditions of the bond resolution have been satisfied and the lien created by the bond resolution has been released in accordance with its provisions, the authority shall promptly perform functions and execute deeds and conveyances necessary and required to convey remaining moneys, properties, and other assets comprising loan funding deposits

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to the institutions which furnished the loan funding deposits in proportion to the amounts furnished by the respective institutions.

[82 Acts, ch 1031, §11]
Referred to in §261A.24

261A.12 Obligations.

1. The authority may from time to time issue obligations for any corporate purpose and the obligations of the authority are declared to be negotiable for all purposes notwithstanding their payment from limited sources and without regard to any other law.

2. The authority shall not have outstanding at any one time obligations in an aggregate principal amount exceeding one hundred million dollars excluding obligations issued to refund the obligations of the authority.

3. Each issue of obligations is payable solely out of revenues of the authority pertaining to the program relating to the issue, including principal and interest on authority loans and education loans; payments by institutions of higher education, banks, insurance companies, or others pursuant to letters of credit or purchase agreements; investment earnings from funds or accounts maintained pursuant to the bond resolution; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding obligations; and fees, charges, and other revenues of the authority from the program.

4. Obligations may be issued as serial obligations or as term obligations, or both. Obligations shall be authorized by a bond resolution of the authority and shall bear dates, mature at times not later than the year following the last year in which the final payments in an education loan series portfolio are due, or thirty years, whichever is sooner, from their respective dates of issue, bear interest at rates, be payable at times, be in denominations, be in a form, either coupon or fully registered, carry registration and conversion privileges, be payable in lawful money of the United States of America, and be subject to terms of redemption as the bond resolution provides. Obligations shall be executed by the manual or facsimile signatures of officers of the authority designated by the authority. Obligations shall be sold in a manner and at prices as the authority determines.

5. A bond resolution may contain provisions, which shall be a part of the contract with the holders of the obligations to be authorized, as to all of the following:

a. Pledging or assigning the revenues derived from the authority loans and education loans with respect to which the obligations are to be issued.

b. The fees and other amounts to be charged, and the sums to be raised in each year, and the use, investment, and disposition of the sums.

c. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of insurance accounts, and sinking funds, and their regulation, investment, and disposition.

d. Limitations on the use of the education loans.

e. Limitations on the purpose to which or the investments in which the proceeds of sale of an issue of obligations then or thereafter to be issued may be applied.

f. Limitations on the issuance of additional obligations, the terms upon which additional obligations may be issued and secured, the terms upon which additional obligations may rank on a parity with, or be subordinate or superior to, other obligations.

g. The refunding of outstanding obligations.

h. The procedure, if any, by which the terms of a contract with holders of obligations may be amended or abrogated, the amount of obligations to which the holders must consent to the amendment or abrogation, and the manner in which the consent may be given.

i. Defining the acts or omissions to act which constitute a default in the duties of the authority to holders of obligations and providing the rights or remedies of holders in the event of a default.

j. Providing for guarantees, pledges, endowments, letters of credit, property, or other security for the benefit of the holders of the obligations.

k. Any other matters relating to the obligations which the authority deems desirable.

6. Neither the members of the authority nor a person executing the obligations is liable

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personally on the obligations or subject to personal liability or accountability by reason of their issuance.

7. The authority may purchase its obligations out of funds available. The authority may hold, pledge, cancel, or resell obligations subject to and in accordance with agreements with holders of obligations.

8. The authority may refund any of its obligations. Refunding obligations shall be issued in the same manner as other obligations of the authority.

[82 Acts, ch 1031, §12]
Referred to in §261A.7, 261A.24

261A.13 Trust agreement to secure obligations.

In the discretion of the authority, obligations may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be a trust company or bank located in the state of Iowa that has the powers of a trust company. The bond resolution shall pledge the revenues to be received by the authority, may contain provisions for protecting and enforcing the rights and remedies of the holders of obligations as reasonable and proper and not in violation of law, including provisions that have been authorized to be included in any bond resolution of the authority, and may restrict the individual right of action by holders of obligations. A trust agreement may contain other provisions the authority deems reasonable and proper for the security of the holders of obligations. Expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of an education loan program.

[82 Acts, ch 1031, §13]
Referred to in §261A.24

261A.14 Payment of obligations — nonliability of state.

1. Obligations are obligations of the authority only, and not of the state of Iowa. Each obligation shall state upon its face that it represents and constitutes a debt of the authority, but not of the state of Iowa within the meaning of any constitutional or statutory limitation, and that it does not constitute a pledge of the full faith and credit of the authority or of the state of Iowa. The obligations shall not grant to the owners or holders of the obligations the right to have the authority or the state levy taxes or appropriate funds for the payment of the principal or interest on the obligations. The obligations are payable, and shall state that they are payable, solely from the revenues pledged for their payment in accordance with the bond resolution.

2. This chapter does not authorize the authority or any department, board, commission, or other agency to create an obligation of the state within the meaning of the Constitution or laws of the State of Iowa.

[82 Acts, ch 1031, §14]
2006 Acts, ch 1010, §80
Referred to in §261A.24

261A.15 Pledge of revenues.

1. The authority shall fix, revise, charge, and collect fees and may contract with a person to do so. Each agreement entered into by the authority with an institution shall provide that the fees and other amounts payable by the institution of higher education with respect to a program of the authority are sufficient at all times to meet all of the following:

a. To pay its share of the administrative costs and expenses of the program.

b. To pay the principal of, the premium, if any, and the interest on outstanding obligations of the authority, issued in respect of the program to the extent that other revenues of the authority pledged for the payment of the obligations are insufficient to pay the obligations as they become due and payable.

c. To create and maintain reserves which may but need not be required or provided for in the bond resolution relating to the obligations of the authority.

d. To establish and maintain whatever education loan servicing, control, or audit procedures are deemed by the authority to be necessary to the prudent operation of the authority.

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2. The authority shall pledge the revenues from each program as security for the issue of obligations relating to the program. A pledge is valid and binding from the time when the pledge is made, the revenues pledged by the authority are immediately subject to the lien of the pledge without physical delivery of the pledge or further act, and the lien of the pledge is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority or a participating institution, irrespective of whether the parties have notice of the lien. The bond resolution and a financing statement, continuation statement, or other instrument by which the authority's interest in revenues is assigned need not be filed or recorded in public records in order to perfect the lien against third parties except that a copy of it shall be filed in the records of the authority and with the treasurer of state.

[82 Acts, ch 1031, §15]
2010 Acts, ch 1061, §180
Referred to in §261A.24

261A.16 Funds for sales of obligations as trust funds — application of funds.

Moneys received by or on behalf of the authority under this chapter, whether as proceeds from the sale of obligations or as revenues, are trust funds to be held and applied as provided in this chapter. An officer with whom, or a bank or trust company with which the moneys are deposited shall act as trustee of the moneys and shall hold and apply the moneys for the purposes of this chapter, subject to rules that this chapter and the bond resolution authorizing the obligations of an issue may provide.

[82 Acts, ch 1031, §16]
Referred to in §261A.24

261A.17 Rights of holders of obligations.

A holder of obligations or a trustee under a trust agreement entered into pursuant to this chapter, except to the extent that their rights are restricted by a bond resolution, may, by any suitable form of legal proceedings, protect and enforce rights under the laws of this state or granted by the bond resolution, may enjoin unlawful activities, and if there is a default on the payment of the principal of, premiums, if any, and interest on an obligation or in the performance of a covenant or agreement on the part of the authority in the bond resolution, may apply to the district court to appoint a receiver to administer and operate the education loan program, the revenues of which are pledged to the payment of principal of, premium, if any, and interest on the obligations, with full power to pay, and to provide for payment of principal of, premium, if any, and interest on the obligations, and with powers, subject to the direction of the court, as permitted by law and accorded to receivers, excluding the power to pledge additional revenues of the authority to the payment of the principal, premium, and interest.

[82 Acts, ch 1031, §17]
Referred to in §261A.24

261A.18 Refunding bonds — purpose — proceeds — investment of proceeds.

1. The authority may issue its obligations for the purpose of refunding obligations then outstanding, including the payment of a redemption premium on the obligations and interest accrued or to accrue to the earliest or a subsequent date of redemption, purchase, or maturity of the obligations.

2. The proceeds of obligations issued for the purpose of refunding outstanding obligations may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of the outstanding obligations either on their earliest or a subsequent redemption date or upon the purchase or at the maturity of the obligations and may, pending an application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on a date determined by the authority.

3. Any escrowed proceeds, pending their use, may be invested and reinvested in direct obligations of the United States of America, maturing at times as appropriate to assure the prompt payment of the principal of and interest and redemption premium, if any, on the outstanding obligations to be refunded. The interest, income, and profits, if any, earned or realized on an investment may also be applied to the payment of the outstanding obligations

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to be refunded. After the terms of the escrow have been fully satisfied and carried out, a balance of the proceeds and interest, income, and profits, if any, earned or realized on the investments shall be returned to the institution of higher education for use by it in any lawful manner.

4. Refunding obligations are subject to this chapter in the same manner and to the same extent as other obligations issued pursuant to this chapter.

[82 Acts, ch 1031, §18]
Referred to in §261A.19, 261A.24

261A.19 Investment of funds of authority.

Except as otherwise provided in section 261A.18, subsection 3, the authority may invest funds in direct obligations of the United States of America; obligations for which the timely payment of principal and interest is fully guaranteed by the United States of America; obligations of the federal intermediate credit banks, federal banks for cooperatives, federal land banks, federal home loan banks, federal national mortgage association, government national mortgage association and the student loan marketing association; certificates of deposit or time deposits constituting direct obligations of a bank as defined by chapter 524; and in withdrawable capital accounts or deposits of federal chartered savings associations which are insured by the federal deposit insurance corporation. However, investments may be made only in certificates of deposit or time deposits in banks which are insured by the federal deposit insurance corporation if then in existence. Securities authorized in this section may be purchased at the offering or market price at the time of the purchase. The securities purchased shall mature or be redeemable on dates prior to the time when, in the judgment of the authority, the funds invested will be required for expenditure. The judgment of the authority as to the time when funds will be required for expenditure or be redeemable is final.

[82 Acts, ch 1031, §19]
2012 Acts, ch 1017, §66
Referred to in §261A.24

261A.20 Obligations as legal investments.

Banks, bankers, trust companies, federally chartered savings associations, investment companies, and other persons carrying on a banking or investment business, insurance companies and insurance associations, and executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, moneys, or other funds belonging to them or within their control in obligations of the authority.

[82 Acts, ch 1031, §20]
2012 Acts, ch 1017, §67
Referred to in §261A.24

261A.21 Annual report.

The authority shall keep an accurate account of its activities and shall annually provide a report of its activities to the governor and the members of the general assembly. The report is a public record and open for inspection at the offices of the authority during normal business hours. The report shall include all of the following:

1. Summaries of applications by institutions of higher education for education loan financing assistance presented to the authority during the fiscal year.

2. Summaries of education loan programs which have received any form of financial assistance from the authority during the year.

3. The nature and amount of all assistance.

4. A report concerning the financial condition of the various education loan series portfolios.

5. Projected activities of the authority for the next fiscal year, including projections of the total amount of financial assistance anticipated and the amount of obligations that will be necessary to provide the projected level of assistance during the next fiscal year.

[82 Acts, ch 1031, §21]
Referred to in §261A.24

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261A.22 Waiver of competitive bidding.

Competitive bidding requirements of the Code or other similar requirements that may be lawfully waived are waived by this section and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts is not applicable to action taken under this chapter.

[82 Acts, ch 1031, §22]

Referred to in §261A.24

261A.23 Institution power — interest rates.

Institutions may borrow money from the authority, make education loans and take all other actions and do things necessary or convenient to consummate the transactions contemplated under this chapter. It is lawful for the authority to establish, charge, contract for, and receive any amount or rate of interest or compensation with respect to authority loans and, subject to rules adopted by the authority, for participating institutions to charge, contract for, and receive any amount or rate of interest or compensation with respect to education loans.

[82 Acts, ch 1031, §23]

Referred to in §261A.24

261A.24 Chapter as alternative method — powers not subject to supervision or regulation.

Sections 261A.1 through 261A.23 provide a complete, additional, and alternative method for the doing of the things authorized by this chapter and the limitations imposed by this chapter do not affect powers or rights conferred by other laws, and the issuance of obligations and refunding obligations under this chapter need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in this chapter, the powers granted to the authority under this chapter are not subject to the supervision or regulation and do not require the approval or consent of a city or political subdivision or department, division, commission, board, body, bureau, official, or agency of a political subdivision or of the state.

[82 Acts, ch 1031, §24]

2020 Acts, ch 1063, §103; 2021 Acts, ch 80, §142

261A.25 Notice.

The authority shall publish a notice of its intention to issue obligations in a newspaper published in and with general circulation in the state. The notice shall include a statement of the maximum amount of obligations proposed to be issued, and in general terms, what receipts will be pledged to pay bond service charges on the obligations. An action which questions the legality or validity of the obligations or the power of the authority to issue the obligations or the effectiveness or validity of any proceedings adopted for the authorization or issuance of the obligations shall not be brought after sixty days from the date of publication of the notice.

[82 Acts, ch 1031, §25]

Referred to in §261A.6

261A.26 Liberal construction of chapter.

This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purpose.

[82 Acts, ch 1031, §26]

261A.27 Exercise of powers as essential public function — exemption from taxation.

1. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a program by the authority or its agent will constitute the performance of an essential public function. Income of the authority is exempt from all taxation in the state. Property of the authority, acquired or held for purposes of this chapter, is exempt from all taxation and special assessments in the state if the property was exempt for the fiscal year in which the property

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was first acquired or held and such property shall continue to be exempt for subsequent fiscal years. Property of the authority, acquired or held for purposes of this chapter, is subject to taxation and special assessments in the state if the property was taxable for the fiscal year in which the property was first acquired or held and such property shall continue to be taxable for subsequent fiscal years.

2. Obligations issued by the authority on or after July 1, 2000, pursuant to either subchapter of this chapter, their transfer, and income therefrom are exempt from taxation of any kind by the state or any political subdivision of the state.

[82 Acts, ch 1031, §27]
2000 Acts, ch 1209, §1; 2017 Acts, ch 54, §37
Referred to in §422.7(2)(m)

261A.28 through 261A.31 Reserved.

SUBCHAPTER II

HIGHER EDUCATION FACILITIES PROGRAM

261A.32 Legislative findings.

The general assembly finds:

1. For the benefit of the people of the state of Iowa, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the greatest opportunity to learn and to fully develop their intellectual and mental capacities and skills.

2. To achieve these ends it is of the utmost importance that educational institutions within the state be provided with appropriate additional means of assisting the youth in achieving the required levels of learning and development of their intellectual and mental capacities and skills through new or enhanced physical facilities and equipment at these institutions.

3. The financing and refinancing of educational facilities, through means as described in this subchapter, other than the appropriation of public funds to institutions, is a valid public purpose.

85 Acts, ch 210, §2; 2017 Acts, ch 54, §76

261A.33 Purpose of subchapter.

It is the purpose of this subchapter to provide a measure of assistance and an alternative method of enabling institutions in the state to finance the acquisition, construction, and renovation of needed educational facilities, structures and equipment and to refund, refinance, or reimburse outstanding indebtedness incurred by them or advances made by them, including advances from an endowment or any other similar fund, for the construction, acquisition, or renovation of needed educational facilities and structures, whether or not constructed, acquired, or renovated prior to July 1, 1985.

85 Acts, ch 210, §3; 2017 Acts, ch 54, §76

261A.34 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Cost"* as applied to a project or any portion of a project financed under this subchapter means all or a part of the cost of construction and acquisition of land, buildings, or structures, including the cost of machinery and equipment; finance charges; interest prior to, during, and after completion of the construction for a reasonable period as determined by the authority; reserves for principal and interest; extensions, enlargements, additions, replacements, renovations, and improvements; improvements, replacements, and renovations for energy conservation and other purposes; engineering, financial, and legal services; plans, specifications, studies, surveys, estimates of cost of revenue, administrative expenses, expenses necessary or incidental to determining the feasibility or practicability of constructing the project; and such other expenses as the authority determines may be

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necessary or incidental to the construction and acquisition of the project, the financing of the construction and acquisition, and the placing of the project in operation.

2. *"Obligation"* means an obligation issued by the authority under this subchapter.

3. *"Project"* means any property located within the state, constructed or acquired before or after July 1, 1985, that may be used or will be useful in connection with the instruction, feeding, or recreation of students, the conducting of research, administration, or other work of an institution, or any combination of the foregoing. *"Project"* includes but is not limited to any academic facility, administrative facility, assembly hall, athletic facility, instructional facility, laboratory, library, maintenance facility, student health facility, recreational facility, research facility, student union, or other facility suitable for the use of an institution. *"Project"* also means the refunding or refinancing of outstanding obligations, mortgages, or advances, including advances from an endowment or similar fund, originally issued, made, or given by the institution to finance the cost of a project. *"Project"* also includes a project that is to be leased to an institution.

4. *"Property"* means the real estate upon which a project is or will be located, including equipment, machinery, and other similar items necessary or convenient for the operation of the project in the manner for which its use is intended, but not including such items as fuel, supplies, or other items that are customarily deemed to result in a current operation charge.

85 Acts, ch 210, §4; 97 Acts, ch 181, §1; 2000 Acts, ch 1209, §2; 2017 Acts, ch 54, §76; 2026 Acts, ch 1120, §5

Subsection 4 amended

261A.35 General power of authority.

The authority is authorized to assist institutions in the constructing, financing, and refinancing of projects, and the authority may take action authorized by this subchapter. The authority is authorized to be a member of limited liability companies organized for the purpose of leasing projects to institutions.

85 Acts, ch 210, §5; 2000 Acts, ch 1209, §3; 2017 Acts, ch 54, §76

261A.36 Issuance of obligations.

The authority may issue obligations of the authority for any of its corporate purposes as provided for in this subchapter including the issuing of obligations to finance projects to be leased to an institution, and fund or refund the obligations pursuant to this subchapter.

85 Acts, ch 210, §6; 97 Acts, ch 181, §2; 2000 Acts, ch 1209, §4; 2017 Acts, ch 54, §76

261A.37 Loans authorized.

The authority may make loans to an institution for the cost of a project or in anticipation of the receipt of tuition by the institution in accordance with an agreement between the authority and the institution, except that a loan for the cost of a project shall not exceed the total cost of the project, as determined by the institution and approved by the authority and except that loans in anticipation of the receipt of tuition shall not exceed the anticipated amount of tuition to be received by the institution in the one-year period following the date of the loan. The authority may lease projects to institutions under the terms of lease agreements determined by the institution and the authority, except that the term of the lease shall not exceed the estimated useful economic life of the project. The authority may make loans to an entity other than an institution in accordance with an agreement between the authority and the entity for the cost of a project if the project is to be leased to an institution.

85 Acts, ch 210, §7; 97 Acts, ch 181, §3; 2000 Acts, ch 1209, §5

261A.38 Issuance of obligations — conditions.

The authority may issue obligations and make loans to an institution or another entity if the project is to be leased to an institution or may issue obligations to finance projects to be leased by the authority to an institution and refund, refinance, or reimburse outstanding obligations, indebtedness, mortgages, or advances, including advances from an endowment or any similar fund, issued, made, or given by the institution, whether before or after July 1, 1985, for the cost of a project, when the authority finds that the financing prescribed in this

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section is in the public interest, and either alleviates a financial hardship upon the institution, results in a lesser cost of education, or enables the institution to offer greater security for a loan or loans to finance a new project or projects or to effect savings in interest costs or more favorable amortization terms.

85 Acts, ch 210, §8; 97 Acts, ch 181, §4; 2000 Acts, ch 1209, §6

261A.39 General powers — apportionment of costs.

The authority may do all things necessary or convenient to carry out the purposes of this subchapter. The authority may charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred on the authority by this subchapter.

85 Acts, ch 210, §9; 2017 Acts, ch 54, §76

261A.40 Joint and combination projects.

The authority may undertake a project for two or more institutions jointly or for any combination of institutions, and may combine for financing purposes, with the consent of all of the institutions which are involved, the project and some or all future projects of any institution or institutions, and this subchapter applies to and is for the benefit of the authority and the joint participants. However, the money set aside in a fund or funds pledged for any series or issue of obligations shall be held for the sole benefit of the series or issue separate and apart from money pledged for another series or issue of obligations of the authority. To facilitate the combining of projects, obligations may be issued in series under one or more resolutions or trust agreements and may be fully open-ended, thus providing for the unlimited issuance of additional series, or partially open-ended, limited as to additional series. The authority may permit an institution to substitute one or more projects of equal value, as determined by an independent appraiser satisfactory to the authority, for a project financed under this subchapter on terms and subject to conditions the authority prescribes.

85 Acts, ch 210, §10; 2017 Acts, ch 54, §76

261A.41 Expenses.

Expenses incurred in carrying out this subchapter are payable solely from funds provided under this subchapter and a liability or obligation shall not be incurred by the authority beyond the extent to which money is provided under this subchapter.

85 Acts, ch 210, §11; 2017 Acts, ch 54, §76

261A.42 Obligations.

1. The authority may provide by resolution for the issuance of obligations for the purpose of paying, refinancing, or reimbursing all or part of the cost of a project. Except to the extent payable from payments to be made on federally guaranteed securities as provided in section 261A.45, the principal of and the interest on the obligations shall be payable solely out of the revenue of the authority derived from the project to which they relate and from other facilities pledged or made available for this purpose by the institution for whose benefit the obligations were issued. The obligations of each issue shall be dated, shall bear interest at rate or rates, without regard to any limit contained in any other statute or law of the state, and shall mature at times not exceeding forty years from the date of issuance, all as determined by the authority; and may be made redeemable before maturity at the prices and under terms fixed by the authority in the authorizing resolution.

2. Except as otherwise provided by this subchapter, the obligations are to be paid solely out of the revenue of the project to which they relate and, in certain instances, out of the revenue of certain other facilities, and subject to section 261A.45 with respect to a pledge of government securities, the obligations may be unsecured or secured in the manner and to the extent determined by the authority. The authority shall determine the form of the obligations, including interest coupons, if any, to be attached, and shall fix the denominations of the obligations and the places of payment of principal and interest which may be at any bank or trust company within or without the state. The obligations and coupons attached, if any, shall be executed by the manual or facsimile signatures of officers of the authority designated by

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the authority. If an official of the authority whose signature or a facsimile of whose signature appears on any obligations or coupons ceases to be an official before the delivery of the obligations, the signature or facsimile, nevertheless, is valid and sufficient for all purposes the same as if the individual had remained an official of the authority until delivery. Obligations issued under this subchapter have all the qualities and incidents of negotiable instruments, notwithstanding this payment from limited sources and without regard to any other law. The obligations may be issued in coupon or in registered form, or both, and one form may be exchangeable for the other in the manner as the authority may determine. Provision may be made for the registration of any coupon obligations as to principal alone and also as to both principal and interest, and for the reconversion into coupon obligations of any obligations registered as to both principal and interest. The obligations may be sold in the manner, either at public or private sale, as the authority determines.

3. The proceeds of the obligations of each issue shall be used solely for the payment of the cost of the project for which the obligations have been issued, and shall be disbursed in the manner and under the restrictions, if any, as the authority provides in the resolution authorizing the issuance of the obligations or in the trust agreement provided for in section 261A.44 securing the obligations. If the proceeds of the obligations of an issue, by error of estimates or otherwise, are less than the costs, additional obligations may in like manner be issued to provide the amount of the deficit, and, unless otherwise provided in the resolution authorizing the issuance of the obligations or in the trust agreement securing them, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the obligations first issued. If the proceeds of the obligations of an issue shall exceed the cost of the project for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for the obligations. Prior to the preparation of definitive obligations, the authority may, under like restrictions, issue interim receipts or temporary obligations, with or without coupons, exchangeable for definitive obligations when the obligations have been executed and are available for delivery.

4. The authority may also provide for the replacement of obligations which become mutilated or are destroyed or lost. Obligations may be issued under this subchapter without obtaining the consent of an officer, department, division, commission, board, bureau, or agency of the state, and without other proceedings or conditions other than those which are specifically required by this subchapter. The authority may purchase its bonds out of funds available for that purpose. The authority may hold, pledge, cancel, or resell the obligations, subject to and in accordance with any agreement with the obligation holders. Members of the authority and any person executing the obligations are not liable personally on the obligations or subject to personal liability or accountability by reason of the issuance of the obligations.

85 Acts, ch 210, §12; 97 Acts, ch 181, §5; 2011 Acts, ch 25, §143; 2017 Acts, ch 54, §76

261A.43 Resolution provisions.

The resolution authorizing obligations or an issue of obligations may contain provisions, which shall be a part of the contract with the holders of the obligations to be authorized, as to:

1. Pledging or assigning the revenue of the project with respect to which the obligations are to be issued or the revenue of other property or facilities.

2. Setting aside reserves or sinking funds, and the regulation, investment, and disposition of them.

3. Limitations on the use of the project.

4. Limitations on the purpose to which or the investments in which the proceeds of sale of an issue of obligations then or thereafter to be issued may be applied and pledging the proceeds to secure the payment of the obligations or an issue of the obligations.

5. Limitations on the issuance of additional obligations, the terms upon which additional obligations may be issued and secured, and the refunding of outstanding obligations.

6. The procedure, if any, by which the terms of any contract with obligation holders may be amended or abrogated, the amount of obligations the holders of which must consent to the amendment or abrogation, and the manner in which the consent may be given.

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7. Limitations on the amount of money derived from the project to be expended for operating, administrative, or other expenses of the authority.

8. Defining the acts or omissions to act which constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of the holders in the event of a default.

9. Mortgaging a project and the project site or other property for the purpose of securing the obligation holders.

10. Other matters relating to the obligations which the authority deems desirable.

85 Acts, ch 210, §13

261A.44 Obligations secured by trust agreement.

1. Obligations issued under this subchapter may be secured by a trust agreement by and between the authority and an incorporated trustee, which may be a trust company or bank having the powers of a trust company within or without the state. The trust agreement or the resolution providing for the issuance of the obligations may pledge or assign the revenue to be received or proceeds of any contract pledged and may convey or mortgage the project or any portion of the project.

2. A pledge or assignment made by the authority pursuant to this section is valid and binding from the time that the pledge or assignment is made, and the revenue pledged and thereafter received by the authority is immediately subject to the lien of the pledge or assignment without physical delivery or any further act. The lien of the pledge or assignment is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether the parties have notice of the lien.

3. The resolution or trust agreement by which a pledge is created or an assignment made shall be filed or recorded in the records of the authority, with the secretary of state, and in each county in which the project is located.

4. The trust agreement or resolution providing for the issuance of the obligations may contain provisions for protecting and enforcing the rights and remedies of the obligation holders as are reasonable and proper, not in violation of law, or provided for in this subchapter. A bank or trust company incorporated under the laws of this state which acts as depository of proceeds of the obligations, revenue, or other money shall furnish the indemnifying obligations or pledge the securities as required by the authority. The trust agreement may set forth the rights and remedies of the obligation holders and of the trustee, and may restrict the individual right of action by obligation holders. The trust agreement or resolution may contain other provisions the authority deems reasonable and proper for the security of the obligation holders.

5. Expense incurred in carrying out the trust agreement or resolution may be treated as a part of the cost of the operation of a project.

85 Acts, ch 210, §14; 2017 Acts, ch 54, §76; 2019 Acts, ch 24, §33

Referred to in §261A.42

261A.45 Obligations issued to acquire federally guaranteed securities.

1. The authority may finance the cost of a project, refund outstanding indebtedness, or reimburse advances from an endowment or similar fund of an institution as authorized by this subchapter, by issuing its obligations pursuant to a plan of financing involving the acquisition of a federally guaranteed security or the acquisition or entering into of commitments to acquire a federally guaranteed security. For the purposes of this section, "*federally guaranteed security*" means any direct obligation of, or obligation the principal of and interest on which are fully guaranteed or insured by the United States, or an obligation issued by, or the principal of and interest on which are fully guaranteed or insured by any agency or instrumentality of the United States, including without limitation an obligation that is issued pursuant to the National Housing Act, or any successor provision of law.

2. The authority may acquire or enter into commitments to acquire a federally guaranteed security and pledge or otherwise use the federally guaranteed security in the manner the authority deems in its best interest to secure or otherwise provide a source of repayment of its obligations issued to finance or refinance a project, or may enter into an appropriate

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agreement with an institution whereby the authority may make a loan to the institution for the purpose of acquiring or entering into commitments to acquire a federally guaranteed security. An agreement entered into pursuant to this section may contain provisions deemed necessary or desirable by the authority for the security or protection of the authority or the holders of the obligations, except that the authority, prior to making an acquisition, commitment, or loan, shall determine and enter into an agreement with the institution or another appropriate institution to require that the proceeds derived from the acquisition of a federally guaranteed security will be used, directly or indirectly, for the purpose of financing or refinancing a project.

3. The obligations issued pursuant to this section shall not exceed in principal amount the cost of financing or refinancing the project as determined by the participating institution and approved by the authority, except that the costs may include, without limitation, all costs and expenses necessary or incidental to the acquisition of or commitment to acquire a federally guaranteed security and to the issuance and obtaining of insurance or guarantee of an obligation issued or incurred in connection with a federally guaranteed security. In other respects the bonds are subject to this subchapter, and the trust agreement creating the bonds may contain provisions set forth in this subchapter as the authority deems appropriate.

4. If a project is financed or refinanced pursuant to this section, the title to the project shall remain in the participating institution owning the project, subject to the lien of a mortgage or security interest securing, directly or indirectly, the federally guaranteed securities being purchased or to be purchased.

85 Acts, ch 210, §15; 2017 Acts, ch 54, §38
Referred to in §261A.42

261A.46 Obligations not liability of state or political subdivision.

Obligations issued pursuant to this subchapter are not debts of the state or of any political subdivision of the state or a pledge of the faith and credit of the state or of any political subdivision, but the obligations are limited obligations of the authority payable solely from the funds or securities, pledged for their payment as authorized in this subchapter, unless the obligations are refunded by refunding obligations issued under this subchapter, which refunding obligations shall be payable solely from funds or securities pledged for their payment as authorized in this subchapter. All revenue obligations shall contain on their face a statement to the effect that the obligations, as to both principal and interest, are not obligations of the state, or of any political subdivision of the state, but are limited obligations of the authority payable solely from revenue or securities pledged for their payment. Expenses incurred in carrying out this subchapter are payable solely from funds provided under this subchapter, and this subchapter does not authorize the authority to incur indebtedness or liability on behalf of or payable by the state or any political subdivision of the state.

85 Acts, ch 210, §16; 2017 Acts, ch 54, §76

261A.47 Money received by authority.

All money received by the authority, whether as proceeds from the sale of obligations, from revenue, or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this subchapter, but prior to the time when needed for use may be invested to the extent and in the manner provided by the authority. The funds shall be deposited, held, and secured as determined by the authority, except to the extent provided otherwise in the resolution authorizing the issuance of the related obligations or in the trust agreement securing the obligations. The resolution authorizing the issuance of the obligations or the trust agreement securing the obligations shall provide that an officer, bank or trust company to which the money is entrusted shall act as trustee of the money and shall hold and apply the money for the purposes of this subchapter, subject to the provisions of this subchapter and of the authorizing resolution or trust agreement.

85 Acts, ch 210, §17; 2017 Acts, ch 54, §76

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261A.48 Powers of holders and trustees.

1. A holder of obligations or of the coupons pertaining to obligations and the trustee under a trust agreement, except to the extent the rights given in this subchapter are restricted by the authorizing resolution or trust agreement, may, by suit, mandamus, or other proceedings, protect and enforce any and all rights under the laws of this state, or under the trust agreement or resolution authorizing the issuance of the obligations, and may enforce and compel the performance of all duties required by this subchapter or by the trust agreement or resolution to be performed by the authority or by an officer, employee, or agent of the authority, including the fixing, charging, and collecting of fees and charges authorized in this subchapter and required by the resolution or trust agreement to be fixed and collected.

2. The rights of holders include the right to compel the performance of all duties of the authority required by this subchapter or the resolution or trust agreement, to enjoin unlawful activities, and in the event of default with respect to the payment of any principal of, premium, if any, and interest on an obligation or in the performance of a covenant or agreement on the part of the authority in the resolution, to apply to a court having jurisdiction of the cause to appoint a receiver to administer and operate the project, the revenue of which is pledged to the payment of the principal of, premium, if any, and interest on the obligations, the receiver to have full power to pay and to provide for payment of the principal of, premium, if any, and interest on the obligations, and to have the powers, subject to the direction of the court, as are permitted by law and are accorded receivers in general equity cases, including the power to foreclose the mortgage on the project in the same manner as the foreclosure of a mortgage on real estate of private corporations, but excluding any power to pledge additional revenue of the authority to the payment of the principal, premium, and interest.

85 Acts, ch 210, §18; 2017 Acts, ch 54, §76

261A.49 Bondholders — pledge — agreement of the state.

The state pledges to and agrees with the holders of any obligations issued under this subchapter, and with those parties who enter into contracts with the authority pursuant to this subchapter, that the state will not limit or alter the rights vested in the authority until the obligations, together with the interest on the obligations, are fully met and discharged and the contracts are fully performed on the part of the authority, except that this section does not preclude the limitation or alteration if and when adequate provision is made by law for the protection of the rights of the holders of the obligations of the authority or those entering into contracts with the authority.

85 Acts, ch 210, §19; 2017 Acts, ch 54, §76

261A.50 Provisions controlling.

The powers granted the authority under this subchapter are in addition to the powers of the authority contained in other provisions of this chapter. All other provisions of this chapter apply to obligations issued pursuant to and powers granted the authority under this subchapter, except to the extent they are inconsistent with this subchapter.

85 Acts, ch 210, §20; 2017 Acts, ch 54, §76

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CHAPTER 261B

REGISTRATION OF POSTSECONDARY SCHOOLS

Referred to in §256.177, 261G.4, 714.18, 714.21A

261B.1 Policy.
261B.2 Definitions.
261B.3 Registration.
261B.3A Requirements — provisional registration.
261B.4 Registration information.
261B.5 Changes.
261B.6 List of schools.
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261B.8 Registration fees — postsecondary education fund.
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261B.11 Exceptions.
261B.11A Ineligibility for state student aid programs.
261B.11B Voluntary registration.
261B.12 Violations — enforcement.
261B.13 Prohibition.

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261B.1 Policy.

The general assembly finds that the availability of courses and programs leading to educational degrees and the existence of institutions of postsecondary education that offer courses and programs leading to educational degrees are in the best interest of the state. The general assembly has found that the state can provide protection for persons choosing institutions and programs by ensuring that accurate and complete information about institutions and programs is available to these persons and to the public.

84 Acts, ch 1098, §1

261B.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the college student aid commission created pursuant to section 256.176.

2. *"Course of instruction"* means a postsecondary educational program that a school offers through in-person instruction, distance delivery, correspondence study methods, or any combination thereof.

3. *"Degree"* means a postsecondary credential conferring on the recipient the title of associate, bachelor, master, or doctor, or an equivalent title, signifying educational attainment based on study which may be supplemented by experience or achievement testing. A postsecondary degree under this chapter shall not include an honorary degree or other unearned degree.

4. *"Presence"* means a location in Iowa at which a student participates in any structured activity related to a school's distance education course of instruction, with the exception of proctored examinations. *"Presence"* also means an address, location, telephone number, or internet protocol address in Iowa from which a school conducts any aspect of its operations. For the purpose of a residential course of instruction offered on a school's campus that is not located in Iowa, *"presence"* does not include:

a. Occasional, short-term activities conducted at a location in Iowa for the purpose of recruiting students for the school's residential course of instruction.

b. A residency, practicum, internship, clinical, or similar experience that the school permits the student to participate in at a location in Iowa, provided that a person who provides instruction or supervision at the Iowa location is not compensated by the school.

5. *"School"* means an agency of the state or political subdivision of the state, individual, partnership, company, firm, society, trust, association, corporation, or any combination which meets any of the following criteria:

a. Is, owns, or operates a postsecondary educational institution.

b. Provides a postsecondary course of instruction leading to a degree.

c. Uses in its name the term *"college"*, *"academy"*, *"institute"*, or *"university"* or a similar term to imply that the person is primarily engaged in the education of students at the postsecondary level, and charges for its services.

6. *"Student"* means a person who enrolls in or seeks to enroll in a course of instruction offered or conducted by a school.

84 Acts, ch 1098, §2; 96 Acts, ch 1158, §5, 6; 2009 Acts, ch 12, §3, 4; 2012 Acts, ch 1077, §1; 2013 Acts, ch 30, §60

261B.3 Registration.

1. Except as provided in section 261B.11, a school shall register with the commission if a person compensated by the school conducts any portion of a course of instruction in this state or if the school otherwise has a presence in this state.

a. Registrations shall be renewed every two years and shall be amended upon any substantive change in location, program offering, or accreditation. A school makes a substantive change in a program offering when the school proposes to offer or modify a program that requires the approval of the state board of education or any other state agency authorized to approve the school or its program in this state.

b. Registration shall be made on application forms approved and made available by the commission and at the time and in the manner prescribed by the commission.

2. The commission may require a school to provide additional information the commission deems necessary to evaluate a school's suitability for registration.

3. The commission shall notify a school in writing of its decision to grant or deny registration and any stipulation associated with the school's registration.

4. If a school fails to meet any of the registration criteria, or if the commission believes that false, misleading, or incomplete information has been submitted in connection with an application for registration, the commission may deny registration. The commission shall conduct a hearing on the denial if a hearing is requested by a school. Upon a finding after the hearing that the school fails to meet any of the registration criteria, or that information contained in the registration application is false, misleading, or incomplete, the commission shall deny registration. The commission shall make the final decision on each registration. However, the decision of the commission is subject to judicial review in accordance with section 17A.19.

5. The commission shall adopt rules under chapter 17A for the implementation of this chapter.

84 Acts, ch 1098, §3; 96 Acts, ch 1158, §7; 2004 Acts, ch 1145, §4, 5; 2009 Acts, ch 12, §5; 2012 Acts, ch 1077, §2

Referred to in §261B.5, 261B.6

261B.3A Requirements — provisional registration.

1. In order to register, a school shall be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency, be approved by any other state agency authorized to approve the school in this state, and, subsequently, be approved for operation by the commission.

2. A practitioner preparation program, as defined in section 256.145, operated by a school that applies to register the program in accordance with this chapter shall, in order to register, be accredited by an agency or organization approved or recognized by the United States department of education or a successor agency, be approved by the state board of education pursuant to section 256.7, subsection 3, and, subsequently, be approved for operation by the commission.

3. The commission may grant a provisional registration to a school that is not accredited by an agency or organization that is recognized by the United States department of education or its successor agency. The commission shall determine the duration of the provisional registration. During the provisional registration period, the school shall, at six-month intervals, submit to the commission documentation of its progress toward achieving accreditation. The commission may renew the school's provisional registration at its discretion if the documentation submitted indicates that the school is making progress toward accreditation.

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4. Nothing in this chapter shall be construed to exempt a school from the requirements of chapter 490, 491, or 714.

96 Acts, ch 1158, §8; 97 Acts, ch 13, §1; 2000 Acts, ch 1095, §17; 2004 Acts, ch 1145, §6; 2009 Acts, ch 12, §6; 2012 Acts, ch 1077, §3

Referred to in §256.177

261B.4 Registration information.

As a basis for registration, schools shall provide the commission with the following information:

1. The name or title of the school.
2. As applicable, the principal location of the school in this state, in other states, and in foreign countries, and the location of the place or places in this state, in other states, and in foreign countries where instruction is likely to be given.
3. A schedule of the total tuition charges, fees, and other costs payable to the school by a student during the course of instruction.
4. The refund policy of the school for the return of refundable portions of tuition, fees, or other charges. The tuition refund policy for Iowa resident students of a for-profit school that offers a course of instruction leading to a recognized educational credential, such as an academic or professional degree, diploma, or license, must comply with section 714.23.
5. The names and addresses of the principal owners of the school or the officers and members of the legal governing body of the school.
6. The name and address of the chief executive officer of the school.
7. A copy of or a description of the means by which the school intends to comply with section 261B.9.
8. The name of the accrediting agency recognized by the United States department of education or a successor agency which has accredited the school, the status under which accreditation is held, the name of any other accrediting or licensing entity that has accredited or licensed the school or its programs, a copy of the accrediting or licensure notice issued by the entity, and a record of any sanctions the entity has levied against the school.
9. The name, address, and telephone number of a contact person in this state. A school that applies for registration to offer a course of instruction by distance delivery may provide the name and address of its registered agent in Iowa.
10. The names or titles and a description of the courses and degrees to be offered in Iowa.
11. A description of procedures for the preservation of student records and the contact information to be used by students and graduates who seek to obtain transcript information.
12. The academic and instructional methodologies and delivery systems to be used by the school and the extent to which the school anticipates each methodology and delivery system will be used, including but not limited to classroom instruction, correspondence, distance delivery, independent study, and portfolio experience evaluation.
13. The name, title, business address, telephone number, and resume of an Iowa resident compensated by the school to perform duties at a location in Iowa. A school that applies for registration to offer a course of instruction by distance delivery may provide an internet address as the business address for an Iowa resident it compensates to perform duties remotely from a location in Iowa.
14. The school's official Stafford loan cohort default rate as calculated by the United States department of education for the three most recent federal fiscal years, if applicable.
15. Average student loan debt upon graduation of students completing programs at the school.
16. The graduation rate of undergraduate students as reported to the United States department of education.
17. Evidence that the school meets the conditions of financial responsibility established in section 714.18, or that the school qualifies for an exemption under section 714.18 or 714.19.

84 Acts, ch 1098, §4; 96 Acts, ch 1158, §9, 10; 2000 Acts, ch 1095, §18; 2009 Acts, ch 12, §7; 2012 Acts, ch 1077, §4; 2013 Acts, ch 90, §65; 2015 Acts, ch 140, §48, 53, 54; 2022 Acts, ch 1012, §1

Referred to in §261B.5, 261B.6

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261B.5 Changes.

If any information provided to the commission under section 261B.3 or 261B.4 changes, the school shall inform the commission within ninety days of the effective date of the change in the format specified by the commission.

84 Acts, ch 1098, §5; 2009 Acts, ch 12, §8

261B.6 List of schools.

The commission shall maintain a list of registered schools and the list and the information submitted under sections 261B.3 and 261B.4 are public records under chapter 22.

84 Acts, ch 1098, §6; 95 Acts, ch 67, §21; 2009 Acts, ch 12, §9

261B.7 Unauthorized representation.

A school or a school's officials or employees shall not advertise or represent that the school is approved or accredited by the commission or the state of Iowa. However, a registered school shall disclose that the school is registered by the commission on behalf of the state of Iowa and provide the commission's contact information for students who wish to inquire about the school or file a complaint.

84 Acts, ch 1098, §7; 2009 Acts, ch 12, §10; 2012 Acts, ch 1077, §5

261B.8 Registration fees — postsecondary education fund.

1. The commission shall set by rule and collect a nonrefundable initial registration fee and a renewal of registration fee from each registered school.
2. Fees shall be set by rule not more than once each year and shall be based upon the costs of administering this chapter.
3. A postsecondary registration fund is created in the state treasury under the control of the commission. Fees collected under this section and any other moneys approved by the commission shall be deposited in the postsecondary registration fund. Moneys in the fund are appropriated to the commission and shall be used for any of the purposes set forth in subsection 4. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.
4. Moneys in the fund may be used for any of the following purposes:

a. To administer this chapter and chapter 261G.

b. To procure, evaluate, and store school records needed to establish the validity of claims against a school for failure to faithfully perform all contracts and agreements.

c. To pay institutional charges on behalf of Iowans who enrolled at the school.

d. To support an arrangement in which the school provides its current students with the opportunity to complete the students' courses of study when the school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.

e. To pay private educational loan debt incurred by Iowans for attendance at the school.

f. To reimburse Iowans who enrolled at the school for other financial loss, as determined by the commission.

g. For other purposes prescribed by rule by the commission.

84 Acts, ch 1098, §8; 96 Acts, ch 1158, §11; 2004 Acts, ch 1145, §7; 2009 Acts, ch 12, §11; 2014 Acts, ch 1063, §3; 2021 Acts, ch 158, §1, 2

Referred to in §261G.5

261B.9 Disclosure to students.

Prior to the commencement of a course of instruction and prior to the receipt of a tuition charge or fee for a course of instruction, a school shall provide written disclosure to students of the following information accompanied by a statement that the information is being provided in compliance with this section:

1. The name or title of the course.
2. A brief description of the subject matter of the course.
3. The tuition charge or other fees charged for the course. If a student is enrolled in more

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than one course at the school, the tuition charge or fee for all courses may be stated in one sum.

4. The refund policy of the school for the return of the refundable portion of tuition, fees, or other charges. If refunds are not to be paid, the information shall state that fact.

5. Whether the credential or certificate issued, awarded, or credited to a student upon completion of the course or the fact of completion of the course is applicable toward a degree granted by the school and, if so, under what circumstances the application will be made.

6. The name of the accrediting agency recognized by the United States department of education or its successor agency which has accredited the school.

7. The disclosures required by the department of education for an out-of-state school that the state board of education approves to offer a practitioner preparation program by distance delivery method.

84 Acts, ch 1098, §9; 2000 Acts, ch 1095, §19; 2012 Acts, ch 1077, §6, 7; 2013 Acts, ch 30, §61

Referred to in §261B.4

261B.10 Advisory committee. Repealed by 2010 Acts, ch 1031, §315.

261B.11 Exceptions.

1. This chapter does not apply to the following types of schools and courses of instruction:

a. Schools and educational programs conducted by firms, corporations, or persons solely for the training of their own employees.

b. Apprentice or other training programs provided by labor unions solely to members or applicants for membership.

c. Courses of instruction of an avocational or recreational nature that do not lead to an occupational objective.

d. Seminars, refresher courses, and programs of instruction sponsored by professional, business, or farming organizations or associations for the members and employees of members of these organizations or associations.

e. Courses of instruction conducted by a public school district or a combination of public school districts.

f. A community college established under chapter 260C or an institution of higher learning under the control of the board of regents.

g. Schools or courses of instruction or courses of training that are offered by a vendor solely to the purchaser or prospective purchaser of the vendor's product when the objective of the school or course is to enable the purchaser or the purchaser's employees to gain skills and knowledge to enable the purchaser to use the product.

h. Schools and educational programs conducted by religious organizations solely for the religious instruction of leadership practitioners of that religious organization.

i. Postsecondary educational institutions licensed by the state of Iowa under chapter 157 to operate as schools of barbering and cosmetology arts and sciences in the state.

j. Higher education institutions that meet the criteria established under section 256.183, subsection 1.

k. Postsecondary educational institutions offering programs limited to nondegree specialty career and technical training programs.

l. Higher education institutions located in Iowa that are affiliated with health care systems located in Iowa, and which offer health professions programs that are accredited by an accrediting agency recognized by the United States department of education.

m. Higher education institutions located in Iowa whose massage therapy curriculum is approved under administrative rules of the department of inspections, appeals, and licensing and whose instructors are licensed massage therapists under chapter 152C.

2. A school that claims an exemption from registration under subsection 1 must apply for approval of the exemption and demonstrate to the commission that it qualifies for the exemption and meets consumer protection standards established by the commission. The commission may approve the school's exemption claim for a period not to exceed two

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years, or may for good cause deny the exemption claim. A school must reapply to renew an exemption approved pursuant to this section.

a. A school approved for an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission that the school qualifies for an exemption under section 714.18 or 714.19.

b. A for-profit school that offers a course of instruction leading to a recognized educational credential, such as an academic or professional degree, diploma, or license, must submit to the commission a tuition refund policy that meets the conditions of section 714.23.

3. A school that is denied an exemption claim by the commission, or that no longer qualifies for a claimed exemption, shall apply for registration or cease operating in Iowa.

84 Acts, ch 1098, §11; 96 Acts, ch 1158, §13; 97 Acts, ch 13, §2; 2005 Acts, ch 78, §1; 2009 Acts, ch 12, §13; 2012 Acts, ch 1077, §8; 2013 Acts, ch 90, §66; 2015 Acts, ch 140, §49, 53, 54; 2016 Acts, ch 1075, §1, 2; 2016 Acts, ch 1108, §60; 2016 Acts, ch 1132, §17, 19, 21; 2022 Acts, ch 1012, §2 – 4; 2023 Acts, ch 19, §1650; 2023 Acts, ch 99, §45; 2024 Acts, ch 1043, §79

Referred to in §261B.3, 261B.11B, 261B.13

261B.11A Ineligibility for state student aid programs.

1. Students attending schools required to register under this chapter are ineligible for state student financial aid programs established under chapter 256, subchapter VII, part 4.

2. A school required to register under this chapter is prohibited from offering state aid or advertising that state aid is or may be available to students attending the school.

2012 Acts, ch 1077, §9; 2023 Acts, ch 19, §2638

261B.11B Voluntary registration.

A school or other postsecondary educational institution that is exempt under section 261B.11 may voluntarily register under this chapter in order to comply with chapter 261G or for purposes of institutional eligibility under 34 C.F.R. §600.9(a).

2014 Acts, ch 1063, §4; 2015 Acts, ch 29, §40

Referred to in §256.177, 261G.2, 261G.5

261B.12 Violations — enforcement.

1. When the commission or the commission's designee believes a school is in violation of this chapter, the commission shall order the school to show cause why the commission should not issue a cease and desist order to the school.

2. After the school's response to the show cause order has been reviewed by the commission, the commission may issue a cease and desist order to the school if the commission believes the school continues to be in violation of this chapter. If the school does not cease and desist, the commission may seek judicial enforcement of the cease and desist order in any district court.

3. A violation of this chapter constitutes an unlawful practice pursuant to section 714.16.

84 Acts, ch 1098, §12; 2009 Acts, ch 12, §14

See also §714.17 – 714.25

261B.13 Prohibition.

1. Notwithstanding any other provision in this chapter, a school or other entity that grants a degree shall not conduct any portion of a course of instruction or any aspect of its operations or otherwise establish a presence in this state if, with the exception of a school that qualifies for an exemption under section 261B.11, subsection 1, paragraph *"h"*, the school or other entity is not accredited by an accrediting agency recognized by the United States department of education.

2. A school registered under this chapter or otherwise authorized to operate under the laws of this state shall not enter into an agreement to conduct a course of instruction, confer a degree, or conduct any other aspect of its operation with another school that is in violation of this section.

3. This section shall not apply to a foreign medical school that is accredited by a foreign entity recognized by the national committee on foreign medical education and accreditation.

2016 Acts, ch 1071, §1

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CHAPTER 261C

POSTSECONDARY ENROLLMENT OPTIONS

Repealed by 2008 Acts, ch 1181, §65;
see §261E.6, 261E.7

CHAPTER 261D

MIDWESTERN HIGHER EDUCATION COMPACT

261D.1 Definition.
261D.2 Midwestern higher education compact.
261D.3 Commission members representing Iowa — terms — vacancies.
261D.4 Payment of dues. Repealed by 2011 Acts, ch 132, §33, 34.

261D.1 Definition.

As used in this chapter, unless the context otherwise requires, *"commission"* means the midwestern higher education compact commission.

2005 Acts, ch 145, §1

261D.2 Midwestern higher education compact.

The midwestern higher education compact is entered into with all other states which enter into the compact in substantially the following form:

1. *Article I — Purpose.* The purpose of the midwestern higher education compact shall be to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the several states which are parties to this compact.

2. *Article II — The commission.*

a. The compacting states create the midwestern higher education commission. The commission shall be a body corporate of each compacting state. The commission shall have all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

b. The commission shall consist of five resident members of each state as follows: the governor or the governor's designee, who shall serve during the tenure of office of the governor; two legislators, one from each house (except Nebraska, which may appoint two legislators from its unicameral legislature), who shall serve two-year terms and be appointed by the appropriate appointing authority in each house of the legislature; and two other at-large members, at least one of whom shall be selected from the field of higher education. The at-large members shall be appointed in a manner provided by the laws of the appointing state. One of the two at-large members initially appointed in each state shall serve a two-year term. The other, and any regularly appointed successor to either at-large member, shall serve a four-year term. All vacancies shall be filled in accordance with the laws of the appointed states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term.

c. The commission shall select annually, from among its members, a chairperson, a vice chairperson, and a treasurer.

d. The commission shall appoint an executive director who shall serve at its pleasure and who shall act as secretary to the commission. The treasurer, the executive director, and such other personnel as the commission may determine shall be bonded in such amounts as the commission may require.

e. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a majority of the commission members of three

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or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

f. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

3. *Article III — Powers and duties of the commission.*

a. The commission shall adopt a seal and suitable bylaws governing its management and operations.

b. Irrespective of the civil service, personnel, or other merit system laws of any of the compacting states, the commission in its bylaws shall provide for the personnel policies and programs of the compact.

c. The commission shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states.

d. The commission shall report annually to the legislatures and governors of the compacting states, to the midwestern governors' conference, and to the midwestern legislative conference of the council of state governments concerning the activities of the commission during the preceding year. Such reports shall also embody any recommendations that may have been adopted by the commission.

e. The commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency, from any interstate agency, or from any institution, foundation, person, firm, or corporation.

f. The commission may accept for any of its purposes and functions under the compact any and all donations and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize, and dispose of the same.

g. The commission may enter into agreements with any other interstate education organizations or agencies and with higher education institutions located in nonmember states and with any of the various states of these United States to provide adequate programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in higher education for use of these agreements.

h. The commission may establish and maintain offices, which shall be located within one or more of the compacting states.

i. The commission may establish committees and hire staff as it deems necessary for the carrying out of its functions.

j. The commission may provide for actual and necessary expenses for attendance of its members at official meetings of the commission or its designated committees.

4. *Article IV — Activities of the commission.*

a. The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact.

b. The commission shall study issues in higher education of particular concern to the midwestern region. The commission shall also study the needs for higher education programs and services in the compacting states and the resources for meeting such needs. The commission shall from time to time prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the commission may confer with any national or regional planning body. The commission may redraft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of higher education.

c. The commission shall study the need for provision of adequate programs and services

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in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and the compacting states, determine the costs of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute the funds not otherwise provided, as determined by the commission, for carrying out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.

d. The commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

e. In addition to the activities of the commission previously noted, the commission may provide services and research in other areas of regional concern.

5. *Article V — Finance.*

a. The moneys necessary to finance the general operations of the commission, not otherwise provided for, in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states.

b. The commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

c. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

d. The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the commission.

6. *Article VI — Eligible parties and entry into force.*

a. The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin shall be eligible to become party to this compact. Additional states will be eligible if approved by a majority of the compacting states.

b. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law.

c. Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

7. *Article VII — Withdrawal, default, and termination.*

a. Any compacting state may withdraw from this compact by enacting a statute repealing the compact, but such withdrawal shall not become effective until two years after the enactment of such statute. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of such obligation.

b. If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of

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the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as stipulated by the commission.

8. *Article VIII — Severability and construction.*

a. The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

b. This compact is now in full force and effect, having been approved by the governors and legislatures of more than five of the eligible states.

2005 Acts, ch 145, §2; 2008 Acts, ch 1032, §201

261D.3 Commission members representing Iowa — terms — vacancies.

1. The members of the commission representing this state shall consist of the following:

a. The governor or the governor's designee.

b. One member of the senate appointed by the president of the senate after consultation with the majority leader and minority leader of the senate.

c. One member of the house of representatives appointed by the speaker of the house of representatives after consultation with the majority leader and minority leader of the house of representatives.

d. One member appointed by the state board of regents.

e. One member appointed by the Iowa association of community college trustees.

2. In order to maximize participation in and knowledge of commission activities, alternate members of the commission representing Iowa shall be designated in the following manner:

a. One alternate member appointed by the governor.

b. One alternate member from the senate from the opposite political party of the commissioner appointed pursuant to subsection 1, paragraph "*b*", selected in the manner provided in subsection 1, paragraph "*b*".

c. One alternate member from the house of representatives from the opposite political party of the commissioner appointed pursuant to subsection 1, paragraph "*c*", selected in the manner provided in subsection 1, paragraph "*c*".

d. One alternate member appointed by the Iowa association of independent colleges and universities.

e. One alternate member appointed by the Iowa college student aid commission.

3. Nonlegislative members shall serve two-year terms except as otherwise provided under the terms of the compact. Legislative members shall serve two-year terms as provided in section 4A.13. Nonlegislative members shall serve without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments. If a legislative member ceases to be a member of the general assembly, the legislative member shall no longer serve as a member of the commission.

4. It is the intent of the general assembly that commissioners representing the senate and the house of representatives be members of different political parties from one another.

2005 Acts, ch 145, §3; 2008 Acts, ch 1156, §40, 58; 2009 Acts, ch 41, §104

261D.4 Payment of dues. Repealed by 2011 Acts, ch 132, §33, 34.

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CHAPTER 261E

SENIOR YEAR PLUS PROGRAM

Referred to in §11.6, 256.17, 257.6, 279.90

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261E.11 Internet-based and Iowa communications network coursework.
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261E.1 Senior year plus program.

1. A senior year plus program is established to be administered by the department of education to provide Iowa high school students increased access to college credit or advanced placement coursework. The program shall consist of the following elements:

a. Advanced placement classes, including on-site, consortium, and online opportunities and courses delivered via the Iowa communications network.

b. Community college credit courses offered through written agreements between school districts and community colleges.

c. College and university credit courses offered to individual high school students through the postsecondary enrollment options program in accordance with section 261E.6.

d. Courses offered through regional and career academies for college credit.

e. Internet-based courses offered for college credit.

2. The senior year plus programming provided by a school district pursuant to sections 261E.4 and 261E.6 may be available to students on a year-round basis.

2008 Acts, ch 1181, §51; 2020 Acts, ch 1107, §7

261E.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Concurrent enrollment"* means any course offered to students in grades nine through twelve during the regular school year approved by the board of directors of a school district through a contractual agreement between a community college and the school district that meets the provisions of section 257.11, subsection 3. *"Concurrent enrollment"* also means any course offered to students in grades nine through twelve during the regular school year approved by the authorities in charge of an accredited nonpublic school through a contract with a community college in accordance with section 261E.8, subsection 2, paragraph *"b"*.

2. *"Department"* means the department of education.

3. *"Director"* means the director of the department of education.

4. *"Eligible postsecondary institution"* means an institution of higher learning under the control of the state board of regents, a community college established under chapter 260C, or an accredited private institution as defined in section 256.183.

5. *"Institution"* means a school district or eligible postsecondary institution delivering the instruction in a given program as authorized by this chapter.

6. *"School board"* means the board of directors of a school district or a collaboration of boards of directors of school districts.

7. *"State board"* means the state board of education.

8. *"Student"* means any individual enrolled in grades nine through twelve in a school district who meets the criteria in section 261E.3, subsection 1. *"Student"* includes an

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individual attending an accredited nonpublic school or the Iowa school for the deaf for purposes of sections 261E.4 and 261E.6.

2008 Acts, ch 1181, §52; 2019 Acts, ch 164, §3, 7; 2020 Acts, ch 1117, §21; 2023 Acts, ch 19, §2492

Referred to in §85.61, 262.9

261E.3 Eligibility.

1. *Student eligibility.* In order to ensure student readiness for postsecondary coursework, the student shall meet the following criteria:

a. The student shall meet the enrollment requirements established by the eligible postsecondary institution providing the course credit.

b. The student shall meet or exceed the minimum performance measures on any academic assessments that may be required by the eligible postsecondary institution.

c. The student shall have taken the appropriate course prerequisites, if any, prior to enrollment in the eligible postsecondary course, as determined by the eligible postsecondary institution delivering the course.

d. The student shall have attained the approval of the school board or its designee and the eligible postsecondary institution to register for the postsecondary course.

e. (1) The student, except as otherwise provided in this paragraph *"e"*, shall have demonstrated proficiency in reading, mathematics, and science as evidenced by any of the following:

(a) Achievement scores on the latest administration of the state assessment for which scores are available and as defined by the department.

(b) If the student is receiving competent private instruction under chapter 299A, by submitting the written recommendation of the licensed practitioner providing supervision to the student in accordance with section 299A.2. Such student may demonstrate proficiency as evidenced by achievement scores on the annual achievement evaluation required under section 299A.4; or may also demonstrate proficiency as evidenced by a selection index, which is the sum of the critical reading, mathematics, and writing skills assessments, of at least one hundred forty-one on the preliminary scholastic aptitude test administered by the college board; a composite score of at least twenty-one on the college readiness assessment administered by ACT, inc.; or a sum of the critical reading and mathematics scores of at least nine hundred ninety on the college readiness assessment administered by the college board.

(2) (a) If a student is not proficient in one or more of the content areas listed in subparagraph (1), the student may demonstrate proficiency through measures of college readiness jointly agreed upon by the school board and the eligible postsecondary institution.

(b) The school board may establish alternative but equivalent qualifying performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments.

f. The student shall meet the definition of eligible student under section 261E.6, subsection 6, in order to participate in the postsecondary enrollment options program.

2. *Teacher and instructor eligibility.*

a. A teacher or instructor employed to provide instruction under this chapter shall meet the following criteria:

(1) The teacher shall be appropriately licensed to teach the subject the institution is employing the teacher to teach and shall meet the standards and requirements set forth which other full-time instructors teaching within the academic department are required to meet and which are approved by the appropriate postsecondary administration.

(2) The teacher shall collaborate, as appropriate, with other secondary and postsecondary faculty in the subject area.

(3) The district, in collaboration with the teacher or instructor, shall provide ongoing communication about course expectations, including a syllabus that describes the content, teaching strategies, performance measures, and resource materials used in the course, and academic progress to the student and in the case of students of minor age, to the parent or legal guardian of the student.

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(4) The teacher or instructor shall provide curriculum and instruction that is accepted as college-level work as determined by the institution.

(5) The teacher or instructor shall use valid and reliable student assessment measures, to the extent available.

(6) If the instruction for any program authorized by this chapter is provided at a school district facility or a neutral site, the teacher or instructor shall have successfully passed a background investigation conducted in accordance with section 256.146, subsection 16, prior to providing such instruction. For purposes of this section, *"neutral site"* means a facility that is not owned or operated by an institution.

b. The teacher or instructor shall be provided with appropriate orientation and training in secondary and postsecondary professional development related to curriculum, pedagogy, assessment, policy implementation, technology, and discipline issues.

c. The eligible postsecondary institution shall provide the teacher or instructor with ongoing communication and access to instructional resources and support, and shall encourage the teacher or instructor to participate in the postsecondary institution's academic departmental activities.

d. The teacher or instructor shall receive adequate notification of an assignment to teach a course under this chapter and shall be provided adequate preparation time to ensure that the course is taught at the college level.

e. An individual under suspension or revocation of an educational license or statement of professional recognition issued by the board of educational examiners shall not be allowed to provide instruction for any program authorized by this chapter.

3. *Institutional eligibility.* An institution providing instruction pursuant to this chapter shall meet the following criteria:

a. The institution shall ensure that students or in the case of minor students, parents or legal guardians, receive appropriate course orientation and information, including but not limited to a summary of applicable policies and procedures, the establishment of a permanent transcript, policies on dropping courses, a student handbook, information describing student responsibilities, and institutional procedures for academic credit transfer.

b. The institution shall ensure that students have access to student support services, including but not limited to tutoring, counseling, advising, library, writing and math labs, and computer labs, and student activities, excluding postsecondary intercollegiate athletics.

c. The institution shall ensure that students are properly enrolled in courses that will carry college credit.

d. The institution shall ensure that teachers and students receive appropriate orientation and information about the institution's expectations.

e. The institution shall ensure that the courses provided achieve the same learning outcomes as similar courses offered in the subject area and are accepted as college-level work.

f. The institution shall review the course on a regular basis for continuous improvement, shall follow up with students in order to use information gained from the students to improve course delivery and content, and shall share data on course progress and outcomes with the collaborative partners involved with the delivery of the programming and with the department, as needed.

g. The school district shall certify annually to the department that the course provided to a high school student for postsecondary credit in accordance with this chapter does not supplant a course provided by the school district in which the student is enrolled, except as provided under section 257.11, subsection 3, paragraph *"c"*.

h. The institution shall not require a minimum or a maximum number of postsecondary credits to be earned by a high school student under this chapter.

i. The institution shall not place restrictions on participation in senior year plus programming beyond that which is specified in statute or administrative rule.

j. All eligible postsecondary institutions providing programming under this chapter shall include the unique student identifier assigned to students while in the kindergarten through grade twelve system as a part of the institution's student data management system. Eligible postsecondary institutions providing programming under this chapter shall cooperate with

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the department on data requests related to the programming. All eligible postsecondary institutions providing programming under this chapter shall collect data and report to the department on the proportion of females and minorities enrolled in science, technology, engineering, and mathematics-oriented educational opportunities provided in accordance with this chapter. The department shall incorporate the programming data into the annual condition of community colleges report described in section 256.7, subsection 23, paragraph "*c*".

k. The school district shall ensure that the background investigation requirement of subsection 2, paragraph "*a*", subparagraph (6), is satisfied. The school district shall pay for the background investigation conducted in accordance with subsection 2, paragraph "*a*", subparagraph (6), but may charge the teacher or instructor a fee not to exceed the actual cost charged the school district for the background investigation conducted.

2008 Acts, ch 1181, §53; 2011 Acts, ch 132, §14, 106; 2018 Acts, ch 1119, §13; 2021 Acts, ch 18, §1 – 3; 2025 Acts, ch 145, §3
Referred to in §257.11, 261E.2, 261E.8

261E.4 Advanced placement program.

1. A school district shall make available advanced placement courses to its resident students through direct instruction on-site, collaboration with another school district, or by using the online Iowa advanced placement academy.

2. A school district shall provide descriptions of the advanced placement courses available to students using a course registration handbook.

3. A school district shall ensure that advanced placement course teachers or instructors are appropriately licensed by the board of educational examiners in accordance with chapter 256, subchapter VII, part 3, and meet the minimum certification requirements of the national organization that administers the advanced placement program.

4. A school district shall establish prerequisite coursework for each advanced placement course offered and shall describe the prerequisites in the course registration handbook, which shall be provided to every eighth grade student prior to the development of the student's career and academic plan pursuant to section 279.61.

2008 Acts, ch 1181, §54; 2016 Acts, ch 1108, §2, 9; 2023 Acts, ch 19, §2558
Referred to in §261E.1, 261E.2

261E.5 Advanced placement courses — access — examination fee payment.

1. A student enrolled in a school district or accredited nonpublic school shall be provided access to advanced placement examinations at a rate of one-half of the cost of the regular examination fee the student or the student's parents or guardians would normally pay for the examination.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall ensure that any student enrolled who is interested in taking an advanced placement examination is properly registered for the examination. An accredited nonpublic school shall provide a list of students registered for advanced placement examinations to the school district in which the accredited nonpublic school is located. The school district and the accredited nonpublic school shall also ensure that any student enrolled in the school district or school, as applicable, who is interested in taking an advanced placement examination and qualifies for a reduced fee for the examination is properly registered for the fee reduction. The school district shall provide the college board with a list of all students enrolled in the school district and the accredited nonpublic schools located in the school district who are properly registered for advanced placement examinations administered by the college board.

3. From the funds allocated pursuant to section 261E.13, subsection 1, paragraph "*d*", the department shall remit amounts to the college board for advanced placement examinations administered by the college board for students enrolled in school districts and accredited nonpublic schools pursuant to subsection 2 and shall distribute an amount per student to a school district submitting a list of students properly registered for the advanced placement examinations pursuant to subsection 2. The remittance rates to the college board and

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distribution amounts to the school districts in accordance with this subsection for the fiscal year beginning July 1, 2008, are as follows:

a. Thirty-eight dollars for each school district or accredited nonpublic school student who does not qualify for fee reduction.

b. Twenty-seven dollars for each school district or accredited nonpublic school student who qualifies for fee reduction.

c. Eight dollars to the school district for each school district or accredited nonpublic school student who was listed by the school district and who takes an advanced placement examination in accordance with this section.

2008 Acts, ch 1181, §55; 2013 Acts, ch 30, §62
Referred to in §261E.13

261E.6 Postsecondary enrollment options program.

1. *Program established.* The postsecondary enrollment options program is established to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students by enabling ninth and tenth grade students who have been identified by the school district as gifted and talented, and eleventh and twelfth grade students, to enroll in eligible courses at an eligible postsecondary institution of higher learning.

2. *Notification.* The availability and requirements of this program shall be included in each school district's student registration handbook. Information about the program shall be provided to the student and the student's parent or guardian prior to the development of the student's career and academic plan under section 279.61. The school district shall establish a process by which students may indicate interest in and apply for enrollment in the program.

3. *Authorization.* To participate in this program, an eligible student shall make application to an eligible postsecondary institution to allow the eligible student to enroll for college credit in a course offered at the institution. A comparable course, as defined in rules adopted by the board of directors of the school district consistent with department administrative rule, must not be offered by the school district or accredited nonpublic school the student attends. A course is ineligible for purposes of this section if the school district has a contractual agreement with the eligible postsecondary institution under section 261E.8 that meets the requirements of section 257.11, subsection 3, and the course may be delivered through such an agreement in accordance with section 257.11, subsection 3. If the postsecondary institution accepts an eligible student for enrollment under this section, the institution shall send written notice to the student, the student's parent or legal guardian in the case of a minor child, and the student's school district or accredited nonpublic school and the school district in the case of a nonpublic school student, or the Iowa school for the deaf. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the eligible student will receive from the eligible postsecondary institution upon successful completion of the course.

4. *Credits.*

a. A school district, the Iowa school for the deaf, or accredited nonpublic school shall grant high school credit to an eligible student enrolled in a course under this chapter if the eligible student successfully completes the course as determined by the eligible postsecondary institution. The board of directors of the school district, the department of education for the Iowa school for the deaf, or authorities in charge of an accredited nonpublic school shall determine the number of high school credits that shall be granted to an eligible student who successfully completes a course. Eligible students may take up to seven semester hours of credit during the summer months when school is not in session and receive credit for that attendance, if the student pays the cost of attendance for those summer credit hours.

b. The high school credits granted to an eligible student under this section shall count toward the graduation requirements and subject area requirements of the school district of residence, the Iowa school for the deaf, or accredited nonpublic school of the eligible student. Evidence of successful completion of each course and high school credits and college credits received shall be included in the student's high school transcript.

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5. *Transportation.* The parent or legal guardian of an eligible student who has enrolled in and is attending an eligible postsecondary institution under this chapter shall furnish transportation to and from the postsecondary institution for the student.

6. *Definition.* For purposes of this section and section 261E.7, unless the context otherwise requires, *"eligible student"* means a student classified by the board of directors of a school district, by the department of education for pupils of the Iowa school for the deaf, or by the authorities in charge of an accredited nonpublic school as a ninth or tenth grade student who is identified according to the school district's gifted and talented criteria and procedures, pursuant to section 257.43, as a gifted and talented child, or an eleventh or twelfth grade student, during the period the student is participating in the postsecondary enrollment options program.

2008 Acts, ch 1181, §56; 2016 Acts, ch 1108, §3, 9, 61; 2017 Acts, ch 29, §80; 2020 Acts, ch 1117, §22; 2023 Acts, ch 19, §2493; 2026 Acts, ch 1120, §6

Referred to in §256E.8, 257.6, 260C.14, 261E.1, 261E.2, 261E.3, 282.18
Subsection 3 amended

261E.7 Postsecondary enrollment options program payments — claims — reimbursements.

1. Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to a postsecondary institution that has enrolled its resident eligible students under this chapter, unless the eligible student is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the date specified in section 257.6, subsection 1, or the district in which the child was counted under section 257.6, subsection 1, paragraph *"a"*, subparagraph (6). For students enrolled at the Iowa school for the deaf, the department of education shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

a. The actual and customary costs of tuition, textbooks, materials, and fees directly related to the course taken by the eligible student.

b. Two hundred fifty dollars.

2. An eligible postsecondary institution that enrolls an eligible student under this section shall not charge that student for tuition, textbooks, materials, or fees directly related to the course in which the student is enrolled except that the student may be required to purchase equipment that becomes the property of the student. For the purposes of this subsection, equipment shall not include textbooks. However, if the student fails to complete and receive credit for the course, the student is responsible for all district costs directly related to the course as provided in subsection 1 and shall reimburse the school district for its costs. If the student is under eighteen years of age, the student's parent or legal guardian shall sign the student registration form indicating that the parent or legal guardian is responsible for all costs directly related to the course if the student fails to complete and receive credit for the course. If documentation is submitted to the school district that verifies the student was unable to complete the course for reasons including but not limited to the student's physical incapacity, a death in the student's immediate family, or the student's move to another school district, that verification shall constitute a waiver to the requirement that the student or parent or legal guardian pay the costs of the course to the school district.

3. An eligible postsecondary institution shall make pro rata adjustments to tuition reimbursement amounts based upon federal guidelines established pursuant to 20 U.S.C. §1091b.

2008 Acts, ch 1181, §57; 2009 Acts, ch 41, §105; 2020 Acts, ch 1117, §23; 2023 Acts, ch 19, §2494

Referred to in §256E.8, 261E.6, 282.18

261E.8 District-to-community college sharing or concurrent enrollment program.

1. A district-to-community college sharing or concurrent enrollment program is established to be administered by the department to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students

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to enroll in eligible courses at or through community colleges established under chapter 260C. The program shall be made available to all resident students in grades nine through twelve. Notice of the availability of the program shall be included in a school district's student registration handbook and the handbook shall identify which courses, if successfully completed, generate college credit under the program. A student and the student's parent or legal guardian shall also be made aware of this program as a part of the development of the student's career and academic plan in accordance with section 279.61.

2. *a.* (1) Students from accredited nonpublic schools, students receiving competent private instruction or independent private instruction under chapter 299A, and students from charter schools established pursuant to chapter 256E may access the program through the school district in which the accredited nonpublic school, private institution, or charter school is located.

(2) Students from charter schools established pursuant to chapter 256E that provide educational instruction and course content that is delivered entirely over the internet may access the program through the students' school district of residence.

b. (1) Students from accredited nonpublic schools may also access the program if the accredited nonpublic school in which the students are enrolled meets the requirements of this section and section 257.11, subsection 3, as if the accredited nonpublic school were a school district, and enters into a contract with a community college that meets the requirements of this section and section 257.11, subsection 3, for the provision of academic or career and technical coursework to high school students enrolled in the accredited nonpublic school. However, the accredited nonpublic school need not meet requirements for career and technical education more stringent than the requirements of section 256.11B. A student who wishes to participate in the program must make application to the accredited nonpublic school and the community college in the manner established under subsection 3 and meet the requirements of this section.

(2) An accredited nonpublic school that provides units of mathematics, science, and career and technical education under an agreement that meets the requirements of subparagraph (1) shall be deemed to have met the education program requirement for the units of mathematics, science, and career and technical education provided, as applicable, under section 256.11, subsection 5, paragraph *"a"*, *"d"*, or *"e"*, or section 256.11B.

(a) Subject to an appropriation of funds by the general assembly for this purpose, a student enrolled in a unit of coursework provided under this subparagraph shall be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph *"b"*, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school is accredited under the standards required of a school district pursuant to section 256.11, the number of students enrolled in a class used to meet the unit requirement exceeds five, and the accredited nonpublic school's total enrollment in grades nine through twelve does not exceed two hundred pupils.

(b) A student enrolled in a unit of coursework provided under this subparagraph is not eligible to be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph *"b"*, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school's total enrollment in grades nine through twelve exceeds two hundred pupils.

(3) A community college that enters into a contract as provided in this paragraph shall submit to the department, during the fall and spring semesters, or the equivalent, a list of the accredited nonpublic school students enrolled for the semester, or the equivalent, who are participating in the program. The community college and the accredited nonpublic school shall verify to the department that the accredited nonpublic school and the coursework provided under this paragraph meet the requirements of this section and section 257.11, subsection 3, and shall provide to the department data and information elements as required under subsection 9 by rule.

(4) Subject to an appropriation of funds by the general assembly for this purpose, the department shall calculate, using the state cost per pupil, and pay to a community college for each semester in which a student is concurrently enrolled in the community college in accordance with this paragraph *"b"* an amount equivalent to the amount a school district

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would receive if the student was assigned a weighting under section 257.11, subsection 3, paragraph *"b"*. If the amount appropriated annually for purposes of this paragraph *"b"* is insufficient to pay to community colleges the full amount for students concurrently enrolled in a community college in accordance with this paragraph *"b"*, the department shall annually prorate the amount for payments to community colleges for the concurrent enrollment of accredited nonpublic students under this paragraph *"b"*. A community college shall decrease the amount billed to the accredited nonpublic school by the amount calculated and paid to the community college by the department in accordance with this paragraph.

3. A student may make application to a community college and the school district to allow the student to enroll for college credit in a course offered by the community college. A comparable course, as defined in rules adopted by the board of directors of the school district, must not be offered by the school district or accredited nonpublic school which the student attends. The school board shall annually approve courses to be made available for high school credit using locally developed criteria that establishes which courses will provide the student with academic rigor and will prepare the student adequately for transition to a postsecondary institution. If a community college accepts a student for enrollment under this section, the school district, in collaboration with the community college, shall send written notice to the student, the student's parent or legal guardian in the case of a minor child, and the student's school district. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the student will receive from the community college upon successful completion of the course.

4. A school district shall grant high school credit to a student enrolled in a course under this chapter if the student successfully completes the course as determined by the community college and the course was previously approved by the school board pursuant to subsection 3. The board of directors of the school district shall determine the number of high school credits that shall be granted to a student who successfully completes a course.

5. District-to-community college sharing agreements or concurrent enrollment programs that meet the requirements of section 257.11, subsection 3, are eligible for funding under that provision.

6. Community colleges shall comply with the data collection requirements of section 260C.14, subsection 21.

7. A student enrolled in a career and technical course made available pursuant to subsection 1 is exempt from the proficiency requirements of section 261E.3, subsection 1, paragraph *"e"*. However, a community college may require a student who applies for enrollment under a district-to-community college sharing or concurrent enrollment program to complete an initial assessment administered by the community college receiving the application to determine the applicant's readiness to enroll in career and technical coursework, and the community college may deny the enrollment.

8. Subject to an appropriation of funds by the general assembly for this purpose, the department shall establish a program to provide additional funds for resident high school pupils enrolled in grades nine through twelve to attend a community college for college-level classes or attend a class taught by a community college-employed instructor through a contractual agreement between a community college and a school district that satisfies the requirements for classes under section 257.11, subsection 3, except that the classes eligible for funding under this program are offered during the summer and outside of the regular school year and are aligned with career pathways leading to postsecondary credentials and high-demand jobs designated by the workforce development board or a community college pursuant to section 84A.1B, subsection 3. A community college shall not charge students tuition for a class offered partially or completely outside of the regular school year under this program.

9. The state board, in collaboration with the board of directors of each community college, shall adopt rules that clearly define data and information elements to be collected related to the senior year plus programming, including concurrent enrollment courses. The data elements shall include but not be limited to the following:

a. The course title and whether the course supplements, rather than supplants, a school district course.

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b. An unduplicated enrollment count of eligible students participating in the program.

c. The actual costs and revenues generated for concurrent enrollment. An aligned unique student identifier system shall be established by the department for students in kindergarten through grade twelve and community college.

d. Degree, certifications, and other qualifications to meet the minimum hiring standards.

e. Salary information including regular contracted salary and total salary.

f. Credit hours and laboratory contact hours and other data on instructional time.

g. Other information comparable to the data regarding teachers collected in the basic education data survey.

2008 Acts, ch 1181, §58; 2011 Acts, ch 20, §12; 2012 Acts, ch 1021, §59; 2012 Acts, ch 1119, §38; 2013 Acts, ch 121, §90; 2016 Acts, ch 1108, §4, 9; 2018 Acts, ch 1067, §14, 15; 2019 Acts, ch 164, §8; 2020 Acts, ch 1062, §39; 2020 Acts, ch 1063, §104; 2020 Acts, ch 1117, §24; 2026 Acts, ch 1086, §94, 101; 2026 Acts, ch 1120, §7

Referred to in §84A.1B, 256.11, 261E.2, 261E.6, 261E.10, 261E.11, 709.15
Subsections 1 and 3 amended
Subsection 2, paragraph a amended

261E.9 Regional academies.

1. *a.* A regional academy is a program established by a school district to which multiple school districts send students in grades seven through twelve. A school district establishing a regional academy may collaborate and partner with, enter into an agreement pursuant to chapter 28E with, or enter into a contract with, one or more school districts, area education agencies, community colleges, accredited public and private postsecondary institutions, accredited nonpublic schools, businesses, and private agencies located within or outside of the state.

b. The purpose of a regional academy established pursuant to this section shall be to build a culture of innovation for students and community, to diversify educational and economic opportunities by engaging in learning experiences that involve students in complex, real-world projects, and to develop regional or global innovation networks.

c. If a school district establishing a regional academy in accordance with this section submits a plan to the department for approval that demonstrates how the regional academy will increase and assess student achievement or increase and assess competency-based learning opportunities for students, the department may waive or modify any statutory or regulatory provision applicable to school districts except the department shall not waive or modify any statutory or regulatory provision relating to requirements applicable to school districts under chapters 11, 21, 22, 216, 216A, 256B, 279, 284, and 285; or relating to contracts with and discharge of teachers and administrators under chapters 20 and 279; or relating to audit requirements under section 256.9, subsection 20, and section 279.29.

2. *a.* A regional academy shall include in its curriculum advanced level courses.

b. A regional academy may include in its curriculum virtual or internet-based coursework and courses delivered via the Iowa communications network, career and technical courses, core curriculum coursework, courses required pursuant to section 256.7, subsection 26, or section 256.11, subsections 4 and 5, and asynchronous learning networks.

3. School districts participating in regional academies are eligible for supplementary weighting as provided in section 257.11, subsection 2. The school districts participating in the regional academy shall enter into an agreement on how the funding generated by the supplementary weighting received shall be used and shall submit the agreement to the department for approval.

4. Information regarding regional academies shall be provided to a student and the student's parent or guardian prior to the development of the student's career and academic plan under section 279.61.

2008 Acts, ch 1181, §59; 2011 Acts, ch 132, §15, 29; 2016 Acts, ch 1108, §5, 9

261E.10 Career academies.

1. As used in this section, "*career academy*" means the same as defined in section 256.125.

2. A career academy course may qualify as a concurrent enrollment course if it meets the requirements of section 261E.8.

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3. The school district providing secondary education under this section shall be eligible for supplementary weighting under section 257.11, subsection 2, and the community college shall be eligible for funds allocated pursuant to section 260C.18A.

4. Information regarding career academies shall be provided by the school district to a student and the student's parent or guardian prior to the development of the student's career and academic plan under section 279.61.

2008 Acts, ch 1181, §60; 2016 Acts, ch 1108, §6, 9, 62
Referred to in §261E.11

261E.11 Internet-based and Iowa communications network coursework.

1. The Iowa communications network may be used to deliver coursework for the programming provided under this chapter subject to an appropriation by the general assembly for that purpose. A school district that provides courses delivered via the Iowa communications network shall receive supplemental funding as provided in section 257.11, subsection 6.

2. The programming in this chapter may be delivered via internet-based technologies. An internet-based course may qualify for additional supplemental weighting if it meets the requirements of section 261E.8 or section 261E.10.

3. To qualify as a senior year plus course, an internet-based course or course offered through the Iowa communications network must comply with the appropriate provisions of this chapter.

2008 Acts, ch 1181, §61; 2021 Acts, ch 80, §143

261E.12 Internet-based clearinghouse.

The department shall develop and make available to secondary and postsecondary students, parents or legal guardians, school districts, accredited nonpublic schools, and eligible postsecondary institutions an internet-based clearinghouse of information that allows students to identify participation options within the senior year plus program and transferability between educational systems, subject to an appropriation by the general assembly for this purpose. The internet-based resource shall provide links to other similar resources available through various Iowa postsecondary institution systems. The internet-based resource shall also identify course transferability and articulation between the secondary and postsecondary systems in Iowa and between the various Iowa postsecondary systems.

2008 Acts, ch 1181, §62
Referred to in §261E.13

261E.13 State program allocation.

1. For each fiscal year in which moneys are appropriated by the general assembly for purposes of the senior year plus program, the moneys shall be allocated as follows in the following priority order:

a. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department to implement the internet-based clearinghouse pursuant to section 261E.12.

b. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department for the development of a data management system, including the development of a transcript repository, for senior year plus programming provided under this chapter. The data management system shall include information generated by the provisions of section 279.61, data on courses taken by Iowa's students, and the transferability of course credit.

c. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to four hundred thousand dollars to the department for the development of additional internet-based educational courses that comply with the provisions of this chapter.

d. For the fiscal year beginning July 1, 2008, and succeeding fiscal years, an amount up to five hundred thousand dollars to the department to provide advanced placement course examination fee remittance pursuant to section 261E.5. If the funds appropriated for purposes of section 261E.5 are insufficient to distribute the amounts set out in section

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261E.5, subsection 3, to school districts, the department shall prorate the amount distributed to school districts based on the amount appropriated.

2. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated under this section shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The department shall annually inform the general assembly of the amount of moneys allocated, but unspent. The provisions of section 8.39 shall not apply to the funds allocated pursuant to this section.

2008 Acts, ch 1181, §63; 2009 Acts, ch 41, §173, 264
Referred to in §261E.5

CHAPTER 261F
EDUCATIONAL LOANS

261F.1 Definitions.
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261F.1 Definitions.

As used in this chapter, unless otherwise specified:

1. *"Borrower"* means a student attending a covered institution in this state, or a parent or person in parental relation to such student, who obtains an educational loan from a lending institution to pay for or finance a student's higher education expenses.

2. *"Covered institution"* means any educational institution that offers a postsecondary educational degree, certificate, or program of study and receives any Tit. IV funds under the federal Higher Education Act of 1965, as amended, or state funding or assistance. *"Covered institution"* includes an authorized agent of the educational institution, including an alumni association, booster club, or other organization directly or indirectly associated with or authorized by the institution or an employee of the institution.

3. *"Covered institution employee"* means any employee, agent, contract employee, director, officer, or trustee of a covered institution.

4. *"Educational loan"* means any loan that is made, insured, or guaranteed under Tit. IV of the federal Higher Education Act of 1965, as amended, directly to a borrower solely for educational purposes, or any private educational loan.

5. *"Gift"* means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. *"Gift"* includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. *"Gift"* does not include any of the following:

a. Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy.

b. Food or refreshments furnished to an officer, employee, or agent of an institution as an integral part of a training session or conference that is designed to contribute to the professional development of the officer, employee, or agent of the institution.

c. Favorable terms, conditions, and borrower benefits on an educational loan provided to a borrower employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

d. Philanthropic contributions to a covered institution from a lender, guarantor, or servicer of educational loans that are unrelated to educational loans, provided, as applicable, that the contributions are disclosed pursuant to section 261F.4, subsection 6.

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e. State education grants, scholarships, or financial aid funds administered under chapter 256, subchapter VII, part 4.

f. Toll-free telephone numbers for use by covered institutions or other toll-free telephone numbers open to the public to obtain information about loans available under Tit. IV of the federal Higher Education Act of 1965, as amended, or private educational loans, or free data transmission service for use by a covered institution to electronically submit applicant loan processing information or student status confirmation data for loans available under Tit. IV of the federal Higher Education Act of 1965.

g. A reduced origination fee.

h. A reduced interest rate.

i. Payment of federal default fees.

j. Purchase of a loan made by another lender at a premium.

k. Other benefits to a borrower under a repayment incentive program that requires, at a minimum, one or more scheduled payments to receive or retain the benefit or under a loan forgiveness program for public service or other targeted purposes approved by the attorney general, provided these benefits are not marketed to secure loan applications or loan guarantees.

l. Items of nominal value to a covered institution, covered institution employee, covered institution-affiliated organization, or borrower that are offered as a form of generalized marketing or advertising, or to create goodwill.

m. Items of value which are offered to a borrower or to a covered institution employee that are also offered to the general public.

n. Other services as identified and approved by the attorney general through a public announcement, such as a notice on the attorney general's internet site.

6. *"Lender"* or *"lending institution"* means a creditor as defined in section 103 of the federal Truth in Lending Act, 15 U.S.C. §1602.

7. *"Postsecondary educational expenses"* means any of the expenses that are included as part of a student's cost of attendance as defined in Tit. IV, part F, of the federal Higher Education Act of 1965, as amended.

8. *"Preferred lender arrangement"* means an arrangement or agreement between a lender and a covered institution under which the lender provides or otherwise issues educational loans to borrowers and which relates to the covered institution recommending, promoting, or endorsing the educational loan product of the lender. *"Preferred lender arrangement"* does not include arrangements or agreements with respect to loans under part D or E of Tit. IV of the federal Higher Education Act of 1965, as amended.

9. *"Preferred lender list"* means a list of at least three recommended or suggested, unaffiliated lending institutions that a covered institution makes available for use, in print or any other medium or form, by borrowers, prospective borrowers, or others.

10. *"Private educational loan"* means a private loan provided by a lender that is not made, insured, or guaranteed under Tit. IV of the federal Higher Education Act of 1965, as amended, and is issued by a lender solely for postsecondary educational expenses to a borrower, regardless of whether the loan involves enrollment certification by the educational institution that the student for which the loan is made attends. *"Private educational loan"* does not include a private educational loan secured by a dwelling or under an open-end credit plan. For purposes of this subsection, *"dwelling"* and *"open-end credit plan"* have the meanings given such terms in section 103 of the federal Truth in Lending Act, 15 U.S.C. §1602.

11. *"Revenue sharing arrangement"* means an arrangement between a covered institution and a lender in which the lender provides or issues educational loans to persons attending the institution or on behalf of persons attending the institution and the covered institution recommends the lender or the educational loan products of the lender, in exchange for which the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution or officers, employees, or agents of the institution. *"Revenue*

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sharing arrangement" does not include arrangements related solely to products which are not educational loans.

2008 Acts, ch 1132, §3; 2009 Acts, ch 41, §106; 2023 Acts, ch 19, §2639
Referred to in §261F.4, 533A.1

261F.2 Code of conduct.

1. A covered institution shall do the following:

a. Develop, in consultation with the college student aid commission, a code of conduct governing educational loan activities with which the covered institution's officers, employees, and agents shall comply.

b. Publish the code of conduct developed in accordance with paragraph *"a"* prominently on its internet site.

c. Administer and enforce the code of conduct developed in accordance with paragraph *"a"*.

2. The college student aid commission shall provide to covered institutions assistance and guidance relating to the development, administration, and monitoring of a code of conduct governing educational loan activities.

3. Except as provided in this section, the college student aid commission is not subject to the duties, restrictions, prohibitions, and penalties of this chapter.

2008 Acts, ch 1132, §4

261F.3 Prohibitions — report.

1. *Gift ban.* No officer, employee, or agent of a covered institution who is employed in the financial aid office of the institution, or who otherwise has direct responsibilities with respect to educational loans, shall solicit or accept any gift from a lender, guarantor, or servicer of educational loans. The attorney general shall investigate any reported violation of this subsection and shall annually submit a report to the general assembly by January 15 identifying all substantiated violations of this subsection, including the lenders and covered institutions involved in each such violation, for the preceding year.

2. *Gifts to family members or others.* For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if either of the following applies:

a. The gift is given with the knowledge and acquiescence of the officer, employee, or agent.

b. The officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

3. *Contracting arrangements.* An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has direct responsibilities with respect to educational loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit including but not limited to the opportunity to purchase stock on other than free market terms, as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender.

4. *Revenue sharing arrangements.* A covered institution shall not enter into any revenue sharing arrangement with any lender.

5. *Prohibition on offers of funds for private loans.* A covered institution shall not request or accept from any lender any offer of funds, including any opportunity pool, to be used for private educational loans to borrowers in exchange for the covered institution providing concessions or promises to the lender with respect to such institution providing the lender with a specified number of loans, a specified loan volume, or a preferred lender arrangement for any loan made, insured, or guaranteed under Tit. IV of the federal Higher Education Act of 1965, as amended, and a lender shall not make any such offer. For purposes of this subsection, *"opportunity pool"* means an educational loan made by a private lender to a borrower that is in any manner guaranteed by a covered institution, or that involves a payment, directly or indirectly, by such an institution of points, premiums, payments, additional interest, or other financial support to the lender for the purpose of that lender extending credit to the borrower.

6. *Participation on advisory councils.* An officer, employee, or agent who is employed in

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the financial aid office of a covered institution, or who otherwise has direct responsibilities with respect to educational loans, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions, including through telephonic or electronic means, or a meeting, in order to improve products and services for borrowers, provided there are no gifts or compensation including but not limited to transportation, lodging, or related expenses, provided by lenders in connection with seeking such advice from the institutions. Nothing in this subsection shall prohibit an officer, employee, or agent of a covered institution from serving on the board of directors of a lender if required by law.

7. *Exceptions.*

a. Nothing in this section shall be construed as prohibiting any of the following:

(1) An officer, employee, or agent of a covered institution who is not employed in the institution's financial aid office, or who does not otherwise have direct responsibilities with respect to educational loans, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans.

(2) An officer, employee, or agent of a covered institution who is not employed in the financial aid office but who has direct responsibility with respect to educational loans as a result of a position held at the covered institution, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans, provided that the covered institution has a written conflict of interest policy that clearly sets forth that such an officer, employee, or agent must be recused from participating in any decision of the board with respect to any transaction regarding educational loans.

(3) An officer, employee, or agent of a lender, guarantor, or servicer of educational loans from serving on a board of directors or serving as a trustee of a covered institution, provided that the covered institution has a written conflict of interest policy that clearly sets forth the procedures to be followed in instances where such a board member's or trustee's personal or business interests with respect to educational loans may be advanced by an action of the board of directors or trustees, including a provision that such a board member or trustee may not participate in any decision to approve any transaction where such conflicting interests may be advanced.

b. Nothing in this chapter shall be construed to prohibit a covered institution from lowering educational loan costs for borrowers, including payments made by the covered institution to lending institutions on behalf of borrowers.

2008 Acts, ch 1132, §5, 15

261F.4 Misleading identification — covered institution — lending institutions' employees.

1. A lending institution shall prohibit an employee or agent of the lending institution from being identified to borrowers or prospective borrowers of a covered institution as an employee, representative, or agent of the covered institution.

2. A covered institution shall prohibit an employee or agent of a lending institution from being identified as an employee, representative, or agent of the covered institution.

3. An employee, representative, or agent of a lending institution included on a covered institution's preferred lending list shall not staff a covered institution's financial aid offices or call center and shall not prepare any of the covered institution's materials related to educational loans.

4. A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not agree to the lender's use of the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender. However, the covered institution may allow the use of its name if it is part of the lending institution's legal name.

5. Nothing in this section shall prohibit a covered institution from requesting or accepting the following assistance from a lender related to any of the following:

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a. Providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials.

b. Staffing services on a short-term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including state-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the attorney general.

6. The attorney general shall adopt rules providing for the disclosure, for lenders with a preferred lender arrangement, of philanthropic contributions made as specified in section 261F.1, subsection 5, paragraph *"d"*.

2008 Acts, ch 1132, §6
Referred to in §261F.1

261F.5 Loan disclosure — loan bundling — prohibitions.

1. A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall inform the borrower or prospective borrower of all available state education financing options, and financing options under Tit. IV of the federal Higher Education Act of 1965, as amended, including information on any terms and conditions of available loans under such title that are more favorable to the borrower.

2. A covered institution shall prohibit the bundling of private educational loans in financial aid packages, unless the borrower is ineligible for financing, is not eligible for any additional funding, or has exhausted the limits of loan eligibility, under Tit. IV of the federal Higher Education Act of 1965, as amended, or has not filled out a free application for federal student aid, and the bundling of the private educational loans is clearly and conspicuously disclosed to the borrower prior to acceptance of the package by the borrower. The provisions of this subsection shall not apply if the borrower does not desire or refuses to apply for a loan under Tit. IV of the federal Higher Education Act of 1965.

3. A lending institution included on a covered institution's preferred lender list shall disclose, clearly and conspicuously, in any application for a private educational loan, all of the following:

a. The rate of interest or the potential range of rates of interest applicable to the loan and whether such rates are fixed or variable.

b. Limitations, if any, on interest rate adjustments, both in terms of frequency and amount, or lack thereof.

c. Coborrower requirements, including changes in interest rates.

d. Any fees associated with the loan.

e. The repayment terms available on the loan.

f. The opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the borrower is in school.

g. Any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower.

h. Information comparing federal and private educational loans.

i. An example of the total cost of the educational loan over the life of the loan which shall be calculated using the following:

(1) A principal amount and the maximum rate of interest actually offered by the lender, or, if there is no maximum rate provided under the terms of the loan agreement or applicable state or federal law, a statement to that effect.

(2) Both with and without capitalization of interest, if that is an option for postponing interest payments.

j. The consequences for the borrower of defaulting on a loan, including any limitations on the discharge of an educational loan in bankruptcy.

k. Contact information for the lender.

4. Not later than January 31, 2009, the attorney general shall develop and make available to lenders a model disclosure form that is based on the requirements of subsection 3. Use of

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the model disclosure form by a lending institution in a manner consistent with this chapter shall constitute compliance with subsection 3.

2008 Acts, ch 1132, §7, 15

261F.6 Standards for preferred lender lists.

1. A covered institution may make available a list of preferred lenders, in print or any other medium or form, for use by the covered institution's students or their parents, provided the list meets the following conditions:

a. The list is not used to deny or otherwise impede a borrower's choice of lender.

b. The list contains at least three lenders that are not affiliated and will make loans to borrowers or students attending the school. For the purposes of this paragraph, a lender is affiliated with another lender if any of the following applies:

(1) The lenders are under the ownership or control of the same entity or individuals.

(2) The lenders are wholly or partly owned subsidiaries of the same parent company.

(3) The directors, trustees, or general partners, or individuals exercising similar functions, of one of the lenders constitute a majority of the persons holding similar positions with the other lender.

c. The list does not include lenders that have offered, or have offered in response to a solicitation by the covered institution, financial or other benefits to the covered institution in exchange for inclusion on the list or any promise that a certain number of loan applications will be sent to the lender by the covered institution or its students.

2. A covered institution that provides or makes available a preferred lender list shall do the following:

a. Disclose to prospective borrowers, as part of the list, the method and criteria used by the covered institution in selecting any lender that it recommends or suggests.

b. Provide comparative information to prospective borrowers about interest rates and other benefits offered by the lenders.

c. Include a prominent statement in any information related to its preferred lender list advising prospective borrowers that the borrowers are not required to use one of the covered institution's recommended or suggested lenders.

d. For first-time borrowers, refrain from assigning, through award packaging or other methods, a borrower's loan to a particular lender.

e. Not cause unnecessary certification delays for borrowers who use a lender that is not included on the covered institution's preferred lender list.

f. Update the preferred lender list and any information accompanying the list at least annually.

3. If the servicer of a private educational loan is changed by a lending institution, the lending institution shall disclose the change to the affected borrower.

4. A lending institution shall not be placed on a covered institution's preferred lender list or in favored placement on a covered institution's preferred lender list for a particular type of loan, in exchange for benefits provided to the covered institution or to the covered institution's students in connection with a different type of loan.

2008 Acts, ch 1132, §8, 15

261F.7 Disclosure requirements.

Except for educational loans made, insured, or guaranteed by the federal government, a lending institution included on a covered institution's preferred lender list shall, upon receiving a request from a borrower, covered institution, or government entity, disclose to the requester in reasonable detail and form, the terms of private educational loans made to borrowers by that lending institution and the rates of interest charged to borrowers for private educational loans in the year preceding the disclosures.

2008 Acts, ch 1132, §9, 15

261F.8 Penalties.

1. If after providing notice and an opportunity for a hearing the attorney general determines that a covered institution or lending institution has violated a provision of this

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chapter, the covered institution or lending institution may be liable for a civil penalty of up to five thousand dollars per violation. In taking action against a covered institution or lending institution, consideration shall be given to the nature and severity of a violation of this chapter.

2. If after providing notice and an opportunity for a hearing the attorney general determines that a covered institution employee has violated a provision of this chapter, the covered institution employee may be liable for a civil penalty of up to two thousand five hundred dollars per violation. In taking action against a covered institution employee, consideration shall be given to the nature and severity of a violation of this chapter.

3. If after providing notice and an opportunity for a hearing the attorney general determines that a lending institution has violated a provision of this chapter, such lending institution shall not be placed or remain on any covered institution's preferred lender list unless notice of such violation is provided to all potential borrowers of the covered institution. However, consideration shall be given to the nature and severity of a violation of this chapter in determining whether and for how long to ban a lender from a preferred lender list.

4. Nothing in this section shall prohibit the attorney general from reaching a settlement agreement with a covered institution, covered institution employee, or lending institution in order to effectuate the purposes of this section. Provided, however, if such settlement agreement is reached with a covered institution or lending institution, the attorney general shall provide notice of such action to the borrowers in a form and manner prescribed by the attorney general.

5. The attorney general shall deposit the funds generated pursuant to this section into the student lending education fund, created in section 261F.10.

6. Each individual incident of a violation of this chapter shall be considered a separate violation for the purpose of imposing civil penalties.

2008 Acts, ch 1132, §10
Referred to in §261F.10

261F.9 Rules — investigation authority — enforcement.

1. The attorney general shall administer this chapter and promulgate rules, pursuant to chapter 17A, necessary for the implementation of this chapter. Unless otherwise provided, all actions by the attorney general pursuant to this chapter shall be subject to the provisions of chapter 17A.

2. The attorney general is authorized to conduct an investigation to determine whether to initiate proceedings pursuant to this chapter to the same extent as the investigation authority granted the attorney general under section 714.16.

2008 Acts, ch 1132, §11

261F.10 Student lending education fund.

1. There is established in the state treasury a student lending education fund.

2. The fund shall consist of all revenues generated pursuant to section 261F.8 and all other moneys credited or transferred to the fund from any other fund or source pursuant to law.

3. Moneys in the fund shall be made available to the attorney general for the purpose of enforcing this chapter.

2008 Acts, ch 1132, §12
Referred to in §261F.8

261F.11 Effect on other laws or regulations.

This chapter shall not be interpreted to affect the liability of any person, covered institution, or lending institution under any other state statute or rule.

2008 Acts, ch 1132, §13

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CHAPTER 261G

POSTSECONDARY DISTANCE EDUCATION — INTERSTATE RECIPROCITY

Referred to in §256.177, 261B.8, 261B.11B, 714.23

261G.1 Purpose.
261G.2 Definitions.
261G.3 Execution of duties.
261G.4 Effect of agreement.
261G.5 Postsecondary registration fees.
261G.6 Enforcement.

261G.1 Purpose.

The purpose of this chapter is to authorize the college student aid commission to enter into or recognize agreements that will create interstate reciprocity in the regulation of postsecondary distance education for the purpose of encouraging cost savings for students and greater efficiencies and effectiveness for institutions of higher education providing distance education.

2014 Acts, ch 1063, §5

261G.2 Definitions.

1. *"Commission"* means the college student aid commission created pursuant to section 256.176.

2. *"Interstate reciprocity agreement"* means an interstate reciprocity agreement entered into and administered, or recognized, by the commission in accordance with section 256.177, subsection 11.

3. *"Participating institution"* means an institution that meets the definition of subsection 4 or 5.

4. *"Participating nonresident institution"* means a postsecondary institution without a physical presence in Iowa that is offering instructional programs or courses in Iowa leading to a degree, is a member in good standing in an interstate reciprocity agreement, and is registered with and regulated by a state agency or authority that is a member in good standing in an interstate reciprocity agreement.

5. *"Participating resident institution"* means a postsecondary institution located in Iowa that is a member in good standing in an interstate reciprocity agreement and is offering instructional programs or courses in Iowa leading to a degree, including but not limited to the following institutions:

a. A community college as defined in section 260C.2.

b. An institution of higher learning governed by the state board of regents.

c. An accredited private institution as defined in section 256.183.

d. A school or postsecondary educational institution that voluntarily registers with the commission pursuant to section 261B.11B in order to comply with this chapter or for purposes of institutional eligibility under 34 C.F.R. §600.9(a).

6. *"Physical presence"* means any of the following:

a. Establishing a physical location in Iowa for students to receive synchronous or asynchronous instruction.

b. Requiring students to physically meet in a location in Iowa for instructional purposes.

c. Establishing an administrative office in Iowa, for any of the following purposes:

(1) Providing information to prospective students or the general public about the institution, for enrolling students, or for providing services to enrolled students.

(2) Providing office space to instructional or noninstructional staff.

(3) Establishing an Iowa mailing address, street address, or telephone number.

2014 Acts, ch 1063, §6
Referred to in §256.177

261G.3 Execution of duties.

The commission shall only enter into or recognize an interstate reciprocity agreement if the agreement contains sufficient consumer protection provisions and is otherwise in the best interests of students enrolled in institutions of higher education in this state.

2014 Acts, ch 1063, §7

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261G.4 Effect of agreement.

1. Notwithstanding any other provision of law to the contrary, a participating nonresident institution shall not be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 256, subchapter VII, part 4, or chapter 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of an interstate reciprocity agreement prohibit such registration or compliance.

2. Notwithstanding any other provision of law to the contrary, a participating resident institution shall be required to register under chapter 261B or to comply with the registration and disclosure requirements of chapter 256, subchapter VII, part 4, or chapter 261B or section 714.17, subsections 2 and 3, or sections 714.18, 714.20, 714.21, and 714.23, or section 714.24, subsections 1, 2, 3, 4, and 5, or section 714.25, if the provisions of the interstate reciprocity agreement require such registration or compliance.

3. A participating institution offering instructional programs or courses under an interstate reciprocity agreement entered into or recognized by the commission must notify the commission of any change of status relating in any way to the interstate reciprocity agreement.

4. This chapter shall not be construed to prevent the commission or the state from requiring a school or other postsecondary educational institution to register under chapter 261B or from taking enforcement action against a participating institution in any of the following circumstances:

a. A participating nonresident institution leaves or otherwise ceases to be a member in good standing in an interstate reciprocity agreement.

b. The participating institution is physically or administratively housed in a state that does not join or ceases to be a member in good standing in an interstate reciprocity agreement entered into or recognized by the commission.

c. The discovery of acts or omissions subject to the enforcement action but which occurred prior to the commission's entering into or recognizing an interstate reciprocity agreement.

5. Students attending a participating nonresident institution are ineligible for state student financial aid programs established under chapter 256, subchapter VII, part 4.

2014 Acts, ch 1063, §8; 2015 Acts, ch 107, §1, 3; 2016 Acts, ch 1073, §90; 2023 Acts, ch 19, §2640; 2023 Acts, ch 119, §26

Referred to in §714.23

261G.5 Postsecondary registration fees.

1. The commission shall set by rule and collect a nonrefundable initial registration fee and a renewal of registration fee from each participating institution that voluntarily registers with the commission pursuant to section 261B.11B in order to comply with this chapter or for purposes of institutional eligibility under 34 C.F.R. §600.9(a).

2. Fees shall be set by rule not more than once each year and shall be based upon the costs of administering this chapter.

3. Fees collected under this section shall be deposited in a separate account in the postsecondary registration fund created pursuant to section 261B.8, subsection 3, and shall be used for purposes of administering this chapter.

2014 Acts, ch 1063, §9

261G.6 Enforcement.

This chapter shall not be construed to affect the authority of the attorney general pursuant to section 714.16.

2014 Acts, ch 1063, §10

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CHAPTER 261H

SPEECH AND EXPRESSION — PUBLIC INSTITUTIONS OF HIGHER EDUCATION

261H.1	Definitions.	261H.6	Training — first amendment to the Constitution of the United States.
261H.2	Public institutions of higher education — duties.	261H.7	Student government organizations — student fees — appeals — liability.
261H.3	Protected activities.	261H.8	Training by institution prohibited — specific defined concepts.
261H.4	Public forums on campus — freedom of association.		
261H.5	Remedies — statute of limitations — immunity.		

261H.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Benefit"* with respect to a student organization at a public institution of higher education means any of the following:

a. Recognition.

b. Registration.

c. Use of facilities for meetings or speaking purposes.

d. Use of channels of communication.

e. Access to funding sources that are otherwise available to other student groups.

2. *"Campus community"* means students, administrators, faculty, and staff at a public institution of higher education and guests invited to a public institution of higher education by the institution's students, administrators, faculty, or staff.

3. *"Materially and substantially disrupts"* means when a person, with the intent to or with knowledge of doing so, engages in violent or other disorderly conduct that significantly hinders a previously scheduled or reserved activity occurring on university grounds, buildings, and facilities. *"Materially and substantially disrupts"* does not include conduct that is protected under the first amendment to the Constitution of the United States, including but not limited to lawful protests and counterprotests.

4. *"Outdoor areas of campus"* means the generally accessible outside areas of campus where students, administrators, faculty, and staff at a public institution of higher education are commonly allowed, such as grassy areas, walkways, or other similar common areas and does not include areas outside health care facilities including both stand-alone facilities and mixed-use facilities that are embedded within another facility, veterinary medicine facilities, a facility or outdoor area used by the institution's athletics program or teams, or other outdoor areas where access is restricted to a majority of the campus community. In recognition of the healing environment that is essential to its clinical purposes, the areas outside health care facilities, including both stand-alone facilities and mixed-use facilities that are embedded within another facility, are not designated public forums.

5. *"Public institution of higher education"* means a community college established under chapter 260C or an institution of higher learning governed by the state board of regents.

6. *"Student"* means an individual who is enrolled on a full-time or part-time basis at a public institution of higher education.

7. *"Student organization"* means a group officially recognized at or officially registered by a public institution of higher education, or a group seeking such official recognition or official registration, comprised of students who are admitted and in attendance at the public institution of higher education, and who receive, or are seeking to receive, student organization benefits or privileges through the public institution of higher education.

2019 Acts, ch 11, §1, 7

261H.2 Public institutions of higher education — duties.

1. The state board of regents and the board of directors of each community college shall adopt a policy that includes all of the following statements:

a. That the primary function of an institution of higher education is the discovery, improvement, transmission, and dissemination of knowledge by means of research,

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teaching, discussion, and debate. This statement shall provide that, to fulfill this function, the institution must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the first amendment to the Constitution of the United States.

b. (1) That it is not the proper role of an institution of higher education to shield individuals from speech protected by the first amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.

(2) That it is the proper role of an institution of higher education to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the first amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of first amendment rights.

c. That students and faculty have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the first amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions that are consistent with established first amendment principles.

d. That the outdoor areas of campus of an institution of higher education are public forums, open on the same terms to any invited speaker subject to reasonable time, place, and manner restrictions that are consistent with established principles of the first amendment to the Constitution of the United States.

2. The state board of regents shall develop materials, programs, and procedures to ensure that those persons who are responsible for discipline, instruction, or administration of the campus community, or who have oversight of student government organizations, or distribute activity fee funds, including but not limited to presidents, vice-presidents, deans, department directors, administrators, campus police officers, residence life officials, faculty, and members of student government organizations, understand the policies, regulations, and duties of the institution regarding free expression on campus consistent with this chapter.

3. *a.* Each public institution of higher education shall protect the first amendment rights of the institution's students, staff, and faculty and shall establish and publicize policies that prohibit institutional restrictions and penalties based on protected speech, including political speech, to the fullest extent required by the first amendment to the Constitution of the United States. A public institution of higher education shall not retaliate against a member of the campus community who files a complaint for a violation of this subsection pursuant to section 261H.5.

b. If it is determined, after exhaustion of all available administrative and judicial appeals, that a faculty member knowingly and intentionally restricts the protected speech or otherwise penalizes a student in violation of this subsection, the faculty member shall be subject to discipline by the institution through the normal disciplinary processes of the institution, and such discipline may include termination depending on the totality of the facts. If the faculty member is licensed by the board of educational examiners under chapter 256, subchapter VII, part 3, the board of educational examiners shall conduct a hearing pursuant to section 256.158, and the faculty member may be subject to disciplinary action by the board.

2019 Acts, ch 11, §2, 7; 2021 Acts, ch 130, §1; 2023 Acts, ch 19, §2559

Referred to in §256.146

261H.3 Protected activities.

1. Noncommercial expressive activities protected under the provisions of this chapter include but are not limited to any lawful oral or written means by which members of the campus community may communicate ideas to one another, including but not limited to all forms of peaceful assembly, protests, speeches including by invited speakers, distribution of literature, circulating petitions, and publishing, including publishing or streaming on an internet site, or audio or video recorded in outdoor areas of campus.

2. A member of the campus community who wishes to engage in noncommercial expressive activity in outdoor areas of campus shall be permitted to do so freely, subject to reasonable time, place, and manner restrictions, and as long as the member's conduct is not unlawful, does not impede others' access to a facility or use of walkways, and does

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not disrupt the functioning of the public institution of higher education, subject to the protections of subsection 1. The public institution of higher education may designate other areas of campus available for use by the campus community according to institutional policy, but in all cases access to designated areas of campus must be granted on a viewpoint-neutral basis within the bounds of established principles of the first amendment to the Constitution of the United States.

3. A public institution of higher education shall not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or the expression of the viewpoint of a student organization by the student organization or its members protected by the first amendment to the Constitution of the United States. In addition, a public institution of higher education shall not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support the student organization's beliefs, as those beliefs are interpreted and applied by the organization, and to further the student organization's mission.

4. This section shall not be interpreted as limiting the right of student expression in a counter demonstration held in an outdoor area of campus as long as the conduct at the counter demonstration is not unlawful, does not materially and substantially prohibit the free expression rights of others in an outdoor area of campus or disrupt the functioning of the public institution of higher education, and does not impede others' access to a facility or use of walkways, subject to reasonable time, place, and manner restrictions that are consistent with established principles of the first amendment to the Constitution of the United States.

5. This chapter shall not be interpreted as preventing public institutions of higher education from prohibiting, limiting, or restricting expression that the first amendment to the Constitution of the United States does not protect, including but not limited to a threat of serious harm and expression directed or likely directed to provoke imminent unlawful actions; or from prohibiting harassment, including but not limited to expression which is so severe, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by a public institution of higher education.

2019 Acts, ch 11, §3, 7; 2019 Acts, ch 89, §12, 22, 25

261H.4 Public forums on campus — freedom of association.

1. The outdoor areas of campuses of public institutions of higher education in this state shall be deemed public forums. Public institutions of higher education may maintain and enforce clear, published, reasonable viewpoint-neutral time, place, and manner restrictions that are narrowly tailored in furtherance of a significant institutional interest, but shall allow members of the campus community to engage in spontaneous expressive activity and to distribute literature. Restrictions instituted by a public institution of higher education under this section shall provide for ample alternative means of expression.

2. Except as provided in this chapter, and subject to reasonable time, place, and manner restrictions, a public institution of higher education shall not designate any area of campus a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus.

3. Nothing in this chapter shall be construed to grant individuals the right to engage in conduct that intentionally, materially, and substantially disrupts the expressive activity of a person or student organization if the public institution of higher education has reserved space in an outdoor area of campus for activity by the person or student organization in accordance with this chapter.

2019 Acts, ch 11, §4, 7

261H.5 Remedies — statute of limitations — immunity.

1. A member of the campus community aggrieved by a violation of this chapter may file a complaint with the governing body of the public institution of higher education.

2. A member of the campus community aggrieved by a violation of this chapter may

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assert such violation as a defense or counterclaim in a disciplinary action or in a civil or administrative proceeding brought against the member of the campus community.

3. A member of the campus community shall bring a claim for violation of this chapter pursuant to this section not later than one year after the day the cause of action accrues.

4. This section shall not be interpreted to limit any other remedies available to a member of the campus community.

5. Nothing in this section shall be construed to make any administrator, officer, employee, or agent of a public institution of higher education personally liable for acts taken pursuant to the individual's official duties.

2019 Acts, ch 11, §5, 7
Referred to in §261H.2

261H.6 Training — first amendment to the Constitution of the United States.

Each public institution of higher education shall provide training on free speech under the first amendment to the Constitution of the United States to all students, faculty, and staff on an annual basis, which elected officials and staff shall be permitted to attend.

2021 Acts, ch 130, §2

261H.7 Student government organizations — student fees — appeals — liability.

1. Each institution of higher education governed by the state board of regents shall make a student government organization's access to and authority over any moneys disbursed to the student government organization by the institution contingent upon the student government organization's compliance with the first amendment to the Constitution of the United States and the provisions of this chapter.

2. If, after exhaustion of all administrative appeals, it is determined that a student government organization knowingly and intentionally violated the first amendment rights of a member of the campus community or that an action or decision of a student government organization is in violation of this section, the institution shall suspend the student government organization's authority to manage and disburse student fees for a period of one year. During this period of suspension, such student fees shall be managed and disbursed by the institution.

2021 Acts, ch 130, §3

261H.8 Training by institution prohibited — specific defined concepts.

1. For purposes of this section, unless the context otherwise requires:

a. "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex, or claiming that, consciously or unconsciously, and by virtue of persons' race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

b. "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of the individual's race or sex.

c. "Specific defined concepts" includes all of the following:

(1) That one race or sex is inherently superior to another race or sex.

(2) That the United States of America and the state of Iowa are fundamentally or systemically racist or sexist.

(3) That an individual, solely because of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(4) That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex.

(5) That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.

(6) That an individual's moral character is necessarily determined by the individual's race or sex.

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(7) That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.

(8) That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex.

(9) That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.

(10) Any other form of race or sex scapegoating or any other form of race or sex stereotyping.

2. Each public institution of higher education may continue training that fosters a workplace and learning environment that is respectful of all employees and students. However, the president, vice presidents, deans, department directors, or any other administrator of a public institution of higher education shall ensure that any mandatory staff or student training provided by an employee of the institution or by a contractor hired by the institution does not teach, advocate, act upon, or promote specific defined concepts. This subsection shall not be construed as preventing an employee or contractor who provides mandatory training from responding to questions regarding specific defined concepts raised by participants in the training.

3. Institution diversity and inclusion efforts shall discourage students of a public institution of higher education from discriminating against another by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law. Each public institution of higher education shall prohibit its employees from discriminating against students and employees by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Inhibit or violate the first amendment rights of students or faculty, or undermine a public institution of higher education's duty to protect to the fullest degree intellectual freedom and free expression. The intellectual vitality of students and faculty shall not be infringed under this section.

b. Prevent a public institution of higher education from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, provided such efforts are consistent with the provisions of this section, chapter 216, and other applicable law.

c. Prohibit discussing specific defined concepts as part of a larger course of academic instruction.

d. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

e. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

f. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

2021 Acts, ch 163, §2

Referred to in §25A.1, 279.74

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CHAPTER 261I

EXTRACURRICULAR ATHLETICS ELIGIBILITY

Extracurricular eligibility; see also §256.46, 282.18(11)

261I.1 Definitions.
261I.2 Extracurricular athletics — eligibility — cause of action.

261I.1 Definitions.

For the purposes of this chapter:

1. *"Educational institution"* means any of the following:

a. A nonpublic school accredited pursuant to section 256.11.

b. A public school district.

c. An institution governed by the state board of regents pursuant to chapter 262.

d. A community college as defined in section 260C.2.

e. Any institution of higher education located in this state that is a member of the national collegiate athletic association, national association of intercollegiate athletics, or national junior college athletic association.

2. *"Organization"* means the same as defined in section 280.13.

3. *"Sex"* means the same as defined in section 4.1A. The sex listed on a student's official birth certificate or certificate issued upon adoption shall be considered presumptively correct if the certificate was issued at or near the time of the student's birth.

2022 Acts, ch 1003, §1, 3; 2025 Acts, ch 1, §26

261I.2 Extracurricular athletics — eligibility — cause of action.

1. *a.* An interscholastic athletic team, sport, or athletic event that is sponsored or sanctioned by an educational institution or organization must be designated as one of the following, based on the sex at birth of the participating students:

(1) Females, women, or girls.

(2) Males, men, or boys.

(3) Coeducational or mixed.

b. Only female students, based on their sex, may participate in any team, sport, or athletic event designated as being for females, women, or girls.

c. Protections pursuant to chapter 669 or chapter 670 shall not apply to an educational institution or an employee of an educational institution that does not comply with the requirements of this section.

2. *a.* If a student suffers direct or indirect harm as a result of a violation of subsection 1, that student has a private cause of action for injunctive, mandamus, damages, and declaratory relief against the entity that violated subsection 1.

b. If a student is subjected to retaliation or other adverse action by an educational institution or organization as a result of reporting a violation of subsection 1 to an employee or representative of the educational institution, organization, or to a state or federal governmental entity having oversight authority, that student has a private cause of action for injunctive, mandamus, damages, and declaratory relief, against the educational institution or organization. In addition, a governmental entity shall not investigate a complaint or take any adverse action against an educational institution or organization, or any employee of a board of directors of a school district, the authorities in charge of an accredited nonpublic school or nonpublic institution of higher education, the board of directors of a merged area, or the board of regents for compliance with subsection 1.

3. If an educational institution or organization suffers any direct or indirect harm as a result of a violation of subsection 1, that educational institution or organization has a private cause of action for injunctive, mandamus, damages, and declaratory relief against the entity that violated subsection 1.

4. *a.* A governmental entity, educational institution, or organization shall not be liable to any student for complying with subsection 1.

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b. A civil action under subsection 2 or 3 must be initiated within two years from the date the alleged harm occurred.

c. Any party prevailing on a claim brought under subsection 2 or 3 is entitled to reasonable attorney fees and costs.

5. *a.* For any lawsuit brought or any complaint filed against an educational institution or organization, or an employee, a member of the board of directors of a school district, a member of the authorities in charge of a nonpublic school or nonpublic institution of higher education, a member of the board of directors of a merged area, or a member of the board of regents as a result of compliance with subsection 1, the attorney general shall provide legal representation at no cost to that entity or individual.

b. In addition to the expenses of representation, the state shall assume financial responsibility for any other expense related to the lawsuit or complaint and incurred by an educational institution or organization, or an employee, a member of the board of directors of a school district, a member of the authorities in charge of a nonpublic school or nonpublic institution of higher education, a member of the board of directors of a merged area, or a member of the board of regents including any award for attorney fees and costs for which that entity or individual would be otherwise responsible.

2022 Acts, ch 1003, §2, 3
Referred to in §144.24

CHAPTER 261J

DIVERSITY, EQUITY, AND INCLUSION

Diversity, equity, and inclusion activities of state entities, see chapter 19

261J.1 Definitions.
261J.2 Diversity, equity, and inclusion office prohibited.
261J.3 Restrictions on use of moneys.
261J.4 Reporting.
261J.5 Enforcement.

261J.1 Definitions.

As used in this chapter:

1. *"Diversity, equity, and inclusion"* includes all of the following:

a. Any effort to manipulate or otherwise influence the composition of the faculty or student body with reference to race, sex, color, or ethnicity, apart from ensuring colorblind and sex-neutral admissions and hiring in accordance with state and federal antidiscrimination laws.

b. Any effort to promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.

c. Any effort to promote or promulgate policies and procedures designed or implemented with reference to race, color, or ethnicity.

d. Any effort to promote or promulgate trainings, programming, or activities designed or implemented with reference to race, color, ethnicity, gender identity, or sexual orientation.

e. Any effort to promote, as the official position of the public institution of higher education, a particular, widely contested opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, antiracism, systemic oppression, social justice, intersectionality, neo-pronouns, heteronormativity, disparate impact, gender theory, racial privilege, sexual privilege, or any related formulation of these concepts.

2. *"Diversity, equity, and inclusion office"* means any division, office, center, or other unit of a public institution of higher education that is responsible for creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures related to diversity, equity, and inclusion. *"Diversity, equity, and inclusion office"* does not include any of the following:

a. (1) With respect to an institution of higher learning governed by the state board of

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regents, an office staffed exclusively by licensed attorneys and paralegal and secretarial support for the licensed attorneys, and certified by the attorney general as operating with the sole and exclusive mission of ensuring legal compliance with the public institution of higher education's obligations under Tit. IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any other applicable federal or state law or a court order.

(2) With respect to a community college, an office ensuring legal compliance.

b. An academic department within a public institution of higher education that exists primarily for the purpose of offering courses for degree credit and that does not establish a policy or procedures to which other departments of the public institution of higher education are subject.

c. An office solely engaged in new student recruitment.

d. A registered student organization.

3. *"Public institution of higher education"* means an institution of higher learning governed by the state board of regents or a community college.

2024 Acts, ch 1152, §31, 37; 2025 Acts, ch 113, §5, 6

261J.2 Diversity, equity, and inclusion office prohibited.

A public institution of higher education shall not, except as otherwise provided by federal or state law or accreditation standards, do any of the following:

1. Establish or maintain a diversity, equity, and inclusion office.

2. Hire or assign an employee of the public institution of higher education, or contract with a third party, to perform duties of a diversity, equity, or inclusion office.

3. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement, or give preferential consideration to any person based on the provisions of a diversity, equity, and inclusion statement.

2024 Acts, ch 1152, §32, 37

Referred to in §261J.5

261J.3 Restrictions on use of moneys.

1. A public institution of higher education shall not, except as otherwise provided by federal or state law or accreditation standards, expend any moneys appropriated by the general assembly or any other moneys derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source to establish, sustain, support, or staff a diversity, equity, and inclusion office.

2. Subsection 1 shall not be construed to cover or affect a public institution of higher education's funding of any of the following:

a. Academic course instruction.

b. Research or creative works by the public institution of higher education's students, faculty, or other research personnel, and the dissemination of such research or creative works.

c. Activities of registered student organizations.

d. Arrangements for guest speakers and performers with short-term engagements.

e. Mental or physical health services provided by licensed professionals.

3. Subsection 1 shall not be construed as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public higher education.

2024 Acts, ch 1152, §33, 37

261J.4 Reporting.

Each institution of higher education governed by the state board of regents shall, on or before December 1 of each year, submit an annual report to the general assembly and the governor that certifies the institution's compliance with this chapter.

2024 Acts, ch 1152, §34, 37; 2025 Acts, ch 113, §7

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261J.5 Enforcement.

Any person may notify the attorney general of a public institution of higher education's potential violation of section 261J.2. The attorney general may bring an action against a public institution of higher education for a writ of mandamus to compel the public institution of higher education to comply with section 261J.2.

2024 Acts, ch 1152, §35, 37

CHAPTER 261K

ACCREDITATION OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION

261K.1 Definitions.
261K.2 Accrediting agencies — adverse action against institutions for compliance with state law prohibited.
261K.3 Civil action.

261K.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Accrediting agency"* means an entity that provides accreditation of public institutions of higher education and that is not a government agency.

2. *"Public institution of higher education"* means an institution of higher learning governed by the state board of regents or a community college.

2025 Acts, ch 62, §6, 9

261K.2 Accrediting agencies — adverse action against institutions for compliance with state law prohibited.

1. An accrediting agency shall not take any adverse action against a public institution of higher education for complying with a state law or refusing to violate a state law.

2. Any adverse action taken by an accrediting agency against a public institution of higher education based, in whole or in part, on the institution's compliance with a state law or refusal to violate a state law constitutes a violation of this section that is subject to section 261K.3.

2025 Acts, ch 62, §7, 9
Referred to in §261K.3

261K.3 Civil action.

A public institution of higher education that is negatively affected by adverse action taken against the institution by an accrediting agency in violation of section 261K.2 may bring a civil action against the accrediting agency in this state if authorized by the attorney general. The attorney general may bring the action on behalf of the institution. The institution or attorney general may obtain injunctive relief and liquidated damages in the amount of the federal financial aid received by the institution in the academic year preceding the violation, as well as court costs and reasonable attorney fees.

2025 Acts, ch 62, §8, 9
Referred to in §261K.2

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CHAPTER 261L

STUDENT PARENTS AT INSTITUTIONS OF HIGHER EDUCATION

261L.1 Student parents at institutions of higher education.

261L.1 Student parents at institutions of higher education.

1. For the purposes of this section, unless the context otherwise requires:

a. *"Institution"* means an institution of higher education governed by the state board of regents or a community college established under chapter 260C. *"Institution"* also includes the faculty, staff, and other employees of such institution of higher education or community college established under chapter 260C.

b. *"Reasonable accommodations"* includes but is not limited to all of the following:

(1) Taking additional health and safety measures.

(2) Allowing a student to reschedule tests and assignment due dates that are missed for reasons related to the student's pregnancy.

(3) Allowing a student to take a leave of absence.

(4) Excusing absences for reasons deemed medically necessary due to the pregnancy.

c. *"Student"* means a biological female.

2. An institution shall not require a student enrolled in a course of study or research activity to take a leave of absence, withdraw from a program, or limit the student's participation in academic activities solely due to pregnancy. An institution shall make reasonable accommodations to a pregnant student to allow the student to complete a course of study or research.

3. *a.* An institution shall allow a student who is pregnant or has recently given birth an additional, reasonable period of time to take examinations that is consistent with the policies of the institution and that is mutually agreed to by the student and the institution.

b. An institution shall allow a student who is pregnant or has recently given birth an additional, reasonable period of time to complete a degree or candidacy for a degree that is consistent with the policies of the institution and that is mutually agreed to by the student and the institution.

4. An institution shall allow a student who is pregnant or has recently given birth to take a leave of absence for a reasonable period of time that is consistent with the policies of the institution and that is mutually agreed to by the student and the institution. Following the leave of absence, the student shall be allowed to return to the student's program with the same standing as the student left to the extent reasonably possible.

5. The institution employee charged with coordination of the institution's compliance with Tit. IX of the federal Education Amendments Act of 1972 shall maintain a system to receive and investigate complaints from students alleging a violation of this section.

6. An institution shall do all of the following:

a. Maintain a written policy for students on pregnancy discrimination and procedures for addressing pregnancy discrimination complaints under this section and the federal Higher Education Act of 1965, as amended, 20 U.S.C. §1681 et seq. The institution shall provide a copy of the policy to institution faculty, staff, and employees in required training. The institution shall provide a copy of the policy to all students attending orientation at the institution.

b. Prominently post notice of the protections afforded to pregnant students and students who have recently given birth under the federal Higher Education Act of 1965, as amended, 20 U.S.C. §1681 et seq., on the institution's internet site.

c. Provide information concerning the protections afforded to pregnant students and students who have recently given birth under the federal Higher Education Act of 1965, as amended, 20 U.S.C. §1681 et seq., through the institution's medical center and health center to a student upon the student's request and when otherwise appropriate.

d. Assign responsibility for pregnancy and parenting support and protection to an office of the institution other than the office responsible for coordination of the institution's

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compliance with Tit. IX of the federal Education Amendments Act of 1972. The institution shall post the name, location, and contact information of the responsible office on the institution's internet site. Responsibilities assigned to the office pursuant to this paragraph shall include but not be limited to:

(1) Maintaining current knowledge of the provisions of this section.

(2) Overseeing institution compliance with this section.

(3) Understanding and publicizing topics related to pregnancy and parenting, including but not limited to child care availability, breastfeeding accommodations, and pregnancy and parenting assistance from public and private providers, in order to enhance campus life and academic performance.

7. This section does not apply to a student with respect to the student's employment by an institution.

2025 Acts, ch 129, §1

CHAPTER 261M

STUDENT LOAN INFORMATION AND ANALYSIS

261M.1 Definitions.
261M.2 Student loan information.
261M.3 Analysis of student loan information.
261M.4 Online statement.
261M.5 Information required in offers of financial aid.

261M.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Bureau"* means the bureau of Iowa college aid of the department of education.

2. *"Corporation"* means the Iowa student loan liquidity corporation.

2026 Acts, ch 1082, §2
NEW section

261M.2 Student loan information.

The corporation shall provide the following information to the bureau:

1. An estimate of the annual percentage rate of the federal direct plus loan as well as the assumptions used by the corporation to prepare the estimate. The corporation shall provide this information annually after the interest rate for a federal direct plus loan is established.

2. The address of the corporation's internet site that includes information on possible annual percentage rates for a college family loan and partnership loan offered by the corporation and the disclosures required by 34 C.F.R. §601.11. The corporation shall notify the bureau when the annual percentage rate for the college family loan or partnership loan changes.

3. The address of the corporation's internet site that includes a chart comparing the terms and conditions of the federal direct plus loan with those of the college family loan and the partnership loan. The corporation shall notify the bureau when any information on the chart is changed.

2026 Acts, ch 1082, §3
Referred to in §261M.3, 261M.4, 261M.5
NEW section

261M.3 Analysis of student loan information.

Upon receiving information from the corporation as required by section 261M.2, the bureau shall do all of the following:

1. Provide the estimate and assumptions required by section 261M.2, subsection 1, to the superintendent of banking. The superintendent shall review the estimate and assumptions and report the superintendent's findings as to the accuracy and validity of the estimate and assumptions to the bureau.

2. Using the report provided pursuant to subsection 1 and any other resources available

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to the bureau, determine if the information included in the chart described in section 261M.2, subsection 3, is accurate. If the bureau determines any information is inaccurate, the bureau shall notify the corporation of the inaccuracy and the manner in which the inaccuracy can be corrected.

3. Compare the estimated annual percentage rate for the federal direct plus loan to the annual percentage rates for the college family loan and the partnership loan and determine if the college family loan or the partnership loan may offer a lower annual percentage rate than the federal direct plus loan.

2026 Acts, ch 1082, §4
Referred to in §261M.4, 261M.5
NEW section

261M.4 Online statement.

If the bureau determines, based on section 261M.3, subsection 3, that the college family loan or the partnership loan may offer a lower annual percentage rate than the federal direct plus loan, the bureau shall publish on the bureau's internet site a statement that contains the information required by this section. The bureau shall remove the statement if a change in annual percentage rate results in the college family loan or the partnership loan no longer having the lower rate. The statement must include all of the following:

1. An explanation that the supplemental student loan program offered by the state of Iowa, which includes the college family loan and the partnership loan, offers an annual percentage rate that is lower than the estimated annual percentage rate of the federal direct plus loan.

2. The estimated annual percentage rate of the federal direct plus loan and the address of the corporation's internet site described in section 261M.2, subsection 2. The bureau shall update this information as applicable interest rates and annual percentage rates change.

3. The address of the corporation's internet site described in section 261M.2, subsection 3.

2026 Acts, ch 1082, §5
Referred to in §261M.5
NEW section

261M.5 Information required in offers of financial aid.

By October 1 each year, if the bureau determines, based on section 261M.3, subsection 3, that the college family loan or the partnership loan may offer a lower annual percentage rate than the federal direct plus loan, the bureau shall send to each institution of higher education in this state eligible to receive funds through the college family loan or the partnership loan offered by the corporation the information required by this section. Each institution shall include the information in all offers of financial aid sent to prospective students or their families. The bureau shall notify each institution if a change in annual percentage rate results in the college family loan or the partnership loan no longer having the lower rate, in which case the institution shall no longer be required to include the information unless notified otherwise by the bureau.

1. An explanation as described in section 261M.4, subsection 1.

2. The address of the bureau's internet site that includes the statement required by section 261M.4.

3. The address of the corporation's internet site described in section 261M.2, subsection 3.

4. A statement that students and their families should utilize federal loan programs for students before considering a federal direct plus loan, college family loan, or partnership loan.

2026 Acts, ch 1082, §6
NEW section

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SUBTITLE 4

REGENTS INSTITUTIONS

CHAPTER 262

BOARD OF REGENTS

Referred to in §7D.34, 8A.402, 8E.104, 12B.10B, 12B.10C, 261I.1, 419.1, 432.13, 459.318, 459A.102, 554D.120, 573.14, 724.8A

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SUBCHAPTER I

GENERAL PROVISIONS

262.1 Membership.

The state board of regents consists of nine members, eight of whom shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of the office. The ninth member shall be a student enrolled on a full-time basis in good standing at either the graduate or undergraduate level at one of the institutions listed in section 262.7, subsection 1, 2, or 3, at the time of the member's appointment. Not more than five members shall be of the same political party.

[S13, §2682-c, -d; C24, 27, 31, 35, 39, §**3912;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.1]

88 Acts, ch 1260, §1

Referred to in §262.2, 262.6

262.2 Appointment — term of office.

The members shall be appointed by the governor subject to confirmation by the senate. Prior to appointing the ninth member as specified in section 262.1, the governor shall consult with the appropriate student body government at the institution at which the proposed appointee is enrolled. The term of each member of the board shall be for six years, unless the ninth member, appointed in accordance with section 262.1, graduates or is no longer enrolled at an institution of higher education under the board's control, at which time the term of the ninth member shall expire one year from the date on which the member graduates or is no longer enrolled in an institution of higher education under the board's control. However, if within that year the ninth member reenrolls in any institution of higher education under the board's control on a full-time basis and is a student in good standing at either the graduate or undergraduate level, the term of the ninth member shall continue in effect. The terms of three members of the board shall begin and expire in each odd-numbered year as provided in section 69.19.

[S13, §2682-d; C24, 27, 31, 35, 39, §**3913, 3914;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §262.2, 262.3; C81, §262.2; 81 Acts, ch 86, §1]

2004 Acts, ch 1047, §1

Confirmation, see §2.32

262.3 Reserved.

262.4 Removals.

The governor, with the approval of a majority of the senate during a session of the general assembly, may remove any member of the board for malfeasance in office, or for any cause which would render the member ineligible for appointment or incapable or unfit to discharge the duties of office, and the member's removal, when so made, shall be final.

[S13, §2682-d; C24, 27, 31, 35, 39, §**3916;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.4]

262.5 Suspension.

When the general assembly is not in session, the governor may suspend any member so disqualified and shall appoint another to fill the vacancy thus created, subject to the approval of the senate when next in session.

[S13, §2682-d; C24, 27, 31, 35, 39, §**3917;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.5]

262.6 Vacancies.

Vacancies shall be filled in the same manner in which regular appointments are required to be made. If the ninth member resigns prior to the expiration of the term, the individual appointed to fill the vacancy shall meet the requirements for the ninth member specified in

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section 262.1. Other vacancies occurring prior to the expiration of the ninth member's term shall be filled in the same manner as the original appointments for those vacancies.

[S13, §2682-d; C24, 27, 31, 35, 39, §**3918;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.6]

88 Acts, ch 1260, §2

262.7 Institutions governed.

The state board of regents shall govern the following institutions:

1. The state university of Iowa, including the university of Iowa hospitals and clinics.
2. The Iowa state university of science and technology, including the agricultural experiment station.
3. The university of northern Iowa.
4. The Oakdale campus.
5. The university of Iowa hospitals and clinics' center for disabilities and development.

[R60, §2157, 2158; C73, §1685, 1686; C97, §2723; S13, §2682-c; C24, 27, 31, 35, 39, §**3919;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.7]

2001 Acts, ch 181, §15; 2006 Acts, ch 1051, §3; 2020 Acts, ch 1102, §12; 2023 Acts, ch 19, §2495

Referred to in §8.5, 11.1, 262.1, 262.34B, 262.71, 263C.1

262.8 Meetings.

Meetings may be called by the board, by the president of the board, or by the executive director of the board upon written request of any five members thereof.

[S13, §2682-e; C24, 27, 31, 35, 39, §**3920;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.8]

2006 Acts, ch 1051, §4; 2024 Acts, ch 1170, §107

262.9 Powers and duties.

The board shall:

1. Each even-numbered year elect, from its members, a president of the board, who shall serve for two years and until a successor is elected and qualified.
2. *a.* Elect a president of each of the institutions of higher learning; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation.

b. When electing a president of an institution of higher learning, the board may use a presidential selection committee. Only members of the board shall serve as voting members of a presidential selection committee.

3. Make rules for admission to and for the government of said institutions, not inconsistent with law.
4. Manage and control the property, both real and personal, belonging to the institutions.
5. Acquire real estate for the proper uses of institutions under its control, and dispose of real estate belonging to the institutions when not necessary for their purposes. The disposal of real estate shall be made upon such terms, conditions, and consideration as the board may recommend. If real estate subject to sale has been purchased or acquired from appropriated funds, the proceeds of such sale shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the state board of regents, which may be used to purchase other real estate and buildings and for the construction and alteration of buildings and other capital improvements. All transfers shall be by state patent in the manner provided by law. The board is also authorized to grant easements for rights-of-way over, across, and under the surface of public lands under its jurisdiction when in the board's judgment such easements are desirable and will benefit the state of Iowa.
6. Accept and administer trusts and may authorize nonprofit foundations acting solely for the support of institutions governed by the board to accept and administer trusts deemed by

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the board to be beneficial. Notwithstanding the provisions of section 633.63, the board and such nonprofit foundations may act as trustee in such instances.

7. Direct the expenditure of all appropriations made to institutions under the control of the board, and of any other moneys belonging to those institutions, but in no event shall the perpetual funds of the Iowa state university of science and technology, nor the permanent funds of the state university of Iowa derived under Acts of Congress, be diminished.

8. Collect the highest rate of interest, consistent with safety, obtainable on daily balances in the hands of the treasurer of each institution.

9. With consent of the inventor and in the discretion of the board, secure letters patent or copyright on inventions of students, instructors, and officials, or take assignment of such letters patent or copyright and may make all necessary expenditures in regard thereto. The letters patent or copyright on inventions when so secured shall be the property of the state, and the royalties and earnings thereon shall be credited to the funds of the institution in which such patent or copyright originated.

10. Perform all other acts necessary and proper for the execution of the powers and duties conferred by law upon it.

11. Grant leaves of absence with full or partial compensation to staff members to undertake approved programs of study, research, or other professional activity which in the judgment of the board will contribute to the improvement of the institutions. Any staff member granted such leave shall agree either to return to the institution granting such leave for a period of not less than two years or to repay to the state of Iowa such compensation as the staff member shall have received during such leave.

12. Lease properties and facilities, either as lessor or lessee, for the proper use and benefit of institutions under the control of the board upon such terms, conditions, and considerations as the board deems advantageous, including leases with provisions for ultimate ownership by the state of Iowa, and to pay the rentals from funds appropriated to the institution for operating expenses thereof or from such other funds as may be available therefor.

13. In its discretion, employ or retain attorneys or counselors to provide legal counsel or legal advice, notwithstanding section 13.7, provided that the provisions of section 13.7 shall govern the retention of attorneys in any action or proceeding that is brought in any court or tribunal.

14. *a.* In its discretion, adopt rules relating to the classification of students enrolled in institutions of higher education under the board who are residents of Iowa's sister states as residents or nonresidents for fee purposes.

b. (1) Adopt rules to classify as residents for purposes of undergraduate tuition and mandatory fees, qualified veterans and qualified military persons and their spouses and dependent children who are domiciled in this state while enrolled in an institution of higher education under the board. A spouse or dependent child of a military person or veteran shall not be deemed a resident under this paragraph *"b"* unless the qualified military person or qualified veteran meets the requirements of subparagraph (2), subparagraph division (b) or (c), as appropriate.

(2) For purposes of this paragraph *"b"*, unless the context otherwise requires:

(a) *"Dependent child"* means a student who was claimed by a qualified military person or qualified veteran as a dependent on the qualified military person's or qualified veteran's internal revenue service tax filing for the previous tax year.

(b) *"Qualified military person"* means a person on active duty in the military service of the United States who is stationed in this state or at the Rock Island arsenal. If the qualified military person is transferred, deployed, or restationed while the person's spouse or dependent child is enrolled in an institution of higher education under the control of the board, the spouse or dependent child shall continue to be classified as a resident provided the spouse or dependent child maintains continuous enrollment.

(c) *"Qualified veteran"* means a person who meets the following requirements:

(i) Is eligible for benefits, or has exhausted the benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008.

(ii) Is domiciled in this state, or has resided in this state for at least one year or sufficient time to have filed an Iowa tax return in the preceding twelve months.

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15. In issuing bonds or notes under this chapter, chapter 262A, chapter 263A, or other provision of law, select and fix the compensation for, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the board's judgment are necessary to carry out the board's intention. Prior to the initial selection, the board shall establish a procedure which provides for a fair and open selection process including but not limited to the opportunity to present written proposals and personal interviews. The board shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but are not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of engagement. The board may waive the requirements for a competitive selection procedure for any specific employment upon adoption of a resolution of the board stating why the waiver is in the public interest and shall provide the executive council with written notice of the granting of any such waiver.

16. *a.* Not less than thirty days prior to action by the board on any proposal to increase tuition, fees, or charges at one or more of the institutions of higher education under its control, send written notification of the amount of the proposed increase including a copy of the proposed tuition increase docket memorandum prepared for its consideration to the presiding officers of the student government organization of the affected institutions. The final decision on an increase in tuition or mandatory fees charged to all students at an institution for a fiscal year shall be made at a regular meeting and shall be reflected in a final docket memorandum that states the estimated total cost of attending each of the institutions of higher education under the board's control. The regular meeting shall be held in Ames, Cedar Falls, or Iowa City and shall not be held during a period in which classes have been suspended for university holiday or break. The final decision on an increase in tuition charged to all students at an institution for a fiscal year shall be made at a regular meeting held no later than April 30 of the previous fiscal year.

b. Authorize, at its discretion, each institution of higher education to retain the student fees and charges it collects to further the institution's purposes as authorized by the board. Notwithstanding any provision to the contrary, student fees and charges, as defined in section 262A.2, shall not be considered appropriated receipts as defined in section 8.2.

c. Prohibit the designation of a portion of the tuition moneys collected from resident undergraduate students by institutions of higher education governed by the board for use for student aid purposes. However, such institutions may designate that a portion of the tuition moneys collected from nonresident students be used for such purposes.

17. Develop a policy and adopt rules relating to the establishment of tuition rates which provide a predictable basis for assessing and anticipating changes in tuition rates.

18. Develop a policy requiring oral communication competence of persons who provide instruction to students attending institutions under the control of the board. The policy shall include a student evaluation mechanism which requires student evaluation of persons providing instruction on at least an annual basis. However, the board shall establish criteria by which an institution may discontinue annual evaluations of a specific person providing instruction. The criteria shall include receipt by the institution of two consecutive positive annual evaluations from the majority of students evaluating the person.

19. Develop a policy relating to the teaching proficiency of teaching assistants which provides a teaching proficiency standard, instructional assistance to, and evaluation of persons who provide instruction to students at the higher education institutions under the control of the board.

20. Explore, in conjunction with the department of education, the need for coordination between school districts, area education agencies, state board of regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and other similar issues. Coordination may include but is not limited to coordination of calendars, programs, schedules, or telecommunications emissions. The state board shall develop recommendations as necessary, which shall be submitted in a report to the general assembly on a timely basis.

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21. Develop and implement a written policy, which is disseminated during registration or orientation, addressing the following four areas relating to sexual abuse:

a. Counseling.

b. Campus security.

c. Education, including prevention, protection, and the rights and duties of students and employees of the institution.

d. Facilitating the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.

22. Authorize the institutions of higher learning under the board to charge an interest rate, not to exceed the prime rate plus six percent, on delinquent bills. However, the board shall prohibit the institutions from charging interest on late tuition payments and room and board payments if financial aid payments to students enrolled in the institutions are delayed by the lending institution.

23. Direct the institutions of higher education under its control to adopt a policy to offer not less than the following options to a student who is a member, or the spouse of a member if the member has a dependent child as defined in subsection 14, paragraph *"b"*, subparagraph (2), subparagraph division (a), of the Iowa national guard or reserve forces of the United States and who is ordered to national guard duty or federal active duty:

a. Withdraw from the student's entire registration and receive a full refund of tuition and mandatory fees.

b. Make arrangements with the student's instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the student's registration shall remain intact and tuition and mandatory fees shall be assessed for the courses in full.

c. Make arrangements with only some of the student's instructors for grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the registration for those courses shall remain intact and tuition and mandatory fees shall be assessed for those courses. Any course for which arrangements cannot be made for grades or incompletes shall be considered dropped and the tuition and mandatory fees for the course refunded.

24. Develop a policy, not later than August 1, 2003, that each institution of higher education under the control of the board shall approve, institute, and enforce, which prohibits students, faculty, and staff from harassing or intimidating a student or any other person on institution property who is wearing the uniform of, or a distinctive part of the uniform of, the armed forces of the United States. A policy developed in accordance with this subsection shall not prohibit an individual from wearing such a uniform on institution property if the individual is authorized to wear the uniform under the laws of a state or the United States. The policy shall provide for appropriate sanctions.

25. Establish a research triangle, defined by the three institutions of higher learning under the board's control, and clearinghouse for purposes of sharing the projects and results of kindergarten through grade twelve education technology initiatives occurring in Iowa's school districts, area education agencies, community colleges, and other higher education institutions, with the education community within and outside of the state. Dissemination of and access to information regarding planning, financing, curriculum, professional development, preservice training, project implementation strategies, and results shall be centralized to allow school districts from across the state to gain ideas from each other regarding the integration of technology in the classroom.

26. In consultation with the state board of education, establish and enter into a collective statewide articulation agreement with the community colleges established pursuant to chapter 260C, which shall provide for the seamless transfer of academic credits from a completed associate of arts or associate of science degree program offered by a community college to a baccalaureate degree program offered by an institution of higher education governed by the board. The board shall also do the following:

a. Require each of the institutions of higher education governed by the board to identify a transfer and articulation contact office or person, publicize transfer and articulation

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information and the contact office or person, and submit the contact information to the board for publication on its articulation internet site.

b. Develop, in collaboration with the boards of directors of the community colleges, a systematic process for expanding academic discipline and meetings between the community college faculty and faculty of the institutions of higher education governed by the board. The board shall conduct and jointly administer with the boards of directors of the community colleges four program and academic discipline meetings each academic year for the purpose of enhancing alignment between course content and expectations at the community colleges and institutions of higher education governed by the state board of regents.

c. Develop criteria to prioritize core curriculum areas and create or review transition guides for the core curriculum areas.

d. Include on its articulation internet site course equivalency and transition guides for each of the institutions of higher education governed by the board.

e. Jointly, with the boards of directors of the community colleges, select academic departments in which to articulate first-year and second-year courses through faculty-to-faculty meetings in accordance with paragraph *"b"*. However, course-to-course equivalencies need not occur in an academic discipline when the board and the community colleges jointly determine that course content is incompatible.

f. Promote greater awareness of articulation-related activities, including the articulation internet site maintained by the board and articulation agreements in which the institutions participate.

g. Facilitate additional opportunities for individual institutions to pursue program articulation agreements for community college career and technical education programs and programs of study offered by the institutions of higher education governed by the board.

h. Prepare, jointly with the department of education and the liaison advisory committee on transfer students, and submit by January 15 annually to the general assembly, an update on the articulation efforts and activities implemented by the community colleges and the institutions of higher education governed by the board.

27. Submit its annual budget request broken down by budget unit.

28. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:

a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.

d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.

e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.

f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board.

29. Implement continuous improvement in undergraduate programs offered by an institution of higher education governed by the board. A continuous improvement plan shall be developed and implemented and shall be built upon the results of the institution's student outcomes assessment program for courses with typical annual enrollments of one hundred or more students, whether in one or multiple sections. In developing and implementing the continuous improvement plan for each course, the instructor or instructors for such a course shall each year evaluate the results of the instructors' students' performances in comparison with established course goals and shall formulate recommendations for future

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goals and methods to achieve improved student performance. The board shall annually evaluate the effectiveness of the plans and shall submit an executive summary of its findings and recommendations in its annual strategic plan progress report, a copy of which shall be submitted to the general assembly.

30. Develop and implement a consistent written policy for an employee who in the scope of the person's employment responsibilities examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the administration of the institution of higher learning and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

31. *a.* Annually file a report with the governor and the general assembly providing information and statistics for the previous five academic years on the number of students per year who are veterans who received education credit for military education, training, and service, that number as a percentage of veterans known to be enrolled at the institution, the average number of credits received by students, and the average number of credits applied towards the award or completion of a course of instruction, postsecondary diploma, degree, or other evidences of distinction.

b. For purposes of this subsection, *"veteran"* means a veteran as defined in section 35.1 or a member of the reserve forces of the United States or the national guard as defined in section 29A.1 who has served at least one year of the member's commitment and is eligible for or has exhausted federal veterans education benefits under 38 U.S.C. ch. 30, 32, 33, or 36 or 10 U.S.C. ch. 1606 or 1607, respectively.

32. Prohibit an institution of higher education under its control from imposing any of the following disciplinary sanctions against a student for possession or consumption of alcohol if the student is immune from charge or prosecution pursuant to section 701.12:

a. Removal from a course.

b. Enrollment restrictions in a course or program.

c. Suspension or expulsion from the university.

d. Eviction or exclusion from student housing.

33. *a.* Develop and publish on the board's internet site a report related to students who have completed a baccalaureate degree program at an institution of higher education governed by the board that is consistent with applicable federal and state privacy restrictions, sortable by graduating class, academic major, and institution of higher education, and that includes all of the following information:

(1) The percentage of students who have completed a master's or doctorate degree program after completing the baccalaureate degree program.

(2) The median annual income of students one year, five years, and ten years after completing the baccalaureate degree program.

(3) The median student loan debt of students who have student loan debt and who have completed the baccalaureate degree program.

(4) The ratio of the student loan debt of students who have student loan debt and who have completed the baccalaureate degree program to the annual gross income of such students.

(5) An estimate of the amount of student loan payment students who have student loan debt and who have completed the baccalaureate degree program are required to make each month and the amount, expressed as a percentage, of such payments related to the students' monthly gross income.

b. Direct the institutions of higher education governed by the board to provide the board with the information necessary to complete and annually update the report described in paragraph *"a"*.

c. Direct the institutions of higher education governed by the board to publish a link to the report described in paragraph *"a"* on the institution's internet site.

d. Direct the institutions of higher education governed by the board to adopt procedures, subject to the approval of the board, that require the institution to provide students who are in the process of completing the first year of a baccalaureate program at an institution with a link to the report described in paragraph *"a"*.

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34. *a.* Adopt a policy requiring that not less than eighty percent of the students who are accepted at the college of medicine in the doctor of medicine program, and who are accepted at the college of dentistry at the state university of Iowa be residents of Iowa or persons who were, prior to applying to such college, enrolled in an eligible postsecondary institution as defined in section 261E.2.

b. Adopt a policy that gives priority for admission to residents of Iowa who apply for the college of medicine in the doctor of medicine program or the college of dentistry at the state university of Iowa.

c. Adopt a policy requiring an application for admission to the college of medicine in the doctor of medicine program or the college of dentistry at the state university of Iowa, or for a residency at the university of Iowa hospitals and clinics to include an applicant attestation that includes all of the following:

(1) I was born in Iowa or graduated from an Iowa high school.

(2) I have family members or in-laws who reside in Iowa, or I graduated from a public or private university, a college, or a community college located in Iowa.

(3) I have resided in a rural community that has similar characteristics to similarly sized rural Iowa communities such as demographics or health disparities.

(4) None of the above apply to me; however, I am interested in practicing in Iowa after graduation.

(5) None of the above apply to me; however, I am interested in attending the college of medicine in the doctor of medicine program or college of dentistry, or pursuing a residency at the university of Iowa hospitals and clinics.

d. (1) Require the state university of Iowa and the university of Iowa hospitals and clinics to submit an annual report to the general assembly that contains, for the immediately preceding calendar year, all of the following:

(a) The number of applicants who are residents of Iowa who were accepted to the college of medicine in the doctor of medicine program.

(b) The number of applicants who are residents of Iowa who were accepted to the college of dentistry.

(c) The number of applicants who are residents of Iowa who were accepted for a residency at the university of Iowa hospitals and clinics.

(d) The number of applicants who are residents of Iowa who were not accepted to the college of medicine in the doctor of medicine program, and a brief statement related to why each applicant was denied.

(e) The number of applicants who are residents of Iowa who were not accepted to the college of dentistry, and a brief statement related to why each applicant was denied.

(f) The number of applicants who are residents of Iowa who were not accepted for a residency at the university of Iowa hospitals and clinics, and a brief statement related to why each applicant was denied.

(2) Personal information regarding an applicant in an annual report submitted pursuant to this paragraph shall be kept confidential as required under the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and in the same manner as personal information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

e. For purposes of this subsection, *"resident of Iowa"* means any of the following:

(1) An individual who graduated from an Iowa high school.

(2) An individual who has lived in Iowa for at least four consecutive years immediately preceding the date the individual begins classes at the college of medicine in the doctor of medicine program or the college of dentistry at the state university of Iowa, or begins a residency at the university of Iowa hospitals and clinics.

35. Direct each institution of higher education governed by the board to begin efforts to offer at least one baccalaureate degree program that can be completed in three years.

36. Direct each institution of higher education governed by the board to begin implementation of at least one work study program whereby a student engages in part-time employment while pursuing a degree with the employer being financially responsible for

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the student's tuition and mandatory fees during semesters in which the student is employed by the employer.

37. Direct the institutions of higher education under its control to adopt a policy that requires the institution to include in any communication to students that is related to immunization requirements information regarding exemptions to such requirements.

38. *a.* Develop a policy that prohibits the university of Iowa hospitals and clinics from including a noncompete clause in an employment contract with an advanced registered nurse practitioner, a licensed practical nurse, a pharmacist, a physician, a physician associate, or a registered nurse.

b. This subsection applies to all employment contracts between an advanced registered nurse practitioner, a licensed practical nurse, a pharmacist, a physician, a physician associate, or a registered nurse and the university of Iowa hospitals and clinics entered into, extended, or renewed on or after June 2, 2026.

c. For purposes of this subsection:

(1) *"Advanced registered nurse practitioner"* means the same as defined in section 152.1.

(2) *"Licensed practical nurse"* means an individual licensed under chapter 152.

(3) *"Noncompete clause"* means any restriction on the right of an advanced registered nurse practitioner, a licensed practical nurse, a pharmacist, a physician, a physician associate, or a registered nurse to practice in any geographic area or for a defined period of time upon the termination of an employment contract between the advanced registered nurse practitioner, licensed practical nurse, pharmacist, physician, physician associate, or registered nurse and the university of Iowa hospitals and clinics.

(4) *"Pharmacist"* means the same as defined in section 155A.3.

(5) *"Physician"* means an individual licensed under chapter 148.

(6) *"Physician associate"* means the same as defined in section 148C.1.

(7) *"Registered nurse"* means an individual licensed under chapter 152.

39. *a.* Direct the institutions of higher education governed by the board to waive all tuition and mandatory fees for a veteran, as defined in section 35.1, who has a permanent service-connected disability rating of one hundred percent as certified by the United States department of veterans affairs and who applies to and is admitted for enrollment at the institution.

b. A veteran shall only be eligible for a waiver under this subsection if the veteran is not eligible for or has exhausted any other available federal or state sources of financial assistance for such tuition and fees, including but not limited to the Pell grant program and education benefits from the United States department of veterans affairs. The institution shall prorate the waiver each semester to cover any difference between other federal or state financial assistance obtained by the veteran and the amount of such tuition and fees.

1. [S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

2. [R60, §1739, 2157, 2158, 2162; C73, §1614, 1685, 1686, 1690; C97, §2654, 2676, 2723; S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

3. [C97, §2676; S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

4. [S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

6. [S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

7. [S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

8. [C51, §1017, 1018; R60, §1938; C73, §1599, 1617; C97, §2638, 2666; S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

9. [C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

10. [S13, §2682-j; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

11. [C35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

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12. [S13, §2682-f; C24, 27, 31, 35, 39, §**3921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.9]

13. [C66, 71, 73, 75, 77, 79, 81, §262.9]

14. [C66, 71, 73, 75, 77, 79, 81, §262.9]

15. [C79, 81, §262.9]

86 Acts, ch 1245, §844; 86 Acts, ch 1246, §125; 87 Acts, ch 191, §1; 87 Acts, ch 207, §6; 87 Acts, ch 233, §464, 465; 88 Acts, ch 1185, §2; 88 Acts, ch 1284, §64; 89 Acts, ch 265, §40; 89 Acts, ch 272, §23; 89 Acts, ch 319, §59; 90 Acts, ch 1237, §2, 3; 90 Acts, ch 1253, §24; 91 Acts, ch 29, §1; 91 Acts, ch 97, §36; 92 Acts, ch 1095, §2; 92 Acts, ch 1106, §2, 4; 92 Acts, ch 1246, §35; 93 Acts, ch 176, §39; 94 Acts, ch 1091, §16 – 20; 94 Acts, ch 1193, §21; 95 Acts, ch 44, §2; 95 Acts, ch 62, §3; 96 Acts, ch 1215, §41 – 43; 97 Acts, ch 212, §28; 99 Acts, ch 114, §16; 99 Acts, ch 121, §9; 2001 Acts, ch 39, §3; 2003 Acts, ch 145, §230; 2003 Acts, ch 179, §115; 2003 Acts, ch 180, §13; 2003 Acts, 1st Ex, ch 1, §94, 133

[2003 Acts, 1st Ex, ch 1, §94, 133 amendment adding subsection 31 stricken pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2004 Acts, ch 1086, §57; 2004 Acts, ch 1129, §1; 2005 Acts, ch 144, §1; 2005 Acts, ch 179, §82, 149, 150; 2006 Acts, ch 1152, §54, 57; 2007 Acts, ch 214, §32, 44; 2009 Acts, ch 133, §102; 2009 Acts, ch 158, §2; 2009 Acts, ch 168, §3; 2009 Acts, ch 177, §30; 2010 Acts, ch 1169, §5 – 7; 2010 Acts, ch 1183, §25; 2011 Acts, ch 20, §13; 2012 Acts, ch 1040, §6; 2012 Acts, ch 1072, §36; 2012 Acts, ch 1119, §27; 2013 Acts, ch 90, §257; 2013 Acts, ch 141, §17, 18; 2014 Acts, ch 1116, §33; 2015 Acts, ch 8, §3; 2019 Acts, ch 24, §34; 2020 Acts, ch 1045, §9, 10; 2020 Acts, ch 1063, §105; 2020 Acts, ch 1080, §4; 2020 Acts, ch 1102, §13; 2020 Acts, ch 1121, §127; 2023 Acts, ch 19, §2496, 2497; 2023 Acts, ch 93, §1; 2024 Acts, ch 1152, §38; 2024 Acts, ch 1185, §162; 2025 Acts, ch 30, §53, 54; 2025 Acts, ch 67, §2, 3; 2025 Acts, ch 106, §8; 2025 Acts, ch 159, §23; 2025 Acts, ch 164, §1; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1058, §1; 2026 Acts, ch 1062, §3, 4; 2026 Acts, ch 1173, §1, 2; 2026 Acts, ch 1186, §30

Referred to in §15.108, 260C.14, 263.2, 279.84B
See Code editor's note on simple harmonization at the beginning of this Code volume
Code editor directive applied
Subsections 5 – 7 stricken and former subsections 8 – 19 renumbered as 5 – 16
Subsections 20 and 21 stricken and former subsections 22 – 42 renumbered as 17 – 37
Subsection 26, paragraph h stricken and former paragraph i redesignated as h
NEW subsections 38 and 39

262.9A Prohibition of controlled substances.

The state board of regents shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by an institution or in conjunction with activities sponsored by an institution governed by the board. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the institutions shall provide substance use disorder prevention programs for students and employees.

91 Acts, ch 267, §235; 2023 Acts, ch 19, §1018

262.9B Cooperative purchasing.

1. *Overview.* The state board of regents for institutions under its control shall coordinate interagency cooperation with state agencies, as defined in section 8A.101, in the area of purchasing and information technology with the goal of annually increasing the amount of joint purchasing. The board and the institutions under the control of the board shall engage the department of administrative services, the department of management, and other state agencies authorized to purchase goods and services in pursuing mutually beneficial activities relating to purchasing items and acquiring information technology. The board and the institutions shall explore ways to leverage resources, identify cost savings, implement efficiencies, and improve effectiveness without compromising the mission of the board and the institutions under the control of the board relative to students and research commitments.

2. *Purchasing.*

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a. The board shall direct the institutions under its control to cooperate with the department of administrative services and other state agencies authorized to purchase goods and services in efforts to collaboratively purchase goods and services that result in mutual cost savings and efficiency improvements.

b. The board and the institutions under its control shall assist the department of administrative services by doing the following:

(1) Identifying best practices that produce cost savings and improve state government processes.

(2) Exploring joint purchases of general use items that result in mutual procurement of quality goods and services at the lowest reasonable cost.

(3) Exploring flexibility, administrative relief, and transformational changes through procurement technology.

c. The board shall convene at least quarterly an interagency purchasing group meeting including the institutions under its control, the department of administrative services, the department of transportation, and any other state agency authorized to purchase goods and services, for the purposes of timely cooperation in purchasing goods and services and for the identification of practical measures that improve state agency performance of programs and operations, reduce total costs of state government operations, increase productivity, improve services and make state government more responsive and accountable to the public.

3. *Information technology.*

a. The board shall direct institutions under its control to cooperate with the department of management in efforts to cooperatively obtain information technology and related services that result in mutual cost savings and efficiency improvements, and shall seek input from the department of management regarding specific areas of potential cooperation between the institutions under the control of the board and the department of management.

b. The board shall convene at least quarterly an interagency information technology group meeting including the institutions under its control, the department of management and any other agency authorized to purchase goods and services, for purposes of timely cooperation in obtaining information technology and related services.

4. *Cooperative purchasing plan.* The board shall, before July 1 of each year, prepare a plan that identifies specific areas of cooperation between the institutions under its control, the department of administrative services, and the department of management that will be addressed for the next fiscal year including timelines for implementing, analyzing, and evaluating each of the areas of cooperation. The plan shall also identify the potential for greater interinstitutional cooperation in areas that would result in a net cost savings.

2010 Acts, ch 1031, §70; 2013 Acts, ch 129, §29; 2020 Acts, ch 1045, §11; 2024 Acts, ch 1185, §163

Referred to in §8A.312

262.9C Span of control policy. Repealed by 2026 Acts, ch 1062, §8.

262.9D Limitation on authority — nonprojectile high-voltage pulse weapons designed to immobilize.

The state board of regents shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of a university under the control of the state board of regents, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

2019 Acts, ch 94, §2

262.9E Verification of citizenship and immigration status.

1. The state board of regents and each institution of higher education governed by the

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board shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

2. The state board of regents and each institution of higher education governed by the board shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

2026 Acts, ch 1156, §17, 35
NEW section

262.10 Purchases — prohibitions.

1. No sale or purchase of real estate shall be made save upon the order of the board, made at a regular meeting, or one called for that purpose, and then in such manner and under such terms as the board may prescribe. No member of the board or any of its committees, offices or agencies, nor any officer of any institution, shall be directly or indirectly interested in such purchase or sale.

2. Purchases of real estate may be made on written contracts providing for payment over a period of years but the obligations thereon shall not constitute a debt or charge against the state of Iowa nor against the funds of the board or the funds of the institution for which said purchases are made. Purchase payments may be made from appropriated capital funds or from other funds lawfully available for that purpose and allocated therefor by the board, or from any combination of the foregoing, but not from appropriated operating funds. All state appropriated capital funds used for any one purchase contract shall be taken entirely from a single capital appropriation and shall be set aside for that purpose. In event of default, the only remedy of the seller shall be against the property itself and the rents and profits thereof, and in no event shall any deficiency judgment be entered or enforced against the state of Iowa, the board, or the institution for which the purchase was made. Provided, however, that no part of the tuition fees shall be used in the purchase of such real estate.

[C24, 27, 31, 35, 39, §**3922;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.10]
2005 Acts, ch 179, §151

262.11 Record — acts affecting property.

All acts of the board relating to the management, purchase, disposition, or use of lands and other property of said institutions shall be entered of record, which shall show the members present, and how each voted upon each proposition. The board may, in its discretion, delegate to each university the authority to approve leases.

[S13, §2682-h; C24, 27, 31, 35, 39, §**3923;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.11]
2006 Acts, ch 1051, §5

262.12 Committees and administrative offices under board.

The board of regents shall also have and exercise all the powers necessary and convenient for the effective administration of its office and of the institutions under its control, and to this end may create such committees, offices and agencies from its own members or others, and employ persons to staff the same, fix their compensation and tenure and delegate thereto, or to the administrative officers and faculty of the institutions under its control, such part of the authority and duties vested by statute in the board, and shall formulate and establish such rules, outline such policies and prescribe such procedures therefor, all as may be desired or determined by the board as recorded in their minutes.

[S13, §2682-h; C24, 27, 31, 35, 39, §**3924;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.12]

262.13 Peace officers at institutions.

The board may authorize any institution under its control to commission one or more of its employees as peace officers. Such officers shall have the same powers, duties, privileges, and immunities as conferred on regular peace officers. The board shall provide as rapidly

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as practicable for the adequate training and certification of such peace officers at the Iowa law enforcement academy or at a law enforcement training school approved by the academy, unless the peace officers are already certified by the Iowa law enforcement academy or by an approved law enforcement training school.

[C71, 73, 75, 77, 79, 81, §262.13]

2011 Acts, ch 132, §16, 106

Referred to in §97B.49B, 152C.5B, 157.4A, 321.89, 801.4

262.14 Loans — conditions — other investments.

The board may invest funds belonging to the institutions, subject to chapters 12F, 12H, 12J, and 12K and the following regulations:

1. Each loan shall be secured by a mortgage paramount to all other liens upon approved farm lands in this state, accompanied by abstract showing merchantable title in the borrower. The loan shall not exceed sixty-five percent of the cash value of the land, exclusive of buildings.

2. Each such loan if for a sum more than one-fourth of the value of the farm shall be on the basis of stipulated annual principal reductions.

3. *a.* Any portion of the funds may be invested by the board. In the investment of the funds, the board shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in their own affairs as provided in chapter 633A, subchapter IV, part 3.

b. The board shall give appropriate consideration to those facts and circumstances that the board knows or should know are relevant to the particular investment involved, including the role the investment plays in the total value of the board's funds.

c. For the purposes of this subsection, appropriate consideration includes, but is not limited to, a determination by the board that the particular investment is reasonably designed to further the purposes prescribed by law to the board, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment and consideration of the following factors as they relate to the funds of the board:

(1) The composition of the funds of the board with regard to diversification.

(2) The liquidity and current return of the investments relative to the anticipated cash flow requirements.

(3) The projected return of the investments relative to the funding objectives of the board.

d. The board shall have a written investment policy, the goal of which is to provide for the financial health of the institutions governed by the board. The board shall establish investment practices that preserve principal, provide for liquidity sufficient for anticipated needs, and maintain purchasing power of investable assets of the board and its institutions. The policy shall also include a list of authorized investments, maturity guidelines, procedures for selecting and approving investment managers and other investment professionals as described in section 11.2, subsection 3, and provisions for regular and frequent oversight of investment decisions by the board, including audit. The board shall make available to the auditor of state and treasurer of state the most recent annual report of any investment entity or investment professional employed by an institution governed by the board. The investment policy shall cover investments of endowment and nonendowment funds.

e. Consistent with this subsection, investments made under this subsection shall be made in a manner that will enhance the economy of this state, and in particular, will result in increased employment of the residents of this state.

f. Funds belonging to an institution governed by the board may be invested in private enterprises if such investment is made in furtherance of the institution's mission. The board shall annually, on or before November 1, submit a report to the general assembly providing information regarding how the board invested any funds in accordance with this paragraph, including the amount invested, how long the board has invested such funds, and the percentage of equity in each private enterprise held by the board.

4. Any gift accepted by the Iowa state board of regents for the use and benefit of any institution under its control may be invested in securities designated by the donor, but whenever such gifts are accepted and the money invested according to the request of the

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said donor, neither the state, the Iowa state board of regents, nor any member thereof, shall be liable therefor or on account thereof.

5. A register containing a complete abstract of each loan and investment, and showing its actual condition, shall be kept by the board and be at all times open to inspection.

6. All loans made under the provisions of this section shall have an interest rate of not less than three and one-half percent per annum.

1. [C51, §1018; R60, §1938; C73, §1599; C97, §2638; S13, §2682-s; C24, 27, 31, 35, 39, §**3926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

2. [S13, §2682-s; C24, 27, 31, 35, 39, §**3926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

3. [R60, §1938; C73, §1599, 1617; C97, §2638, 2666; C24, 27, 31, 35, 39, §**3926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

4. [C31, 35, 39, §**3926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

5. [S13, §2682-s; C24, 27, 31, 35, 39, §**3926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

6. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.14]

85 Acts, ch 190, §4; 85 Acts, ch 227, §8; 92 Acts, ch 1156, §10; 94 Acts, ch 1001, §4; 99 Acts, ch 125, §103, 109; 2005 Acts, ch 38, §55; 2007 Acts, ch 39, §11; 2011 Acts, ch 82, §11; 2017 Acts, ch 29, §81; 2020 Acts, ch 1045, §12; 2023 Acts, ch 58, §12

262.15 Foreclosures and collections.

The board shall have charge of the foreclosure of all mortgages and of all collections from delinquent debtors to said institutions. All actions shall be in the name of the state board of regents, for the use and benefit of the appropriate institution.

[SS15, §2682-t; C24, 27, 31, 35, 39, §**3927;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.15]

262.16 Satisfaction of mortgages.

When loans are paid, the board shall release mortgages securing the same as follows:

1. By a satisfaction piece signed and acknowledged by the treasurer of the institution to which the loan belongs, which shall be recorded in the office of the recorder of the county where said mortgage is of record; or

2. By entering a satisfaction thereof on the margin of the record of said mortgage, dated, and signed by the treasurer of the institution to which the loan belongs.

[SS15, §2682-t; C24, 27, 31, 35, 39, §**3928;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.16]

262.17 Bidding in property.

In case of a sale upon execution, the premises may be bid off in the name of the board of regents, for the benefit of the institution to which the loan belongs.

[SS15, §2682-t; C24, 27, 31, 35, 39, §**3929;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.17]

262.18 Deeds in trust.

Deeds for premises so acquired shall be held for the benefit of the appropriate institution and such lands shall be subject to lease or sale the same as other lands.

[SS15, §2682-t; C24, 27, 31, 35, 39, §**3930;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.18]

262.19 Actions not barred.

No lapse of time shall be a bar to any action to recover on any loan made on behalf of any institution.

[C97, §2637; C24, 27, 31, 35, 39, §**3931;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.19]

262.20 Business offices — visitation. Repealed by 2026 Acts, ch 1062, §8.

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262.21 Annuity contracts.

1. As used in this section, unless the context otherwise requires, "annuity contract" includes any custodial account which meets the requirements of section 403(b)(7) of the Internal Revenue Code, as defined in section 422.3.

2. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees, which annuity contracts are issued by a nonprofit corporation issuing retirement annuities exclusively for educational institutions and their employees or are purchased from any company the employee chooses that is authorized to do business in this state or through an Iowa-licensed salesperson that the employee selects, on a group or individual basis, for retirement or other purposes, and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. The employee's rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

3. Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent to the company being replaced, to the commissioner of insurance, and to the agent's or representative's own company at least thirty days prior to any action. Each required letter of intent shall be sent by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

[C75, 77, 79, 81, §262.21]

86 Acts, ch 1213, §4; 91 Acts, ch 40, §2; 94 Acts, ch 1183, §62; 2018 Acts, ch 1026, §81

262.22 Director's report.

The director of the department of administrative services shall include in the director's report to the governor the amount paid for services and expenses of officers and employees of the board of regents and to whom paid.

[S13, §2682-q; C24, 27, 31, 35, 39, §**3934;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.22]

2003 Acts, ch 145, §286

262.23 Duties of treasurer.

The treasurer of each of the institutions under the control of the board shall:

1. Receive all appropriations made by the general assembly for the institution, and all other funds from all other sources, belonging to the institution.

2. Pay out funds on order of the board of regents, or of such committee or official as the board of regents designates, on bills duly audited in accordance with the rules prescribed by the board.

3. Retain all bills paid by the treasurer, with receipts for their payment as vouchers.

4. Keep an accurate account of all revenue and expenditures of the institution, so that the receipts and disbursements of each of the institution's several departments shall be apparent at all times.

5. Annually, and at such other times as the board may require, report to the board all receipts and disbursements in detail.

[R60, §1739, 1937; C73, §1593, 1614; C97, §2637, 2654; C24, 27, 31, 35, 39, §**3935;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.23]

2020 Acts, ch 1063, §106

262.24 Reports of executive officers. Repealed by 2020 Acts, ch 1045, §25.

262.25 Reports of secretarial officers. Repealed by 2020 Acts, ch 1045, §25.

262.25A Purchase of automobiles.

1. Institutions under the control of the state board of regents shall purchase only new

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automobiles which have at least the fuel economy required for purchase of new automobiles by the director of the department of administrative services under section 8A.362, subsection 4. This subsection does not apply to automobiles purchased for law enforcement purposes.

2. An institution shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. An institution shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The state board of regents shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369.

3. *a.* Of all new passenger vehicles and light pickup trucks purchased by or under the direction of the state board of regents, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

89 Acts, ch 297, §4; 91 Acts, ch 254, §15; 93 Acts, ch 26, §4; 94 Acts, ch 1119, §26; 94 Acts, ch 1199, §65; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §231; 2006 Acts, ch 1142, §63, 64; 2007 Acts, ch 22, §63; 2008 Acts, ch 1169, §38, 42; 2022 Acts, ch 1067, §39

Referred to in §8A.369

262.25B Purchase of biobased hydraulic fluids, greases, and other industrial lubricants.

The state board of regents and institutions under the control of the board purchasing hydraulic fluids, greases, and other industrial lubricants shall give preference to purchasing biobased hydraulic fluids, greases, and other industrial lubricants as provided in section 8A.316.

98 Acts, ch 1082, §5; 2000 Acts, ch 1109, §5; 2003 Acts, ch 145, §232; 2011 Acts, ch 25, §22

262.25C Purchase of designated biobased products.

The state board of regents and institutions under the control of the board purchasing products shall give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

2008 Acts, ch 1104, §5

262.25D Purchases — meat products.

The state board of regents, and institutions under the control of the board, shall establish policies to prevent the purchase of a food product that is any of the following:

1. Misbranded as a meat product as prohibited in chapter 137E.

2. A cultivated-protein food product as defined in section 137E.1.

2024 Acts, ch 1158, §12

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262.25E Purchases — egg products.

The state board of regents, and institutions under the control of the board, shall establish policies to prevent the purchase of a food product that is misbranded as an egg product as prohibited in chapter 137A.

2024 Acts, ch 1158, §23

262.26 Report of board.

The board shall report to the governor and the legislature such facts, observations, and conclusions respecting each of the institutions under its control as in the judgment of the board should be considered by the legislature. Such report shall contain an itemized account of the receipts and expenditures of the board, and also the reports made to the board by the executive officers of the several institutions or a summary thereof, and shall submit budgets for biennial appropriations deemed necessary and proper to be made for the support of the several institutions and for the extraordinary and special expenditures for buildings, betterments, and other improvements.

[R60, §1939; C73, §1600, 1601; C97, §2641, 2680; S13, §2641, 2680, 2682-u; C24, 27, 31, 35, 39, §**3938;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.26]

2020 Acts, ch 1045, §13

262.27 Colonel of cadets — governor's award.

1. The commandant and instructor of military science and tactics at each of the institutions for higher learning is given the rank of colonel of cadets, and the governor shall issue such commission upon the request of the president of such institution.

2. The governor of Iowa is hereby authorized to annually confer an appropriate award to any outstanding reserve officer training corps cadet or cadets at each university. Such award shall be on behalf of the people of the state of Iowa.

[S13, §2644-c; C24, 27, 31, 35, 39, §**3939;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.27]

262.28 Appropriations — monthly installments.

All appropriations made payable annually to each of the institutions under the control of the board of regents shall be paid in twelve equal monthly installments on the last day of each month on order of said board.

[S13, §2682-y; C24, 27, 31, 35, 39, §**3940;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.28]

2014 Acts, ch 1135, §20; 2020 Acts, ch 1045, §14

262.29 Expenses — filing and audit. Repealed by 2006 Acts, ch 1051, §10.

262.30 Contracts for practitioner preparation.

The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of such school district, and for practitioner preparation for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the university of northern Iowa, state university of Iowa, and Iowa state university of science and technology as training schools for practitioners.

[C24, 27, 31, 35, 39, §**3942;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.30]

2011 Acts, ch 34, §69

Referred to in §262.31, 262.32

262.31 Payment.

The contract for instruction under section 262.30 shall authorize the payment for services furnished to the school district, or for services furnished to the state, and the amount to

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be agreed upon by the state board of regents and the board of the school district thus cooperating.

[C24, 27, 31, 35, 39, §**3943;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.31]

2020 Acts, ch 1063, §108

262.32 Contract — time limit.

A contract for instruction under section 262.30 shall be in writing and shall extend over a period of not to exceed two years. A copy of the contract shall be filed in the office of the administrator of the area education agency.

[C24, 27, 31, 35, 39, §**3944;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.32]

2020 Acts, ch 1063, §109

262.33 Fire protection contracts.

The state board of regents shall have power to enter into contracts with the governing body of any city or other municipal corporation for the protection from fire of any property under the control of the board, located in any such municipal corporation or in territory contiguous thereto, upon such terms as may be agreed upon.

[C31, 35, §3944-d1; C39, §**3944.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.33]

262.33A Fire and environmental safety — report — expenditures.

It is the intent of the general assembly that each institution of higher education under the control of the state board of regents shall, in consultation with the director of the department of inspections, appeals, and licensing, identify and correct all critical fire and environmental safety deficiencies. Commencing July 1, 1993, each institution under the control of the state board of regents shall expend annually for fire safety and deferred maintenance at least the amount budgeted for these purposes for the fiscal year beginning July 1, 1992, in addition to any moneys appropriated from the general fund for these purposes in succeeding years.

93 Acts, ch 179, §23; 2005 Acts, ch 179, §152; 2023 Acts, ch 19, §1651

262.34 Improvements — advertisement for bids — disclosures — payments.

1. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents, including construction, renovation, or repairs by a private party of a property to be lease-purchased by the board, exceeds one hundred thousand dollars, the board shall advertise for bids for the contemplated improvement or construction and shall let the work to the lowest responsible bidder. However, if in the judgment of the board bids received are not acceptable, the board may reject all bids and proceed with the construction, repair, or improvement by a method as the board may determine. All plans and specifications for repairs or construction, together with bids on the plans or specifications, shall be filed by the board and be open for public inspection. All bids submitted under this section shall be accompanied by a deposit of money, a certified check, or a credit union certified share draft in an amount as the board may prescribe.

2. Notwithstanding subsection 1, when a delay in undertaking a repair, restoration, or reconstruction of a public improvement might cause serious loss or injury at an institution under the control of the state board of regents, the executive director of the board, or the board, shall make a finding of the need to institute emergency procedures under this subsection. The board by separate action shall approve the emergency procedures to be employed.

3. A bidder awarded a contract shall disclose the names of all subcontractors, who will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost.

4. Payments made by the board for the construction of public improvements shall be made in accordance with the provisions of chapter 573 except that:

a. Payments may be made without retention until ninety-five percent of the contract

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amount has been paid. The remaining five percent of the contract amount shall be paid as provided in section 573.14, except that:

(1) At any time after all or any part of the work is substantially completed in accordance with paragraph *"c"*, the contractor may request the release of all or part of the retainage owed. Such request shall be accompanied by a waiver of claim rights under the provisions of chapter 573 from any person, firm, or corporation who has, under contract with the principal contractor or with subcontractors, performed labor, or furnished materials, service, or transportation in the construction of that portion of the work for which release of the retainage is requested.

(2) Upon receipt of the request, the board shall release all or part of the unpaid funds. Retainage that is approved as payable shall be paid at the time of the next monthly payment or within thirty days, whichever is sooner. If partial retainage is released pursuant to a contractor's request, no retainage shall be subsequently held based on that portion of the work. If within thirty days of when payment becomes due the board does not release the retainage due, interest shall accrue on the retainage amount due as provided in section 573.14 until that amount is paid.

(3) If at the time of the request for the retainage there are remaining or incomplete minor items, an amount equal to two hundred percent of the value of each remaining or incomplete item, as determined by the board's authorized contract representative, may be withheld until such item or items are completed.

(4) An itemization of the remaining or incomplete items, or the reason that the request for release of the retainage was denied, shall be provided to the contractor in writing within thirty calendar days of the receipt of the request for release of retainage.

b. For purposes of this section, *"authorized contract representative"* means the architect or engineer who is in charge of the project and chosen by the board to represent its interests, or if there is no architect or engineer, then such other contract representative or officer as designated in the contract documents as the party representing the board's interest regarding administration and oversight of the project.

c. For purposes of this section, *"substantially completed"* means the first date on which any of the following occurs:

(1) Completion of the project or when the work has been substantially completed in general accordance with the terms and provisions of the contract.

(2) The work or the portion designated is sufficiently complete in accordance with the requirements of the contract so the board can occupy or utilize the work for its intended purpose.

(3) The project is certified as having been substantially completed by either of the following:

(a) The architect or engineer authorized to make such certification.

(b) The contracting authority representing the board.

5. The contractor shall release retained funds to the subcontractor or subcontractors in the same manner as retained funds are released to the contractor by the board. Each subcontractor shall pass through to each lower tier subcontractors all retained fund payments from the contractor.

6. Notwithstanding any provision of this chapter to the contrary, the state board of regents shall not be authorized to enter into a design-build contract to construct, repair, or improve buildings or grounds. For purposes of this subsection, *"design-build contract"* means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services.

[C24, 27, 31, 35, 39, §**3945;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.34; 81 Acts, ch 28, §6]

84 Acts, ch 1055, §5; 90 Acts, ch 1161, §2; 2005 Acts, ch 179, §153; 2006 Acts, ch 1017, §24, 42, 43; 2009 Acts, ch 100, §7, 21; 2018 Acts, ch 1075, §6, 12, 13; 2018 Acts, ch 1172, §71, 72; 2019 Acts, ch 24, §35; 2022 Acts, ch 1122, §2 – 4

Referred to in §262.56, 262A.4, 263A.2, 314.1

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262.34A Bid requests and targeted small business procurement.

1. The state board of regents shall request bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, from Iowa state industries as defined in section 904.802, subsection 1, when the articles are available in the requested quantity and at comparable prices and quality.

2. Notwithstanding section 73.16, subsection 2, and due to the high volume of bids issued by the board and the need to coordinate bidding of three institutions of higher learning, the board shall issue electronic bid notices for distribution to the targeted small business internet site through internet links to each of the regents institutions.

3. Notwithstanding section 73.17, the board shall notify the director of the economic development authority of regents institutions' targeted small business purchases on an annual basis.

92 Acts, ch 1246, §38; 2006 Acts, ch 1051, §6; 2007 Acts, ch 207, §11, 18; 2011 Acts, ch 118, §85, 89

262.34B Student fee committee.

1. A student fee committee composed of five students and five university employees shall be established at each of the universities governed by the board as identified in section 262.7, subsections 1 through 3. The five student members of the student fee committee of each university shall be appointed by the recognized student government organization of each university. The five university employees shall be appointed by the president of the university.

2. The student fee committee shall consider any proposed student activity changes at the university and shall make recommendations concerning student activity fee changes to the president of the affected university for review no later than April 15 of the year which includes the subsequent academic period in which the proposed fee change will take effect. The student fee committee shall provide a copy of its recommendations to the recognized student government organizations at each university and those organizations may review the recommendations and provide comment to the president of the university and the state board of regents. The president of the university shall transmit the recommendations of the student fee committee and the president's endorsement or recommendation to the state board of regents for consideration. The president of the university shall transmit a copy of the president's endorsement or recommendation to the recognized student government organizations for the university.

3. The state board of regents shall make the final decision on student activity fee changes. The state board of regents shall forward a copy of the committee's recommendations, the president's endorsement or recommendation, the recognized student government organization's comments, and its decision regarding student activity fee changes to the chairpersons and ranking members of the joint education appropriations subcommittee.

4. This section does not apply to fees charged for purposes of acquisition or construction of self-liquidating and revenue-producing buildings and facilities under sections 262.35 through 262.42, 262.44 through 262.53, and 262.55 through 262.66; or acquiring, purchasing, leasing, or constructing buildings and facilities under chapter 262A.

92 Acts, ch 1246, §39

SUBCHAPTER II

DORMITORIES

262.35 Dormitories at state educational institutions.

The state board of regents is authorized to:

1. Erect from time to time at any of the institutions under its control such dormitories as may be required for the good of the institutions.

2. Rent the rooms in such dormitories to the students, officers, guests, and employees of said institutions at such rates as will insure a reasonable return upon the investment.

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3. Exercise full control and complete management over such dormitories.

[C27, 31, 35, §3945-a1; C39, §**3945.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.35]
Referred to in §262.34B, 262A.2

262.36 Purchase or condemnation of property.

The erection of such dormitories is a public necessity and said board is vested with full power to purchase or condemn at said institutions, or convenient thereto, all real estate necessary to carry out the powers herein granted.

[C27, 31, 35, §3945-a2; C39, §**3945.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.36]
Referred to in §262.34B, 262.37, 262A.2

262.37 Title to property.

The title to all real estate acquired under section 262.36 and the improvements erected on that real estate shall be taken and held in the name of the state.

[C27, 31, 35, §3945-a3; C39, §**3945.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.37]
2020 Acts, ch 1063, §110
Referred to in §262.34B, 262A.2

262.38 Borrowing money and mortgaging property.

In carrying out the powers enumerated in this subchapter, the board may:

1. Borrow money.

2. Mortgage any real estate so acquired and the improvements erected thereon in order to secure necessary loans.

3. Pledge the rents, profits, and income received from any such property for the discharge of mortgages so executed.

[C27, 31, 35, §3945-a4; C39, §**3945.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.38]
2020 Acts, ch 1063, §111
Referred to in §262.34B, 262A.2

262.39 Nature of obligation — discharge.

An obligation created under this subchapter shall never be nor become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely:

1. From the net rents, profits, and income arising from the property so pledged or mortgaged,

2. From the net rents, profits, and income which has not been pledged for other purposes arising from any other dormitory or like improvement under the control and management of said board, or

3. From the income derived from gifts and bequests made to the institutions under the control of said board for dormitory purposes.

[C27, 31, 35, §3945-a5; C39, §**3945.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.39]
2020 Acts, ch 1063, §112
Referred to in §262.34B, 262.40, 262A.2

262.40 Limitation on discharging obligations.

In discharging obligations under section 262.39 the dormitories at each of said institutions shall be considered as a unit and the rents, profits, and income available for dormitory purposes at one institution shall not be used to discharge obligations created for dormitories at another institution.

[C27, 31, 35, §3945-a6; C39, §**3945.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.40]
Referred to in §262.34B, 262A.2

262.41 Exemption from taxation.

All obligations created under this subchapter shall be exempt from taxation.

[C27, 31, 35, §3945-a7; C39, §**3945.7;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.41]
2020 Acts, ch 1063, §113
Referred to in §262.34B, 262A.2, 422.7(2)(n)

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262.42 Limitation on funds.

State funds shall not be loaned or used for the purposes of this subchapter. This prohibition shall not apply to funds derived from the net earnings of dormitories owned by the state.

[C27, 31, 35, §3945-a8; C39, §**3945.8;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.42]

2020 Acts, ch 1063, §114

Referred to in §262.34B, 262A.2

SUBCHAPTER III

TUITION TO LOCAL SCHOOLS

262.43 Students residing on state-owned land.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, shall be made from the funds of the respective institutions other than state appropriations.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §262.43]

91 Acts, ch 267, §236; 2020 Acts, ch 1102, §14; 2023 Acts, ch 19, §2498

SUBCHAPTER IV

SELF-LIQUIDATING FACILITIES OTHER THAN DORMITORIES

262.44 Areas set aside for improvement.

The state board of regents is authorized to:

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, as the board determines are suitable for the acquisition or construction of self-liquidating and revenue producing buildings and facilities which the board deems necessary for the students and suitable for the purposes for which the institutions were established including without limitation:

a. Student unions, recreational buildings, auditoriums, stadiums, field houses, and athletic buildings and areas.

b. Parking structures and areas.

c. Electric, heating, sewage treatment, and communication utilities.

d. Research equipment.

e. Additions to or alterations of existing buildings or structures.

2. Acquire by any lawful means additional land deemed by the board to be desirable and suitable for any or all of the aforesaid purposes.

3. Construct, equip, furnish, maintain, operate, manage, and control any or all of the buildings, structures, facilities, areas, additions, or improvements enumerated in this section.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.44]

86 Acts, ch 1246, §126; 87 Acts, ch 233, §466, 467; 2015 Acts, ch 30, §91; 2023 Acts, ch 66, §50

Referred to in §262.34B, 262A.2

262.45 Purchase or condemnation of real estate.

The erection of the buildings, improvements, and facilities for the educational institutions of higher learning in this state is a public necessity and the board is vested with full power to

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purchase or condemn at those institutions, or convenient to those institutions, all real estate necessary to carry out the powers herein granted.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.45]
2020 Acts, ch 1063, §115
Referred to in §262.34B, 262A.2

262.46 Title in name of state.

The title to all real estate acquired under this subchapter and the improvements erected on that real estate shall be taken and held in the name of the state.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.46]
2020 Acts, ch 1063, §116
Referred to in §262.34B, 262A.2

262.47 Fees and charges from students.

When in the opinion of the board of regents, any of the buildings, structures, facilities, property, improvements, equipment, additions or alterations as above authorized are deemed necessary by said board for the comfort, convenience and welfare of the student body as a whole, or for any specified class or part thereof, the board of regents shall have authority to charge and collect, from all students in attendance at the university, college or institution, or from any specified class or part thereof for which such facilities are so deemed necessary, fees and charges for the use and availability of such buildings, facilities, improvements and for the services and benefits made available therefrom. The fees and charges if established shall be applied to the costs of acquisition, construction, maintenance and financing of such improvements.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.47]
Referred to in §262.34B, 262A.2

262.48 Borrowing money and pledge of revenue.

In carrying out the powers enumerated in this subchapter, the board may:

1. Borrow money on the credit of the income and revenues to be derived from the operation or use of the building, structure, facility, area or improvement and from fees or charges made by said board to students for whom such facilities are made available and to issue notes, bonds, or other evidence of indebtedness in anticipation of the collection of such income, revenues, fees and charges.
2. Mortgage any real estate acquired under this subchapter and the improvements erected on that real estate in order to secure necessary loans.
3. Pledge the rents, profits and income received from any such property for the discharge of the indebtedness.
4. Pledge the proceeds of all fees and charges to students attending the institution for the use or availability of such buildings, structures, areas or facilities for the discharge of the indebtedness.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.48]
2020 Acts, ch 1063, §117, 118
Referred to in §262.34B, 262A.2

262.49 No obligation against state.

An obligation created under this subchapter shall never be nor become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely from any of the following:

1. The net rents, profits, and income arising from the property so pledged or mortgaged.
2. The net rents, profits, and income which has not been pledged for other purposes arising from any similar building, facility, area, or improvement under the control and management of said board.
3. The fees or charges established by said board for students attending the institution for the use or availability of the building, structure, area, facility, or improvement for which the obligation was incurred.

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4. The income derived from gifts and bequests made to the institutions under the control of said board for such purposes.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.49]
2015 Acts, ch 30, §92; 2020 Acts, ch 1063, §119
Referred to in §262.34B, 262.50, 262A.2

262.50 Prohibited use of funds.

In discharging the obligations under section 262.49 the buildings, structures, areas, facilities and improvements at each of said institutions shall be considered as a unit and the rents, profits and other income available for such purposes at one institution shall not be used to discharge obligations created for similar purposes at another institution.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.50]
Referred to in §262.34B, 262A.2

262.51 Tax exemption.

All obligations created under this subchapter shall be exempt from taxation, together with the interest on the obligations.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.51]
2020 Acts, ch 1063, §120
Referred to in §262.34B, 262A.2, 422.7(2)(n)

262.52 No state funds loaned.

State funds shall not be loaned for the purposes of this subchapter. This prohibition shall not apply to funds derived from the net earnings of buildings, structures, areas, and facilities owned by the state or to funds received from student fees or charges.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.52]
2020 Acts, ch 1063, §121
Referred to in §262.34B, 262A.2

262.53 Construction of statutes.

This subchapter shall not be construed to repeal, modify or amend any law of this state now in force, but shall be deemed as supplemental thereto, nor shall it prevent the making of state appropriations, in whole or in part, for any of the purposes of this subchapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §262.53]
2014 Acts, ch 1026, §143
Referred to in §262.34B, 262A.2

SUBCHAPTER V

COMPUTER SALES

262.54 Computer sales.

Sales, by an institution under the control of the board of regents, of computer equipment, computer software, and computer supplies to students and faculty at the institution are retail sales under chapter 423.

90 Acts, ch 1272, §67; 2003 Acts, 1st Ex, ch 2, §159, 205

SUBCHAPTER VI

SELF-LIQUIDATING DORMITORIES

262.55 Definitions.

The following words or terms, as used in this subchapter, shall have the respective meanings as stated:

1. *"Board"* shall mean the state board of regents.
2. *"Bonds or notes"* shall mean revenue bonds or revenue notes which are payable solely

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and only from net rents, profits and income derived from the operation of residence halls, dormitories, facilities therefor and additions thereto.

3. *"Institution"* or *"institutions"* shall mean the state university of Iowa, the Iowa state university of science and technology and the university of northern Iowa.

4. *"Project"* shall mean the acquisition by purchase, lease or construction of buildings for use as student residence halls and dormitories, including dining and other incidental facilities therefor, and additions to such buildings, the reconstruction, completion, equipment, improvement, repair or remodeling of residence halls, dormitories, or additions thereto or facilities therefor, and the acquisition of property therefor of every kind and description, whether real, personal or mixed, by gift, purchase, lease, condemnation or otherwise and the improvement of the same.

[C66, 71, 73, 75, 77, 79, 81, §262.55]
2014 Acts, ch 1026, §143
Referred to in §262.34B, 262.56, 262A.2

262.56 Authorization — contracts — title.

Subject to and in accordance with the provisions of this subchapter the state board of regents is hereby authorized to undertake and carry out any project as defined in section 262.55 at the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa and to operate, control, maintain and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this subchapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests and employees of said institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this subchapter.

[C66, 71, 73, 75, 77, 79, 81, §262.56]
2014 Acts, ch 1026, §143; 2018 Acts, ch 1026, §82
Referred to in §262.34B, 262A.2

262.57 Bonds or notes.

1. To pay all or any part of the cost of carrying out any project at any institution the board is authorized to borrow money and to issue and sell negotiable bonds or notes and to refund and refinance bonds or notes issued for any project or for refunding purposes at a lower rate, the same rate, or a higher rate or rates of interest and from time to time as often as the board shall find it to be advisable and necessary so to do. Such bonds or notes may be sold by the board at public sale in the manner prescribed by chapter 75, but if the board finds it to be advantageous and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75 in such manner and upon such terms as may be prescribed by the resolution authorizing the same. Bonds or notes issued to refund other bonds or notes issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or issued for refunding purposes, may either be sold in the manner specified in this subchapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded, and a finding by the board in the resolution authorizing the issuance of such refunding bonds or notes that the bonds or notes being refunded were issued for a purpose specified in this subchapter and constitute binding obligations of the board shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this subchapter. The refunding

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bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

2. All bonds or notes issued under the provisions of this subchapter shall be payable solely and only from and shall be secured by an irrevocable pledge of a sufficient portion of the net rents, profits, and income derived from the operation of residence halls, dormitories, dining or other incidental facilities and additions, including necessary real and personal property, acquired or improved in whole or in part with the proceeds of such bonds or notes, regardless of the manner of such acquisition or improvement, and the net rents, profits, and income not pledged for other purposes derived from the operation of any other residence halls or dormitories, including dining or other incidental facilities and additions, at the particular institution. All bonds or notes issued under the provisions of this subchapter shall have all the qualities of negotiable instruments under the laws of this state.

[C66, 71, 73, 75, 77, 79, 81, §262.57]

2005 Acts, ch 179, §154; 2014 Acts, ch 1026, §72; 2015 Acts, ch 30, §93; 2019 Acts, ch 59, §75

Referred to in §262.34B, 262A.2

262.58 Rates and terms of bonds or notes.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face of the bonds or notes, and may contain such terms and covenants all as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, and engineering, administrative, and legal expenses. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director of the state board of regents, secretary, or other official thereof performing the duties of the executive director of the state board of regents, and the coupons attached to the bonds or notes shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official. Any bonds or notes bearing the signatures of officers in office on the date of the signing of the bonds or notes shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits, and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at such institution as provided in this subchapter, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the same are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

[C66, 71, 73, 75, 77, 79, 81, §262.58]

2006 Acts, ch 1051, §7; 2007 Acts, ch 126, §49; 2023 Acts, ch 66, §51

Referred to in §262.34B, 262A.2

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262.59 Refunding.

Upon the determination by the state board of regents to undertake and carry out any project or to refund outstanding bonds or notes, said board shall adopt a resolution describing generally the contemplated project and setting forth the estimated cost thereof, or describing the obligations to be refunded, fixing the amount of bonds or notes to be issued, the maturity or maturities, the interest rate or rates and all details in respect thereof. Such resolution shall contain such covenants as may be determined by the board as to the issuance of additional bonds or notes that may thereafter be issued payable from the net rents, profits and income of the residence halls or dormitories, the amendment or modification of the resolution authorizing the issuance of any bonds or notes, the manner, terms and conditions and the amount or percentage of assenting bonds or notes necessary to effectuate such amendment or modification, and such other covenants as may be deemed necessary or desirable. In the discretion of the board any bonds or notes issued under the terms of this subchapter may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa, but no such trust indenture shall convey or mortgage the buildings or facilities or any part thereof. The provisions of this subchapter and of any resolution or other proceedings authorizing the issuance of bonds or notes and providing for the establishment and maintenance of adequate rates, fees or rentals and the application of the proceeds thereof shall constitute a contract with the holders of such bonds or notes.

[C66, 71, 73, 75, 77, 79, 81, §262.59]

2014 Acts, ch 1026, §143

Referred to in §262.34B, 262A.2

262.60 Rates, fees and rentals — pledge.

Whenever bonds or notes are issued by the state board of regents, it shall be the duty of said board to establish, impose and collect rates, fees or rentals for the use of and services provided by the residence halls and dormitories, including dining and other incidental facilities therefor, at the institution on behalf of which such bonds or notes are issued, and to adjust such rates, fees or rentals from time to time, in order to always provide net amounts sufficient to pay the principal of and interest on such bonds or notes as the same become due and to maintain a reserve therefor, and said board is authorized to pledge a sufficient amount of the net rents, profits and income derived from the operation of residence halls and dormitories, including dining and other facilities therefor, at such institution for this purpose. Rates, fees or rentals collected at one institution shall not be used to discharge bonds or notes issued for or on account of another institution. All bonds or notes issued under the terms of this subchapter shall be exempt from taxation by the state of Iowa and the interest thereon shall be exempt from the state income tax.

[C66, 71, 73, 75, 77, 79, 81, §262.60]

2014 Acts, ch 1026, §143

Referred to in §262.34B, 262A.2, 422.7(2)(n)

262.61 Accounts.

1. A certified copy of each resolution providing for the issuance of bonds or notes under this subchapter shall be filed with the treasurer of the institution on behalf of which the bonds or notes are issued and it shall be the duty of said treasurer to keep and maintain separate accounts for each issue of bonds or notes in accordance with the covenants and directions set out in the resolution providing for the issuance thereof. All rates, fees or rentals collected for the use of and services provided by the residence halls and dormitories, including dining and other incidental facilities therefor, at each institution shall be held in trust by the treasurer thereof, separate and apart from all other funds, to be used solely and only for the purposes specified in this subchapter and as may be required and provided for by the proceedings of the board authorizing the issuance of bonds or notes. It shall be the duty of the treasurer of each institution to disburse funds from the proper account for the payment of the principal

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of and interest on the bonds or notes in accordance with the directions and covenants of the resolution authorizing the issuance thereof.

2. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

[C66, 71, 73, 75, 77, 79, 81, §262.61]

87 Acts, ch 233, §468; 2014 Acts, ch 1026, §73

Referred to in §262.34B, 262A.2

262.62 No obligation against state.

Under no circumstances shall any bonds or notes issued under the terms of this subchapter be or become or be construed to constitute a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations, or other funds of the state of Iowa may be pledged for or used to pay such bonds or notes or the interest thereon but any such bonds or notes shall be payable solely and only as to both principal and interest from the net rents, profits, and income derived from the operation of residence halls and dormitories, including dining and other incidental facilities therefor, at the institutions of higher learning under the control of the state board of regents as provided in this subchapter, and the sole remedy for any breach or default of the terms of any such bonds or notes or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by this subchapter and the terms of the resolution under which such bonds or notes are issued.

[C66, 71, 73, 75, 77, 79, 81, §262.62]

2014 Acts, ch 1026, §143; 2023 Acts, ch 66, §52

Referred to in §262.34B, 262A.2

262.63 Who may invest.

All banks, trust companies, savings associations, investment companies, and other persons carrying on an investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or notes issued pursuant to this subchapter; provided, however, that nothing contained in this section may be construed as relieving any persons from any duty of exercising reasonable care in selecting securities for purchase or investment.

[C66, 71, 73, 75, 77, 79, 81, §262.63]

2012 Acts, ch 1017, §68; 2014 Acts, ch 1026, §143

Referred to in §262.34B, 262A.2

262.64 Federal or other aid accepted.

The state board of regents is authorized to apply for and accept federal aid or nonfederal gifts or grants of funds and to use the same to pay all or any part of the cost of carrying out any project at any institution under the terms of this subchapter or to pay any bonds and interest thereon issued for any of the purposes specified in this subchapter.

[C66, 71, 73, 75, 77, 79, 81, §262.64]

2014 Acts, ch 1026, §143

Referred to in §262.34B, 262A.2

262.64A Reports to general assembly. Repealed by 2005 Acts, ch 179, §160.

262.65 Alternative method.

This subchapter shall be construed as providing an alternative and independent method for carrying out any project at any institution of higher learning under the control of the state board of regents, for the issuance and sale or exchange of bonds or notes in connection therewith and for refunding bonds or notes pertinent thereto, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and

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no other or further proceeding in respect to the issuance or sale or exchange of bonds or notes under this subchapter, shall be required except such as are prescribed by this subchapter, any provisions of other statutes of the state to the contrary notwithstanding.

[C66, 71, 73, 75, 77, 79, 81, §262.65]

2014 Acts, ch 1026, §143

Referred to in §262.34B, 262A.2

262.66 Prior action legalized.

All rights acquired prior to April 29, 1963, in connection with the financing of any project at any institution are hereby preserved and all acts and proceedings taken by the board preliminary to and in connection with the authorization and issuance of any notes or other obligations for any project issued and outstanding prior to April 29, 1963, are hereby legalized, validated, and confirmed and said notes or obligations are hereby declared to be legal and to constitute valid and binding obligations of the board according to their terms and payable solely and only from the sources referred to in the notes or obligations.

[C66, 71, 73, 75, 77, 79, 81, §262.66]

2019 Acts, ch 59, §76

Referred to in §262.34B, 262A.2

SUBCHAPTER VII

EASEMENTS

262.67 Approval of executive council. Repealed by 2005 Acts, ch 179, §160.

SUBCHAPTER VIII

SPEED LIMITS

262.68 Speed limit on institutional grounds.

1. The maximum speed limit of all vehicles on institutional roads at institutions under the control of the state board of regents shall be forty-five miles per hour. All driving shall be confined to driveways designated by the state board.

2. Whenever the state board shall determine that the speed limit set forth in subsection 1 is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of its institutional roads, the board shall determine and declare a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice of the speed limit are erected at such places of congestion or other parts of its institutional roads.

3. Any person violating the speed limits established in subsections 1 and 2 shall be guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §262.68]

2020 Acts, ch 1063, §122

Referred to in §321.285, 707.6A

262.69 Traffic control and parking.

1. The state board of regents may make such rules as it deems necessary and proper to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of any institution under its control. The rules may provide for the use of institutional roads, driveways, and grounds, registration of vehicles and bicycles, the designation of parking areas, the erection and maintenance of signs designating prohibitions or restrictions, the installation and maintenance of parking control devices, and assessment, enforcement, and collection of reasonable sanctions for the violation of the rules.

2. Any rules made pursuant to this section may be enforced under procedures adopted by the board for each institution under its control. Sanctions may be imposed upon students, faculty, and staff for violation of the rules, including but not limited to a reasonable monetary

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sanction which may be deducted from student deposits and faculty or staff salaries or other funds in the possession of the institution, or added to student tuition bills. The rules made pursuant to this section may also be enforced by the impoundment of vehicles and bicycles parked in violation of the rules, and a reasonable fee may be charged for the cost of impoundment and storage, prior to the release of the vehicles and bicycles to their owners. Each institution under the control of the board shall establish procedures for the determination of controversies in connection with imposition of sanctions. The procedures shall require giving notice of the violation and the sanction involved and provide an opportunity for an administrative hearing. Judicial review of the administrative ruling may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

3. Notwithstanding the provisions of chapter 17A, a proceeding conducted by the state board of regents or an institution governed by the state board of regents to determine the validity of an assessment of a violation of traffic control and parking rules is not a contested case as defined in section 17A.2, subsection 5.

[C73, 75, 77, 79, 81, §262.69; 82 Acts, ch 1141, §1]

2003 Acts, ch 44, §114; 2017 Acts, ch 54, §76

SUBCHAPTER IX

MENTAL HEALTH PROGRAMS

262.70 Education, prevention, and research programs in mental health and disability services.

The department of health and human services may contract with the board of regents or any institution under the board's jurisdiction to establish and maintain programs of education, prevention, and research in the fields of mental health, intellectual disability, developmental disabilities, and brain injury. The board may delegate responsibility for these programs to the state psychiatric hospital, the university hospital, or any other appropriate entity under the board's jurisdiction.

[81 Acts, ch 78, §20, 46]

94 Acts, ch 1170, §51; 2006 Acts, ch 1115, §31; 2012 Acts, ch 1019, §111; 2023 Acts, ch 19, §1019

SUBCHAPTER X

EARLY DEVELOPMENT EDUCATION

262.71 Center for early development education.

The board of regents shall develop a center for early development education at one of the regents institutions specified in section 262.7, subsections 1 through 3. The center's programs shall be conducted in a laboratory school setting to serve as a model for early childhood education. The programs shall include, but not be limited to, programs designed to accommodate the needs of at-risk children. The teacher education programs at all three state universities shall cooperate in developing the center and its programs. The center's programs shall take a holistic approach and the center shall, in developing its programs, consult with representatives from each of the following agencies, institutions, or groups:

1. The university of northern Iowa.
2. The Iowa state university of science and technology.
3. The state university of Iowa.
4. The department of health and human services.
5. An early childhood development specialist from an area education agency.
6. A parent of a child in a head start program.
7. The department of education.

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8. The child development coordinating council.

88 Acts, ch 1114, §3; 91 Acts, ch 109, §7; 2023 Acts, ch 19, §1020; 2023 Acts, ch 64, §43

262.72 through 262.74 Reserved.

SUBCHAPTER XI

TEACHER EDUCATION PROGRAMS — INCENTIVES

262.75 Incentives for cooperating teachers.

1. A cooperating teacher incentive program is established to encourage experienced teachers to serve as cooperating teachers for student teachers enrolled in the institutions of higher education under the control of the board.

2. An individual who submits evidence to an institution that the individual has satisfactorily served as a cooperating teacher for a student teacher from any of the institutions of higher education under the control of the board for the duration of the student teaching experience shall receive from the institution either a monetary recompense or a reduction in tuition for graduate hours of coursework equivalent to the value of the monetary recompense, rounded to the nearest whole credit hour.

a. If, because of a policy adopted by the board of directors employing the teacher, the amount of the monetary recompense is not made available to the teacher for the teacher's own personal use or the salary paid to the cooperating teacher by the employing board is correspondingly reduced, the institution shall grant the teacher the reduction in tuition pursuant to this section in lieu of the monetary recompense.

b. In lieu of the payment of monetary recompense to a cooperating teacher, the cooperating teacher may direct that the monetary recompense be paid by the institution directly into a scholarship fund which has been established jointly by the board of directors of the school district that employs the teacher and the local teachers' association. In such cases, the cooperating teacher shall receive neither monetary recompense nor any reduction in tuition at the institution.

88 Acts, ch 1266, §4; 95 Acts, ch 173, §1; 2018 Acts, ch 1041, §70

262.76 and 262.77 Reserved.

SUBCHAPTER XII

AGRICULTURAL SAFETY AND HEALTH

262.78 Center for agricultural safety and health.

1. The board of regents shall establish a center for agricultural safety and health at the state university of Iowa. The center shall be a joint venture by the state university of Iowa and Iowa state university of science and technology. The center shall establish farm health and safety programs designed to reduce the incidence of disabilities suffered by persons engaged in agriculture which results from disease or injury. The state university of Iowa is primarily responsible for the management of agricultural health and injury programs at the center. Iowa state university of science and technology is primarily responsible for the management of the agricultural safety programs of the center.

2. The center shall cooperate with the department of health and human services pursuant to section 135.107, the center for health effects of environmental contamination established pursuant to section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

3. The president of the state university of Iowa, in consultation with the president of Iowa state university of science and technology, shall employ a full-time director of the center. The center may employ staff to carry out the center's purpose. The director shall coordinate the

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agricultural health and safety programs of the center. The director shall regularly meet and consult with the department of health and human services pursuant to section 135.107. The director shall provide the board of regents with relevant information regarding the center.

4. The center may solicit, accept, and administer moneys contributed to the center by any source, and may enter into contracts with public or private agencies in order to carry out its purposes.

5. The center shall cooperate with public and private entities to provide support to programs emphasizing agricultural health, safety, and rehabilitation for farm families.

90 Acts, ch 1207, §3; 2005 Acts, ch 179, §155; 2019 Acts, ch 85, §71; 2022 Acts, ch 1032, §49; 2023 Acts, ch 19, §1021; 2023 Acts, ch 64, §44

Referred to in §135.107, 263.17

262.79 and 262.80 Reserved.

SUBCHAPTER XIII

REGENTS' MINORITY AND WOMEN EDUCATORS ENHANCEMENT

262.81 Legislative intent. Repealed by 2026 Acts, ch 1062, §8; 2026 Acts, ch 1186, §34.

262.82 Regents' minority and women educators enhancement program. Repealed by 2026 Acts, ch 1062, §8; 2026 Acts, ch 1186, §34.

262.83 through 262.90 Reserved.

SUBCHAPTER XIV

COLLEGE-BOUND PROGRAM

262.91 Legislative intent. Repealed by 2026 Acts, ch 1062, §8; 2026 Acts, ch 1186, §34.

262.92 College-bound program. Repealed by 2026 Acts, ch 1062, §8; 2026 Acts, ch 1186, §34.

SUBCHAPTER XV

REPORTS

262.93 Reports to general assembly. Transferred to §256.217A; 2026 Acts, ch 1062, §10; 2026 Acts, ch 1186, §35.

SUBCHAPTER XVI

COLLEGE READINESS AND AWARENESS PROGRAMS

262.94 College readiness and awareness programs.

The state board of regents may establish or contract to establish programs designed to increase college readiness and college awareness in potential first-generation college students and underrepresented populations. The programs may include but shall not be limited to college go center programs and science bound programs.

2012 Acts, ch 1119, §28

262.95 through 262.99 Reserved.

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SUBCHAPTER XVII

UNDERGRADUATE REQUIREMENTS — AMERICAN HISTORY AND GOVERNMENT

262.100 General education requirements and core curricula — courses on American history and American government.

1. The state board of regents shall require each institution of higher education governed by the board to establish as a requirement for the completion of any general education requirements or core curricula that an undergraduate student complete an introductory survey course in American history and an introductory survey course in American government. An institution shall assign a value of at least three semester hours of credit to each course. A course required by this section shall be a comprehensive survey of all American history and American government.

2. A course required by this section shall fulfill the general education or core curriculum requirement for social sciences or humanities, as designated by the institution, that a student is required to complete as a condition of graduation.

3. An institution shall provide equivalent credit toward the courses required by this section to a student transferring to the institution for previous coursework completed by the student that is substantially similar to a required course.

4. This section does not apply to a student completing a degree program designated by an institution as a degree program of three years or less in duration.

5. *a.* Annually, the center for cyclone civics at the Iowa state university of science and technology and the center for civic education at the university of northern Iowa shall designate courses at their respective institutions that satisfy the requirements of this section.

b. The center for intellectual freedom at the state university of Iowa shall be the sole academic unit at the state university of Iowa responsible for offering courses that satisfy the requirements of this section.

2026 Acts, ch 1200, §89, 90

Section applies to undergraduate students beginning enrollment at institutions of higher education governed by the board of regents in academic years beginning on or after July 1, 2028; 2026 Acts, ch 1200, §90

NEW section

SUBCHAPTER XVIII

NUCLEAR ENERGY WORKFORCE PROGRAM

262.101 Nuclear energy workforce fund — appropriation — report.

1. A nuclear energy workforce fund is established in the office of the treasurer of state under the control of the state board of regents. The fund consists of the contributions made to the fund pursuant to section 423.3, subsection 112, and any other appropriations made to the fund. Moneys in the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. Moneys in the fund shall be used only as specified in this section and shall be appropriated only for the uses specified. Moneys in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. Moneys in the fund are appropriated to the board for the purpose of establishing and maintaining programs and equipment at one or more institutions of higher education governed by the board that support nuclear energy workforce programs. In making determinations that support nuclear energy workforce programs, the board shall consider any recommendations made by the Iowa nuclear energy task force established by executive order.

3. Beginning January 15, 2028, and each January 15 thereafter, the board shall submit a report to the general assembly regarding the progress and implementation of the nuclear energy workforce programs established at the institutions governed by the board. The reports

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shall include but are not limited to the numbers of students and educators participating in the programs and the allocation of funds appropriated for the programs.

2026 Acts, ch 1146, §1, 5, 6
Referred to in §423.3
NEW section

CHAPTER 262A

UNIVERSITY BUILDINGS, FACILITIES, AND SERVICES — REVENUE BONDS

Referred to in §8.57, 262.9, 262.34B

262A.1 Declaration of insufficient state revenue.
262A.2 Definitions.
262A.3 Five-year program and two-year bond proposal submitted each year. Repealed by 2005 Acts, ch 179, §160.
262A.4 Authorization of general assembly and governor.
262A.5 Borrowing money and issuing bonds.
262A.6 Form and condition of bonds.
262A.6A Iowa college super savings plan. Repealed by 2005 Acts, ch 179, §160.
262A.7 Resolution of board and covenants undertaken.
262A.8 Student fees to pay bonds.
262A.9 Bond fund account.
262A.10 Bonds not state obligation.
262A.11 Bonds as security for investments.
262A.12 Application for gifts, loans, or grants.
262A.13 Reports to general assembly.
262A.14 Alternative and independent method.

262A.1 Declaration of insufficient state revenue.

The general assembly hereby determines that the annual revenues of the state are insufficient to finance the immediate building requirements and other facilities and utilities services requirements of the institutions of higher learning under the jurisdiction of the state board of regents and in order to provide these buildings, facilities and utilities services when they are needed, it is necessary to authorize the issuance of revenue bonds by the state board of regents, subject to the restrictions and limitations hereinafter set forth. It is the intent of the general assembly that revenue bonds issued for academic and administrative buildings and facilities and utilities services shall supplement and not supplant legislative appropriations for the same or similar purposes.

[C71, 73, 75, 77, 79, 81, §262A.1]

262A.2 Definitions.

The following words or terms, as used in this chapter, shall have the respective meanings as stated:

1. *"Board"* shall mean the state board of regents.

2. *"Bonds"* shall mean revenue bonds which are payable solely and only from student fees and charges and institutional income received by the institution at which the project is being undertaken.

3. *"Buildings and facilities"* shall mean those academic buildings and other facilities used primarily for instructional and research purposes, including libraries, and such other administrative and service buildings and facilities as are deemed necessary by the board to provide supporting services to the instructional and research programs and activities of the institutions, including, without limiting the generality of the foregoing, administrative offices, facilities for business services, auditoriums and concert halls, student services and extension and continuing education services, off-street parking areas and structures incidental to other buildings and facilities which are not primarily for parking purposes, garages, and storage and warehouse facilities, or any combination thereof. This phrase shall also include works and facilities deemed necessary by the board for furnishing utilities services to any buildings or structures operated by the institutions, including, without

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limiting the generality of the foregoing, water, electric, gas, communications, sewer and heating facilities, together with all necessary structures, buildings, tunnels, lines, reservoirs, mains, filters, pipes, sewers, boilers, generators, fixtures, wires, poles, equipment, treatment facilities and all other appurtenances in connection therewith, or any combination of the foregoing.

4. *"Institution"* or *"institutions"* shall mean the state university of Iowa, the Iowa state university of science and technology, the university of northern Iowa, and any other institution of higher learning under the jurisdiction of the state board of regents which offers a college program of four years or more, including any such institution the creation of which is hereafter authorized by the general assembly or which is placed under the jurisdiction of said board.

5. *"Institutional income"* shall mean income received by an institution from sources other than the following:

a. Student fees and charges.

b. Rates, fees, rentals, or charges imposed and collected under the provisions of sections 262.35 through 262.42, sections 262.44 through 262.53, and sections 262.55 through 262.66.

c. State appropriations.

d. *"Hospital income"*, as that term is defined in section 263A.1.

6. *"Project"* shall mean the acquisition by gift, purchase, lease, or construction of buildings and facilities which are deemed necessary by the board for the proper performance of the instructional, research and service functions of the institutions, and additions to buildings and facilities, the reconstruction, completion, equipment, improvement, repair or remodeling of buildings and facilities, including the demolition of existing buildings and facilities which are to be replaced, the acquisition of air rights and the construction of projects thereon, and the acquisition of property of every kind and description, whether real, personal or mixed, for buildings and facilities by gift, purchase, lease, condemnation or otherwise and the improvement of the same, or any combination of the foregoing.

7. *"Student fees and charges"* shall mean all tuitions, fees, and charges for general or special purposes levied against and collected from students attending the institutions except rates, fees, rentals, or charges imposed and collected under any of the following provisions:

a. Sections 262.35 through 262.42.

b. Sections 262.44 through 262.53.

c. Sections 262.55 through 262.66.

[C71, 73, 75, 77, 79, 81, §262A.2]

2009 Acts, ch 101, §1; 2010 Acts, ch 1061, §46; 2015 Acts, ch 30, §94

Referred to in §262.9

262A.3 Five-year program and two-year bond proposal submitted each year. Repealed by 2005 Acts, ch 179, §160.

262A.4 Authorization of general assembly and governor.

Subject to and in accordance with the provisions of this chapter, the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out any project as defined in this chapter at the institutions now or hereafter under the jurisdiction of the board. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

[C71, 73, 75, 77, 79, 81, §262A.4]

Referred to in §3.7

262A.5 Borrowing money and issuing bonds.

1. The board is authorized to borrow money under this chapter, and the board may issue and sell negotiable bonds to pay all or any part of the cost of carrying out any project at

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any institution and may refund and refinance bonds issued for any project or for refunding purposes at the same rate or at a higher or lower rate or rates of interest. Bonds issued under the provisions of this chapter shall be sold by said board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in said state. The provisions of chapter 75 shall apply to bonds issued under authority contained in this chapter to the extent not in conflict with this chapter. Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or which is to become due.

2. All bonds issued under the provisions of this chapter shall be payable solely and only from and shall be secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution. All bonds issued under the provisions of this chapter shall have all the qualities of a negotiable investment security under the laws of this state.

[C71, 73, 75, 77, 79, 81, §262A.5]

86 Acts, ch 1246, §128; 2005 Acts, ch 179, §156; 2021 Acts, ch 76, §150

262A.6 Form and condition of bonds.

Such bonds may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form and denominations, may carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants, including the establishment of reserves, all as may be provided by the resolution of the board authorizing the issuance of the bonds. In addition to the estimated cost of construction, including site costs, the cost of the project may include interest upon the bonds during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, engineering, architectural, administrative and legal expenses and provision for contingencies. Such bonds shall be executed by the president of the state board of regents and attested by the executive director, secretary or other official thereof performing the duties of executive director, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, executive director, secretary or other official; provided, however, that the facsimile signature of either of such officers executing such bonds may be imprinted on the face of the bonds in lieu of the manual signature of such officer, but at least one of the signatures appearing on the face of each bond shall be a manual signature. Any bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the student fees and charges and institutional income received by such institution as hereinbefore provided, and that it does not constitute a debt of or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds shall be recorded in the

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office of the treasurer of the institution on behalf of which the same are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond.

[C71, 73, 75, 77, 79, 81, §262A.6]

2006 Acts, ch 1051, §8

262A.6A Iowa college super savings plan. Repealed by 2005 Acts, ch 179, §160.

262A.7 Resolution of board and covenants undertaken.

Upon the determination by the state board of regents to undertake and carry out any project or to refund outstanding bonds, said board shall adopt a resolution describing generally the contemplated project and setting forth the estimated cost thereof, or describing the obligations to be refunded, fixing the amount of bonds to be issued, the maturity or maturities, the interest rate or rates and all details in respect thereof. Such resolution shall contain such covenants as may be determined by the board as to the issuance of additional bonds that may thereafter be issued payable from the student fees and charges and institutional income received by the particular institution, the amendment or modification of the resolution authorizing the issuance of any bonds, the manner, terms, and conditions and the amount or percentage of assenting bonds necessary to effectuate such amendment or modification, and such other covenants as may be deemed necessary or desirable. In the discretion of the board any bonds issued under the terms of this chapter may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa, but no such trust indenture shall convey or mortgage the buildings and facilities or any part thereof. The provisions of this chapter and of any resolution or other proceedings authorizing the issuance of bonds and providing for the establishment and maintenance of adequate student fees and charges and the application of the proceeds thereof, together with institutional income, shall constitute a contract with the holders of such bonds.

[C71, 73, 75, 77, 79, 81, §262A.7]

262A.8 Student fees to pay bonds.

Whenever bonds are issued by the state board of regents, it shall be the duty of said board to establish, impose, and collect student fees and charges at the institution on behalf of which such bonds are issued, and to adjust such student fees and charges from time to time, in order always to provide amounts which, together with the institutional income, will be sufficient to pay the principal of and interest on such bonds as the same become due and to maintain a reserve therefor, and said board is authorized to pledge a sufficient amount of the student fees and charges and institutional income received by such institution for this purpose. Student fees and charges and institutional income received by one institution shall not be used to discharge bonds issued for or on account of another institution. All bonds issued under the terms of this chapter shall be exempt from taxation by the state of Iowa and the interest thereon shall be exempt from the state income tax.

[C71, 73, 75, 77, 79, 81, §262A.8]

Referred to in §422.7(2)(n)

262A.9 Bond fund account.

1. A certified copy of each resolution providing for the issuance of bonds under this chapter shall be filed with the treasurer of the institution on behalf of which the bonds are issued and it shall be the duty of said treasurer to keep and maintain separate accounts for each issue of bonds in accordance with the covenants and directions set out in the resolution providing for the issuance thereof. A sufficient portion of the student fees and charges and institutional income received by each institution shall be held in trust by the treasurer thereof, separate and apart from all other funds, to be used solely and only for the purposes specified in this chapter and as may be required and provided for by the proceedings of the board authorizing the issuance of bonds. It shall be the duty of the treasurer of each institution to disburse funds from the proper account for the payment of the principal of

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and interest on the bonds in accordance with the directions and covenants of the resolution authorizing the issuance thereof.

2. If the amount of bonds issued under this chapter exceeds the actual costs of the projects for which bonds were issued, the amount of the difference shall be used to pay the principal and interest due on bonds issued under this chapter.

[C71, 73, 75, 77, 79, 81, §262A.9]

87 Acts, ch 233, §469; 2021 Acts, ch 76, §150

262A.10 Bonds not state obligation.

Under no circumstances shall any bonds issued under the terms of this chapter be or become or be construed to constitute a debt of or a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations, or other funds of the state of Iowa may be pledged for or used to pay such bonds or the interest thereon but any such bonds shall be payable solely and only as to both principal and interest from the student fees and charges and institutional income received by the institutions of higher learning under the control of the state board of regents as provided in this chapter, and the sole remedy for any breach or default of the terms of any such bonds or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and the terms of the resolution under which such bonds are issued.

[C71, 73, 75, 77, 79, 81, §262A.10]

262A.11 Bonds as security for investments.

All banks, trust companies, bankers, savings associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds issued pursuant to this chapter; provided, however, that nothing contained in this section may be construed as relieving any persons from any duty of exercising reasonable care in selecting securities for purchase or investment.

[C71, 73, 75, 77, 79, 81, §262A.11]

2012 Acts, ch 1017, §69

262A.12 Application for gifts, loans, or grants.

The state board of regents is authorized to apply for and accept federal or nonfederal gifts, loans, or grants of funds and to use the same to pay all or any part of the cost of carrying out any project at any institution under the terms of this chapter or to use the same, together with student fees and charges and institutional income, for the payment of debt service on bonds issued and to be issued by the board pursuant to authority contained in this chapter, in such manner as may be provided in the resolution authorizing the issuance of the bonds, which grants of funds or other aid shall be considered to constitute and may be commingled with student fees and charges and institutional income and may, together with such student fees and charges and institutional income, be pledged by the board in accordance with the provisions of this chapter and the bond resolution to the payment of debt service on bonds issued by the board under the authority contained in this chapter.

[C71, 73, 75, 77, 79, 81, §262A.12]

262A.13 Reports to general assembly.

1. The state board of regents shall determine, in consultation with the legislative services agency, the financial information to be included in line item budget information for projects funded by the issuance of bonds or notes under this chapter and shall submit the line item budget information to the general assembly as requested. The state board of regents shall submit quarterly reports to the general assembly concerning the projects funded by the issuance of bonds or notes under this chapter as follows:

a. Identification of both undercharges and overcharges for line items of projects.

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b. Identification of contracts in which any line item for a project exceeds the adopted budget for that line item by ten percent or more.

c. Identification of complaints received by an institution regarding the construction of a project.

2. If the state board of regents approves a change in the amount of the line item of a budget for a project, the change shall be transmitted to the appropriations committees of the house of representatives and senate, while the general assembly is in session, and to the legislative council, when the general assembly is not in session, for review.

86 Acts, ch 1246, §129; 2003 Acts, ch 35, §45, 49; 2010 Acts, ch 1061, §180

262A.14 Alternative and independent method.

This chapter shall be construed as providing an alternative and independent method for carrying out any project at any institution of higher learning under the control of the state board of regents, for the issuance and sale or exchange of bonds in connection therewith and for refunding bonds pertinent thereto, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and no other or further proceedings in respect to the issuance or sale or exchange of bonds under this chapter shall be required except such as are prescribed by this chapter, any provisions of other statutes of the state to the contrary notwithstanding.

[C71, 73, 75, 77, 79, 81, §262A.13]

C87, §262A.14

CHAPTER 262B

COMMERCIALIZATION OF RESEARCH

SUBCHAPTER I

GENERAL PROVISIONS

262B.1 Title.
262B.2 Legislative intent.
262B.3 Duties and responsibilities.
262B.4 and 262B.5 Repealed by 2005 Acts, ch 150, §33.
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262B.12 Appropriation. Repealed by 2005 Acts, ch 150, §33.
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SUBCHAPTER II

RESEARCH AND DEVELOPMENT PLATFORMS

262B.21 Research and development platforms.
262B.22 Technology and commercialization resource organization. Repealed by 2007 Acts, ch 122, §6.
262B.23 Endowed chairs and salaries.

SUBCHAPTER I

GENERAL PROVISIONS

262B.1 Title.

This chapter shall be known and may be cited as the *"Commercialization of Research for Iowa Act"*.

88 Acts, ch 1268, §9; 2003 Acts, 1st Ex, ch 1, §95, 133

[2003 Acts, 1st Ex, ch 1, §95, 133 amendment to section text rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2005 Acts, ch 150, §30

262B.2 Legislative intent.

It is the intent of the general assembly that the three universities under the control of the state board of regents have as part of their missions the use of their universities' expertise to expand and stimulate economic growth across the state. This activity may be accomplished

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through a wide variety of partnerships, public and private joint ventures, and cooperative endeavors, primarily, but not exclusively, in the area of high technology, and may result in investments by the private sector for commercialization of the technology and job creation. It is imperative that whenever possible, the investments and job creation be in Iowa but need not be in the proximity of the universities. The purpose of the investments and job creation shall be to expand and stimulate Iowa's economy, increase the wealth of Iowans, and increase the population of Iowa, which may be accomplished through research conducted within the state that will competitively position Iowa on an economic basis with other states and create high-wage, high-growth employers and jobs. Accredited private universities located in the state are encouraged to incorporate the intent of this section into the mission of their universities.

88 Acts, ch 1268, §10; 2003 Acts, 1st Ex, ch 1, §96, 133

[2003 Acts, 1st Ex, ch 1, §96, 133 amendment to this section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2005 Acts, ch 150, §31

262B.3 Duties and responsibilities.

1. The state board of regents, as part of its mission and strategic plan, shall establish mechanisms for the purpose of carrying out the intent of this chapter. In addition to other board initiatives, the board shall work with the economic development authority, other state agencies, and the private sector to facilitate the commercialization of research.

2. The state board of regents, in cooperation with the economic development authority, shall implement this chapter through any of the following activities:

a. Developing strategies to market and disseminate information on university research for commercialization in Iowa.

b. Evaluating university research for commercialization potential, where relevant.

c. Developing a plan to improve private sector access to the university licenses and patent information and the transfer of technology from the university to the private sector.

d. Identifying research and technical assistance needs of existing Iowa businesses and start-up companies and recommending ways in which the universities can meet these needs.

e. Linking research and instruction activities to economic development.

f. Reviewing and monitoring activities related to technology transfer.

g. Coordinating activities to facilitate a focus on research in the state's targeted industry clusters.

h. Surveying similar activities in other states and at other universities.

i. Establishing a single point of contact to facilitate commercialization of research.

j. Sustaining faculty and staff resources needed to implement commercialization.

k. Implementing programs to provide public recognition of university faculty and staff who demonstrate success in technology transfer and commercialization.

l. Implementing rural entrepreneurial and regional development assistance programs.

m. Providing market research ranging from early stage feasibility to extensive market research.

n. Creating real or virtual research parks that may or may not be located near universities, but with the goal of providing economic stimulus to the entire state.

o. Capacity building in key biosciences platform areas.

p. Encouraging biosciences entrepreneurship by faculty.

q. Providing matching grants for joint biosciences projects involving public and private entities.

r. Encouraging biosciences entrepreneurship by faculty using faculty research and entrepreneurship grants.

s. Pursuing bioeconomy initiatives in key platform areas as recommended by a consultant report on bioeconomy issues contracted for by the economic development authority.

3. Each January 15, the state board of regents shall submit a written report to the general assembly detailing the patents and licenses held by each institution of higher learning under

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the control of the state board of regents and by nonprofit foundations acting solely for the support of institutions governed by the state board of regents.

88 Acts, ch 1268, §11; 2003 Acts, 1st Ex, ch 1, §97, 133

[2003 Acts, 1st Ex, ch 1, §97, 133 amendments to this section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2005 Acts, ch 150, §32; 2011 Acts, ch 118, §85, 89

Technology commercialization specialist and committee; §15.115 and 15.116

262B.4 and 262B.5 Repealed by 2005 Acts, ch 150, §33.

262B.6 through 262B.11 Reserved.

262B.12 Appropriation. Repealed by 2005 Acts, ch 150, §33.

262B.13 through 262B.20 Reserved.

SUBCHAPTER II

RESEARCH AND DEVELOPMENT PLATFORMS

262B.21 Research and development platforms.

1. For purposes of this section and section 262B.23, *"core platform areas"* means the areas of advanced manufacturing, biosciences, information solutions, and financial services.

2. The state board of regents shall do all of the following:

a. Recruit employees, build capacity, and invest moneys to ensure rapid scientific progress in the core platform areas.

b. Create endowed chair positions and employ persons with entrepreneurial expertise.

c. Invest in technology development infrastructure to strengthen and accelerate the scientific and commercialization work in the core platform areas.

d. Provide financial assistance in the form of grants for purposes of accelerating the transformation of new and ongoing research and development initiatives in the core platform areas into commercial opportunities.

e. Actively participate in advisory groups dedicated to the areas of bioscience advanced manufacturing, and information solutions.

2006 Acts, ch 1179, §48; 2007 Acts, ch 122, §5

262B.22 Technology and commercialization resource organization. Repealed by 2007 Acts, ch 122, §6.

262B.23 Endowed chairs and salaries.

The state board of regents may use for salaries and may create endowed chair positions at each of the regents universities using, in part, moneys appropriated to the state board of regents for purposes of implementing recommendations provided in separate consultant reports on bioscience, advanced manufacturing, and information technology submitted to the department of economic development in the calendar years 2004 and 2005. Such moneys may only be used to partially fund an endowed chair position if significant private contributions and contributions from governmental entities other than the state and political subdivisions of the state are used to fund the position. Not more than fifty percent of the cost of funding an endowed chair position shall be paid with such moneys. The endowed chair positions shall be used to attract scholars recruited nationally and internationally who can bring with them related start-up business ventures or a concept for near-term commercialization.

2006 Acts, ch 1179, §50

Referred to in §262B.21

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CHAPTER 263

UNIVERSITY OF IOWA

Referred to in §27.1, 256B.2

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SUBCHAPTER I

GENERAL PROVISIONS

263.1 Objects — departments.

The university of Iowa shall never be under the control of any religious denomination. Its object shall be to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications. It shall include colleges of liberal arts, law, medicine, and such other colleges and departments, with such courses of instruction and elective studies as the state board of regents may determine from time to time. If a practitioner preparation program as defined in section 256.145 is established by the board, it shall include the subject of physical education. Instruction in the liberal arts college shall begin, so far as practicable, at the points where the same is completed in high schools.

[C51, §1020; R60, §1927, 1930, 1933; C73, §1585, 1586, 1589; C97, §2640; C24, 27, 31, 35, 39, §**3946;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.1]

2011 Acts, ch 34, §70

263.2 Degrees — reports.

1. A person shall not be admitted to courses of instruction in the university if the person has not completed the elementary instruction in such branches as are taught in the public or accredited nonpublic schools throughout the state.

2. Graduates of the university shall receive degrees or diplomas, or other evidences of distinction such as are usually conferred and granted by universities and are authorized by the state board of regents.

3. The university of Iowa, in collaboration with the university hospitals and clinics, shall submit an annual report to the general assembly providing the following information:

a. The states in which members of each graduating class from the college of dentistry and the college of medicine's doctor of medicine program reside during the year immediately following graduation. The information shall be divided by residents of Iowa at the time of application to the college and nonresidents at the time of application to the college.

b. The states in which the university of Iowa hospitals and clinics primary care and specialty residents reside in the year following completion of medical residency and whether following residency such residents accepted fellowships. The information shall be divided by primary care and various areas of specialty, and whether the medical residents were residents of Iowa prior to applying for admission at an undergraduate college or university, received a baccalaureate degree from a postsecondary institution in Iowa, or graduated from a medical school in Iowa, whether or not the medical residents were residents of Iowa at the time of acceptance into the university of Iowa hospitals and clinics' residency programs and, if any residents of Iowa accepted fellowships following residency, the states in which the fellowships are offered and the areas of specialty under the fellowships.

c. For purposes of this subsection, *"resident of Iowa"* means the same as defined in section 262.9, subsection 34.

[R60, §1933; C73, §1585, 1589; C97, §2640; C24, 27, 31, 35, 39, §**3947;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.2]

2018 Acts, ch 1026, §83; 2025 Acts, ch 164, §2

Section not amended; internal reference change applied

263.3 Cabinet of natural history.

For the purpose of supplying a cabinet of natural history, all geological and mineralogical specimens which are collected by the state geologists, or by others appointed by the state to investigate its natural history and physical resources, shall belong to and be the property of the university, under the charge of the professors of those departments.

[R60, §1931, 1935; C73, §1597, 1598; C97, §2639; C24, 27, 31, 35, 39, §**3948;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.3]

263.4 and 263.5 Repealed by 2017 Acts, ch 172, §43.

263.6 Residency and fellowship positions — priority for certain candidates — rural rotations.

The university of Iowa hospitals and clinics shall give priority in awarding federal residency positions as established under the federal Balanced Budget Act of 1997, Pub. L. No. 105-33, and fellowships to applicants who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa. The university of Iowa hospitals and clinics shall also provide the opportunity to participate in a rural rotation to persons to whom a primary care residency or fellowship position, including such positions in psychiatry, is awarded in order to expose the resident or fellow to rural areas of the state.

2025 Acts, ch 164, §3

For university of Iowa hospitals and clinics medical residency interview offer requirements for certain applicants and required annual report, see 2025 Acts, ch 164, §4

263.7 State hygienic laboratory — investigations.

The state hygienic laboratory shall be a permanent part of the state university of Iowa. It shall make or cause to be made microbiological and chemical examinations and other necessary investigations by both laboratory and field work in the determination of the causes of disease, shall suggest methods of overcoming and preventing the recurrence of the disease, and shall evaluate environmental effects and scientific needs, whenever requested to do so by any state agency, state institution, or local board of health when the investigation

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or evaluation is necessary in the interest of environmental quality and public health and for the purpose of preventing epidemics of disease.

[S13, §2575-a8; SS15, §2575-a7; C24, 27, 31, 35, 39, §**3953;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.7]

263.8 Reports — tests.

1. Charges may be assessed for transportation of specimens and cost of examination. Reports of epidemiological examinations and investigations shall be sent to the responsible agency.

2. In addition to its regular work, the state hygienic laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which may be required by the department of health and human services and the department shall adopt rules pursuant to chapter 17A for the examinations and investigations. The laboratory shall also provide, those laboratory, scientific field measurement, and environmental quality services which, by contract, are requested by the other agencies of government.

3. The state hygienic laboratory is authorized to perform such other laboratory determinations as may be requested by any state institution, citizen, school, municipality, or local board of health, and the laboratory is authorized to charge fees covering transportation of samples and the costs of examinations performed upon their request.

[S13, §2575-e8; SS15, §2575-a7,-a9; C24, 27, 31, 35, 39, §**3953;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.8]

2015 Acts, ch 30, §95; 2023 Acts, ch 19, §1022

Duties of department of health and human services, §135.11

263.8A International center for talented and gifted education — Iowa online advanced placement academy science, technology, engineering, and mathematics initiative.

1. *a.* The state board of regents shall establish and maintain at Iowa City as an integral part of the state university of Iowa the international center for talented and gifted education. The international center shall provide programs to assist classroom teachers to teach gifted and talented students in regular classrooms, provide programs to enhance the learning experiences of gifted and talented students, serve as a center for national and international symposiums and policy forums for enhancing the teaching of gifted and talented students, and undertake other appropriate activities to enhance the programs of the center, including, but not limited to, coordinating and working with the world council for gifted and talented children, incorporated.

b. An international center endowment fund is established at the state university of Iowa and gifts and grants to the international center and investment earnings and returns on the endowment fund shall be deposited in the fund and may be expended by the state university of Iowa for the purposes for which the international center was established.

2. The Iowa online advanced placement academy science, technology, engineering, and mathematics initiative is established within the international center for talented and gifted education at the state university of Iowa to deliver, with an emphasis on science, technology, engineering, and mathematics coursework, preadvanced placement and advanced placement courses to high school students throughout the state, provide training opportunities for teachers to learn how to teach advanced placement courses in Iowa's high schools, and provide preparation for middle school students to ensure success in high school.

88 Acts, ch 1284, §44; 96 Acts, ch 1184, §3; 2011 Acts, ch 132, §17, 106

Referred to in §257B.1B

263.8B Interest earnings.

If the interest earned on moneys accumulated by campus organizations at the university of Iowa is not available for expenditure by those respective campus organizations, the university of Iowa shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the student government or to the student financial aid office to be used for the work-study program.

89 Acts, ch 319, §67

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263.8C Advanced placement summer program.

An advanced placement summer program is established at the state university of Iowa for purposes of training advanced placement instructors at the secondary level and of providing intensive course work for secondary students. The state university of Iowa shall be responsible for the development of appropriate curricula, course offerings, provision of qualified instructors, and the selection of participants for the program. If funds are appropriated for the program, those funds shall be used to pay for the cost of providing instructors, counselors, room and board for students and teachers attending the program, materials, and for the cost of the development of a summer advanced placement exam. If funds are appropriated and those funds are not sufficient to meet program participation demands, the university shall give priority to the needs of students or teachers from schools which do not have advanced placement programs.

91 Acts, ch 115, §1

SUBCHAPTER II

CENTER FOR DISABILITIES AND DEVELOPMENT

263.9 Establishment and objectives.

The state board of regents is hereby authorized to establish and maintain in reasonable proximity to Iowa City and in conjunction with the state university of Iowa and the university hospitals and clinics, a center for disabilities and development having as its objects the education and treatment of children with severe disabilities. The center shall be conducted in conjunction with the activities of the university of Iowa children's hospital. Insofar as is practicable, the facilities of the university children's hospital shall be utilized.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.9]

96 Acts, ch 1129, §72; 2001 Acts, ch 181, §17; 2002 Acts, ch 1050, §28

263.10 Persons admitted.

Every resident of the state who is not more than twenty-one years of age, who has such severe disabilities as to be unable to acquire an education in the public or accredited nonpublic schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the university of Iowa hospitals and clinics center for disabilities and development, and nonresidents similarly situated may be entitled to an education and care at the center upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of the department of health and human services who have severe disabilities may be transferred to the center upon such terms as may be agreed upon by the state board of regents and the director of health and human services.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.10]

83 Acts, ch 96, §157, 159; 96 Acts, ch 1129, §73; 2001 Acts, ch 181, §18; 2002 Acts, ch 1050, §29; 2018 Acts, ch 1026, §84; 2023 Acts, ch 19, §1023

263.11 Definition.

The term *"severe disabilities"* shall be interpreted for the purpose of this subchapter as referring to persons who meet both of the following requirements:

1. Persons who are educable but have severe physical and educational disabilities as a result of cerebral palsy, muscular dystrophy, spina bifida, arthritis, poliomyelitis, or other severe physically disabling conditions.
2. Persons who are not eligible for admission to the schools already established for

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persons with an intellectual disability or epilepsy or persons who are deaf or hard of hearing or blind.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.11]

84 Acts, ch 1219, §12; 96 Acts, ch 1129, §74; 2012 Acts, ch 1019, §112; 2014 Acts, ch 1026, §143; 2020 Acts, ch 1102, §15

263.12 Payment by counties.

The provisions of sections 256.99 and 256.100 are applicable to the university of Iowa hospitals and clinics' center for disabilities and development.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.12]

2001 Acts, ch 181, §19; 2020 Acts, ch 1045, §15

Referred to in §331.424

263.13 Gifts accepted.

The state board of regents is authorized to accept, for the benefit of the university of Iowa hospitals and clinics' center for disabilities and development, gifts, devises, or bequests of property, real or personal, including grants from the federal government. The state board of regents may exercise such powers with reference to the management, sale, disposition, investment, or control of property so given, devised, or bequeathed as may be deemed essential to its preservation and the purposes for which made. No contribution or grant shall be received or accepted if any condition is attached as to its use or administration other than it be used for aid to the center as provided in this subchapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §263.13]

2001 Acts, ch 181, §20; 2002 Acts, ch 1050, §30; 2014 Acts, ch 1026, §143

263.14 through 263.16 Reserved.

SUBCHAPTER III

CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION

263.17 Center for health effects of environmental contamination.

1. The state board of regents shall establish and maintain at Iowa City as an integral part of the state university of Iowa the center for health effects of environmental contamination, having as its object the determination of the levels of environmental contamination which can be specifically associated with human health effects.

2. *a.* The center shall be a cooperative effort of representatives of the following organizations:

(1) The state university of Iowa department of occupational and environmental health.
(2) The department of pediatrics of the university of Iowa college of medicine.
(3) The state hygienic laboratory.
(4) The institute of rural and environmental health.
(5) The university of Iowa Holden comprehensive cancer center.
(6) The department of civil and environmental engineering.
(7) Appropriate clinical and basic science departments.
(8) The college of law.
(9) The college of liberal arts and sciences.
(10) The department of health and human services.
(11) The department of natural resources.
(12) The department of agriculture and land stewardship.

b. The active participation of the national cancer institute, the agency for toxic substances and disease registry, the national centers for disease control and prevention, the United States environmental protection agency, and the United States geological survey, shall also be sought and encouraged.

3. The center may:

a. Assemble all pertinent laboratory data on the presence and concentration of

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contaminants in soil, air, water, and food, and develop a data retrieval system to allow the findings to be easily accessed by exposed populations.

b. Make use of data from the existing cancer and birth defect statewide recording systems and develop similar recording systems for specific organ diseases which are suspected to be caused by exposure to environmental toxins.

c. Develop registries of persons known to be exposed to environmental hazards so that the health status of these persons may be examined over time.

d. Develop highly sensitive biomedical assays which may be used in exposed persons to determine early evidence of adverse health effects.

e. Perform epidemiologic studies to relate occurrence of a disease to contaminant exposure and to ensure that other factors known to cause the disease in question can be ruled out.

f. Foster relationships and ensure the exchange of information with other teaching institutions or laboratories in the state which are concerned with the many forms of environmental contamination.

g. Implement programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes and prevention of environmentally induced disease.

h. Implement public education programs to inform persons of research results and the significance of the studies.

i. Respond as requested to any branch of government for consultation in the drafting of laws and regulations to reduce contamination of the environment.

4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph *"a"*, is established. The advisory committee shall employ, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.

5. The center shall maintain the confidentiality of any information obtained from existing registries and from participants in research programs. Specific research projects involving human subjects shall be approved by the state university of Iowa institutional review board.

6. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

7. The center shall cooperate with the department of health and human services pursuant to section 135.107, the center for agricultural safety and health established under section 262.78, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable.

87 Acts, ch 225, §228; 88 Acts, ch 1169, §3; 90 Acts, ch 1207, §4; 2000 Acts, ch 1058, §31; 2001 Acts, ch 74, §19; 2018 Acts, ch 1041, §71; 2020 Acts, ch 1045, §16; 2022 Acts, ch 1032, §50; 2023 Acts, ch 19, §1024, 1025

Referred to in §135.107, 262.78

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SUBCHAPTER IV

HOSPITALS AND CLINICS — PATIENT CARE

263.18 Treatment of patients — use of earnings for new facilities.

1. The university of Iowa hospitals and clinics authorities may at their discretion receive patients into the hospital for medical, obstetrical, or surgical treatment or hospital care. The university of Iowa hospitals and clinics ambulances and ambulance personnel may be used for the transportation of such patients at a reasonable charge if specialized equipment is required.

2. The university of Iowa hospitals and clinics authorities shall collect from the person or persons liable for support of such patients reasonable charges for hospital care and service

and deposit payment of the charges with the treasurer of the university for the use and benefit of the university of Iowa hospitals and clinics.

3. Earnings of the university of Iowa hospitals and clinics shall be administered so as to increase, to the greatest extent possible, the services available for patients, including acquisition, construction, reconstruction, completion, equipment, improvement, repair, and remodeling of medical buildings and facilities, additions to medical buildings and facilities, and the payment of principal and interest on bonds issued to finance the cost of medical buildings and facilities as authorized by the provisions of chapter 263A.

4. The physicians and surgeons on the staff of the university of Iowa hospitals and clinics who care for patients provided for in this section may charge for the medical services provided under such rules, regulations, and plans approved by the state board of regents.

2005 Acts, ch 167, §47, 66; 2010 Acts, ch 1134, §2; 2013 Acts, ch 138, §125, 127

263.19 Purchases.

Any purchase of materials, appliances, instruments, or supplies by the university of Iowa hospitals and clinics shall be made pursuant to open competitive quotations, and all contracts for such purchases shall be in compliance with purchasing policies of the state board of regents.

2005 Acts, ch 167, §48, 66; 2012 Acts, ch 1138, §119

263.20 Collecting and settling claims for care.

Whenever a patient or person legally liable for the patient's care at the university of Iowa hospitals and clinics has insurance, an estate, a right of action against others, or other assets, the university of Iowa hospitals and clinics, through the facilities of the office of the attorney general, may file claims, institute or defend suit in court, and use other legal means available to collect accounts incurred for the care of the patient, and may compromise, settle, or release such actions under the rules and procedures prescribed by the president of the university and the office of the attorney general. If a county has paid any part of such patient's care, a pro rata amount collected, after deduction for cost of collection, shall be remitted to the county and the balance shall be credited to the hospital fund.

2005 Acts, ch 167, §49, 66

263.21 Transfer of patients from state institutions.

The director of health and human services, in respect to institutions under the director's control, and the director of the department of corrections, in respect to the institutions under the department's control, may send any inmate, student, or patient of an institution, or any person committed or applying for admission to an institution, to the university of Iowa hospitals and clinics for treatment and care. The department of health and human services and the department of corrections shall respectively pay the traveling expenses of such patient, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

2005 Acts, ch 167, §50, 66; 2023 Acts, ch 19, §1026, 2499

Referred to in §263.23

Transfer of students from the Iowa school for the deaf, see §256.105

263.22 Medical care for parolees and persons on work release.

The director of the department of corrections may send former inmates of the institutions provided for in section 904.102, while on parole or work release, to the university of Iowa hospitals and clinics for treatment and care. The director may pay the traveling expenses of any such patient, and when necessary the traveling expenses of an attendant of the patient, out of funds appropriated for the use of the department of corrections.

2005 Acts, ch 167, §51, 66

Referred to in §263.23

263.23 Obligations to indigent patients.

The university of Iowa hospitals and clinics shall continue the obligation existing on April 1, 2005, to provide care or treatment at the university of Iowa hospitals and clinics to indigent

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patients and to any inmate, student, patient, or former inmate of a state institution as specified in sections 263.21 and 263.22, with the exception of the specific obligation to committed indigent patients pursuant to section 255.16, Code 2005.

2006 Acts, ch 1184, §118

CHAPTER 263A

MEDICAL AND HOSPITAL BUILDINGS AT UNIVERSITY OF IOWA

Referred to in §262.9, 263.18

263A.1 Definitions.
263A.2 Authorization of general assembly and governor.
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263A.6 Rates, fees and charges for services.
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263A.8 No obligation of the state on bonds or notes.
263A.9 Investment in bonds or notes by financial institutions.
263A.10 Gifts, loans or grants accepted.
263A.11 Reports to general assembly. Repealed by 2005 Acts, ch 179, §160.
263A.12 Provisions independent of any other statute.
263A.13 Financial statement to general assembly.

263A.1 Definitions.

The following words or terms, as used in this chapter, shall have the respective meanings as stated:

1. *"Board"* shall mean the state board of regents.

2. *"Bonds or notes"* shall mean revenue bonds or revenue notes which are payable solely and only from hospital income.

3. *"Buildings and facilities"* shall mean buildings to be used primarily for service, clinical instructional and clinical research purposes in the field of medicine with particular emphasis on the family practice of medicine and such other facilities as are deemed necessary by the board to support and carry out the service, instructional, and research objectives of the hospitals, medical clinics, and medical service laboratories of the institution, including, without limiting the generality of the foregoing, hospital buildings, clinic buildings, laboratory buildings, clinical staff facilities, building for housing interns, resident physicians and nurses, and medical record and film storage buildings, or any combination thereof.

4. *"Hospital income"* shall mean the income and funds received by the hospitals, medical service clinics, and medical service laboratories of the state university of Iowa, including the proceeds of rates, fees, and charges for services rendered by said hospitals, clinics, and laboratories, but excluding state appropriations to the institution.

5. *"Institution"* shall mean the state university of Iowa.

6. *"Project"* shall mean the acquisition by gift, purchase, lease, or construction of buildings and facilities and additions to such buildings and facilities, the reconstruction, completion, equipment, improvement, repair, or remodeling of buildings and facilities, including the demolition of existing buildings and facilities which are to be replaced, and the acquisition of property of every kind and description, whether real, personal or mixed, for buildings and facilities by gift, purchase, lease, condemnation, or otherwise and the improvement of the same or any combination of the foregoing.

[C71, 73, 75, 77, 79, 81, §263A.1]

Referred to in §262A.2

263A.2 Authorization of general assembly and governor.

Subject to and in accordance with the provisions of this chapter, the state board of regents may undertake and carry out any project as defined in this chapter at the state university

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of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.

[C71, 73, 75, 77, 79, 81, §263A.2]
2002 Acts, ch 1119, §37; 2009 Acts, ch 173, §16, 36

263A.3 Bonds or notes issued.

1. The board is authorized to borrow money and to issue and sell negotiable bonds or notes to pay all or any part of the cost of carrying out any project at the institution and to refund and refinance bonds or notes issued for any project or for refunding purposes at the same rate or at a lower rate. The bonds or notes issued under this chapter may be sold at public sale as provided in chapter 75, but if the board finds it advisable and in the public interest to do so, such bonds or notes may be sold by the board at private sale without published notice of any kind and without regard to the requirements of chapter 75. Bonds or notes issued to refund other bonds or notes issued under the provisions of this chapter may either be sold in the manner specified in this chapter and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds, or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or to fund interest in arrears or about to become due.

2. All bonds or notes issued under the provisions of this chapter shall be payable solely and only from and shall be secured by an irrevocable pledge of a sufficient portion of the hospital income of the institution. All bonds or notes issued under the provisions of this chapter shall have all the qualities of negotiable instruments under the laws of this state.

[C71, 73, 75, 77, 79, 81, §263A.3]
2009 Acts, ch 173, §17, 36

263A.4 Bonds or notes provisions.

Such bonds or notes may bear such date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form and denominations, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face thereof, and may contain such terms and covenants, including the establishment of reserves, all as may be provided by this chapter, section 76.17, and the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, including site costs, the cost of the project may include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, engineering, architectural, administrative, and legal expenses and provision for contingencies. Such bonds or notes shall be executed by the president of the state board of regents and attested by the executive director, secretary, or other official thereof performing the duties of executive director, and the coupons thereto attached shall be executed with the original or facsimile signatures of said president, executive director, secretary, or other official; provided, however, that the facsimile signature of either of such officers executing such bonds may be imprinted on the face of the bonds in lieu of the manual signature of such officer, but at least one of the

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signatures appearing on the face of each bond shall be a manual signature. Any bonds or notes bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. Each such bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from hospital income received by such institution as provided in this chapter, and that it does not constitute a debt of or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of such bonds or notes shall be recorded in the office of the treasurer of the institution, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

[C71, 73, 75, 77, 79, 81, §263A.4]

2006 Acts, ch 1051, §9; 2009 Acts, ch 173, §18, 36

263A.5 Resolution adopted — terms and conditions of bonds or notes.

Upon the determination by the state board of regents to undertake and carry out any project or to refund outstanding bonds or notes, said board shall adopt a resolution describing generally the contemplated project and setting forth the estimated cost thereof, or describing the obligations to be refunded, fixing the amount of bonds or notes to be issued, the maturity or maturities, the interest rate or rates, and all details in respect thereof. Such resolution shall contain such covenants as may be determined by the board as to the issuance of additional bonds or notes that may thereafter be issued payable from the hospital income received by the institution, the amendment or modification of the resolution authorizing the issuance of any bonds or notes, the manner, terms, and conditions and the amount or percentage of assenting bonds or notes necessary to effectuate such amendment or modification, and such other covenants as may be deemed necessary or desirable. In the discretion of the board, any bonds or notes issued under the terms of this chapter may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa, but no such trust indenture shall convey or mortgage the buildings and facilities or any part thereof. The provisions of this chapter and of any resolution or other proceedings authorizing the issuance of bonds or notes and providing for the establishment and maintenance of adequate rates, fees, and charges for services rendered by the hospitals, medical clinics, and medical laboratories of the institution and the application of the proceeds thereof, together with other hospital income, shall constitute a contract with the holders of such bonds or notes.

[C71, 73, 75, 77, 79, 81, §263A.5]

263A.6 Rates, fees and charges for services.

Whenever bonds or notes are issued by the state board of regents, it shall be the duty of said board to establish, impose, and collect rates, fees, and charges for services rendered by the hospitals, medical clinics, and medical laboratories of the institution and to adjust such rates, fees, and charges from time to time, in order to always provide amounts which, together with other hospital income, will be sufficient to pay the principal of and interest on such bonds or notes as the same become due and to maintain a reserve therefor, and said board is authorized to pledge a sufficient amount of the hospital income received by such institution for this purpose. All bonds or notes issued under the terms of this chapter shall be exempt from taxation by the state of Iowa and the interest thereon shall be exempt from the state income tax.

[C71, 73, 75, 77, 79, 81, §263A.6]

Referred to in §422.7(2)(n)

263A.7 Accounts of all funds separate.

1. A certified copy of each resolution providing for the issuance of bonds or notes under this chapter shall be filed with the treasurer of the institution and it shall be the duty of said treasurer to keep and maintain separate accounts for each issue of bonds or notes in

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accordance with the covenants and directions set out in the resolution providing for the issuance thereof. A sufficient portion of the hospital income received by the institution shall be held in trust by the treasurer thereof, separate and apart from all other funds, to be used solely and only for the purposes specified in this chapter and as may be required and provided for by the proceedings of the board authorizing the issuance of bonds or notes. It shall be the duty of the treasurer of the institution to disburse funds from the proper account for the payment of the principal of and interest on the bonds or notes in accordance with the directions and covenants of the resolution authorizing the issuance thereof.

2. If the amount of bonds or notes issued under this chapter exceeds the actual costs of the projects for which the bonds or notes were issued, the amount of the difference shall be used to pay the principal and interest due on bonds or notes issued under this chapter.

[C71, 73, 75, 77, 79, 81, §263A.7]

87 Acts, ch 233, §470; 2021 Acts, ch 76, §150

263A.8 No obligation of the state on bonds or notes.

Under no circumstances shall any bonds or notes issued under the terms of this chapter be or become or be construed to constitute a debt of or a charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, or other funds of the state of Iowa appropriated to the institution may be pledged for or used to pay such bonds or notes or the interest thereon but any such bonds or notes shall be payable solely and only as to both principal and interest from the hospital income received by the institution as hereinbefore provided, and the sole remedy for any breach or default of the terms of any such bonds or notes or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and the terms of the resolution under which such bonds or notes are issued.

[C71, 73, 75, 77, 79, 81, §263A.8]

263A.9 Investment in bonds or notes by financial institutions.

All banks, trust companies, bankers, savings associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or notes issued pursuant to this chapter; provided, however, that nothing contained in this section may be construed as relieving any persons from any duty of exercising reasonable care in selecting securities for purchase or investment.

[C71, 73, 75, 77, 79, 81, §263A.9]

2012 Acts, ch 1017, §70

263A.10 Gifts, loans or grants accepted.

The state board of regents is authorized to apply for and accept federal or nonfederal gifts, loans, or grants of funds and to use the same to pay all or any part of the cost of carrying out any project at the institution under the terms of this chapter or to pay any bonds or notes and interest thereon issued for any of the purposes specified in this chapter.

[C71, 73, 75, 77, 79, 81, §263A.10]

263A.11 Reports to general assembly. Repealed by 2005 Acts, ch 179, §160.

263A.12 Provisions independent of any other statute.

This chapter shall be construed as providing an alternative and independent method for carrying out any project related to the medical school and any project related to the hospital at the institution, for the issuance and sale or exchange of bonds or notes in connection therewith, and for refunding bonds or notes pertinent thereto, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, whether under section 73A.12 or otherwise, and

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no other or further proceedings in respect to the issuance or sale or exchange of bonds or notes under this chapter shall be required except such as are prescribed by this chapter, any provisions of other statutes of the state to the contrary notwithstanding.

[C71, 73, 75, 77, 79, 81, §263A.11]

C87, §263A.12

263A.13 Financial statement to general assembly.

The university of Iowa hospitals and clinics shall transmit to the general assembly its independently audited financial statement by January 15 of each fiscal year.

89 Acts, ch 319, §68; 2003 Acts, ch 35, §45, 49; 2010 Acts, ch 1069, §73; 2010 Acts, ch 1183, §27

CHAPTER 263B

STATE ARCHAEOLOGIST

Referred to in §216A.167

263B.1 Appointment.
263B.2 Duties.
263B.3 Agreements with departments and agencies.
263B.4 Definitions.
263B.5 State department of transportation contracts.
263B.6 Federal funds.
263B.7 Ancient remains.
263B.8 Cemetery for ancient remains.
263B.9 Authority to deny permission to disinter human remains.
263B.10 Confidentiality of archaeological locations and information.

263B.1 Appointment.

The state board of regents shall appoint a state archaeologist, who shall be a member of the faculty of the department of anthropology of the state university of Iowa.

[C62, 66, 71, 73, 75, 77, 79, 81, §305A.1]

C93, §263B.1

Referred to in §457A.1

263B.2 Duties.

The state archaeologist shall have the primary responsibility for the discovery, location and excavation of archaeological sites and for the recovery, restoration and preservation of archaeological remains in and for the state of Iowa, and shall coordinate all such activities through cooperation with the state department of transportation, the department of natural resources, and other state agencies concerned with archaeological salvage or the products thereof. The state archaeologist may publish educational and scientific reports relating to the responsibilities and duties of the office.

[C62, 66, 71, 73, 75, 77, 79, 81, §305A.2]

C93, §263B.2

263B.3 Agreements with departments and agencies.

The state archaeologist is authorized to enter into agreements and cooperative efforts with the federal highway administrator; the United States departments of commerce, interior, agriculture, and defense; and any other federal or state agencies concerned with archaeological salvage or the preservation of antiquities.

[C62, 66, 71, 73, 75, 77, 79, 81, §305A.3]

C93, §263B.3

2012 Acts, ch 1023, §157; 2013 Acts, ch 30, §63; 2013 Acts, ch 140, §61

263B.4 Definitions.

As used in sections 263B.5 and 263B.6:

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1. *"Appropriate authority"* means the federal or state authorities concerned with the preservation and study of historical objects.

2. *"Historical objects"* means archaeological and paleontological objects, including all ruins, sites, buildings, artifacts, fossils, or other objects of antiquity that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

3. *"Salvage"* means the salvage of historical objects.

[C66, 71, 73, 75, 77, 79, 81, §305A.4]
C93, §263B.4
2021 Acts, ch 76, §55

263B.5 State department of transportation contracts.

1. The state department of transportation in letting contracts for road construction shall take action to see that historical objects will not be needlessly destroyed or if such destruction cannot be avoided reasonable action shall be taken to obtain all information concerning such objects prior to destruction. If it should appear that the proposed construction will result in the destruction of historical objects and it is determined by the appropriate authority that such objects cannot be reasonably removed or otherwise preserved, consideration shall be given to possible alternate locations of the highway.

2. If during the course of construction, historical objects are encountered, the appropriate authority shall be notified immediately and steps taken to excavate and preserve the objects if practicable or if preservation is impracticable, to permit the appropriate authority to obtain and record data relative thereto.

3. Agreements may be entered into with the appropriate authority to pay from federal highway funds the reasonable cost of salvage work. Extra work orders may be issued to the contractor where necessary and extra work orders may be issued in cases within the meaning of "subsurface or lateral conditions" or "unknown physical conditions" where such terms are used in the standard contract forms. Payment for salvage work shall be limited to that performed within the roadway prism and any location designated as a source of material. If the contractor's operations are delayed because of salvage work such contractor shall be entitled to an appropriate extension of the contract time. If practicable, the operations shall be rescheduled to avoid the section where the historical material is, until the removal of it.

4. The cost of exploratory work prior to construction shall be borne by the appropriate authority. Costs of excavation of historical objects or recordation of data may be paid by the federal highway funds. Excavation costs may include costs of protecting and preservation during removal from the site but shall not include the expense of shipping historical objects from the site.

[C66, 71, 73, 75, 77, 79, 81, §305A.5]
C93, §263B.5
Referred to in §263B.4

263B.6 Federal funds.

Where federal funds are available to the state under federal statutes providing for archaeological and paleontological salvage, they shall be collected and credited as provided in section 307.44.

[C66, 71, 73, 75, 77, 79, 81, §305A.6]
C93, §263B.6
Referred to in §263B.4

263B.7 Ancient remains.

The state archaeologist has the primary responsibility for investigating, preserving, and reinterring discoveries of ancient human remains. For the purposes of this section, ancient human remains are those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the department of health and

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human services a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

[C77, 79, 81, §305A.7]
91 Acts, ch 97, §41
C93, §263B.7
2023 Acts, ch 19, §1027

263B.8 Cemetery for ancient remains.

The state archaeologist shall establish, with the approval of the executive council, a cemetery on existing state lands for the reburial of ancient human remains found in the state. The cemetery shall not be open to the public. The state archaeologist in cooperation with the department of natural resources shall be responsible for coordinating interment in the cemetery.

[C77, 79, 81, §305A.8]
C93, §263B.8

263B.9 Authority to deny permission to disinter human remains.

The state archaeologist shall have the authority to deny permission to disinter human remains that the state archaeologist determines have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

[C79, 81, §305A.9]
C93, §263B.9

263B.10 Confidentiality of archaeological locations and information.

The state archaeologist shall comply with the requirements of section 22.7, subsection 20, regarding information pertaining to the nature and location of archaeological resources or sites. The state archaeologist shall consult with other public officers serving as lawful custodians of archaeological information to determine whether the information should be confidential or be released.

86 Acts, ch 1228, §2
C87, §305A.10
C93, §263B.10

CHAPTER 263C

CENTER FOR INTELLECTUAL FREEDOM

263C.1 Definitions.
263C.2 Center for intellectual freedom.
263C.3 Functions of the center.
263C.4 Bylaws.
263C.5 Funding — use.
263C.6 Center faculty.
263C.7 Advisory council.
263C.8 Appointment of director.
263C.9 Duties of director.
263C.10 Annual report.

263C.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the state board of regents.
2. *"Center"* means the center for intellectual freedom established by section 263C.2.
3. *"Regents institution"* means an institution specified in section 262.7, subsections 1 through 3.
4. *"University"* means the state university of Iowa.

2025 Acts, ch 163, §2

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263C.2 Center for intellectual freedom.

1. A center for intellectual freedom is established as an independent academic center under the board at the university.

2. The center shall conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society.

3. The board may name the center in accordance with any philanthropic naming policies or practices of the board or university.

2025 Acts, ch 163, §3
Referred to in §263C.1

263C.3 Functions of the center.

1. The center shall provide scholarship in all of the following subjects:

a. The texts and major debates that form the intellectual foundation of free societies, especially that of the United States.

b. The principles, ideals, and institutions of the American constitutional order.

c. The foundations of responsible leadership and informed citizenship.

2. The center shall offer university-wide programming related to the values of free speech and civil discourse.

3. The center shall work to do all of the following:

a. Expand the intellectual diversity of the university's academic community.

b. Foster civic engagement among university students and faculty.

c. Coordinate with the center for cyclone civics at Iowa state university and the center for civic education at the university of northern Iowa to enable academic offerings that may be offered to students at any of the regents institutions either in person or online.

4. The center, in collaboration with any of the regents institutions, may offer courses; develop certificate, minor, and major programs as well as graduate programs; and offer degrees.

5. The center shall offer at least one three-semester credit hour course in American history and civil government. If a regents institution has established general education requirements for undergraduate students that include an American heritage course requirement, the center shall ensure that the course satisfies that requirement. The center shall coordinate with the center for cyclone civics at Iowa state university and the center for civic education at the university of northern Iowa to ensure that the course is offered to students at each regents institution either in person or online.

2025 Acts, ch 163, §4
Referred to in §263C.9

263C.4 Bylaws.

The center shall establish bylaws governing the center subject to the approval of the board. In addition to any other bylaws established, the bylaws must include all of the following requirements, which shall take precedence over any other requirements in the bylaws:

1. The center shall educate students by means of free, open, and rigorous intellectual inquiry to seek the truth.

2. The center affirms its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance.

3. The center affirms the value of intellectual diversity in higher education and aspires to enhance the intellectual diversity of the university.

4. The center affirms a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally exist in a public university community.

2025 Acts, ch 163, §5

263C.5 Funding — use.

1. The center may accept and administer private and external donations and gifts.

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The university of Iowa center for advancement shall be the designated foundation for philanthropic gifts or funding for the center.

2. Any moneys appropriated to the center, and any private and external donations to the center, shall be used only for the direct operation of the center.

3. Any additional funding required to operate the center shall be proportionally provided by the regents institutions, subject to approval of the board.

2025 Acts, ch 163, §6

263C.6 Center faculty.

The university shall employ tenure-eligible faculty members to provide instruction through the center. The university shall incrementally increase the number of such faculty to five based on market research and student demand. Faculty members appointed to the center may hold joint appointments to other academic units of the university. Faculty members who are not affiliated with the center shall have no authority to approve, deny, or modify the terms of appointment of faculty to the center.

2025 Acts, ch 163, §7

263C.7 Advisory council.

1. No later than December 31, 2025, the board shall appoint an advisory council for the center.

2. The board shall appoint a minimum of nine members to the council. A majority of the members appointed to the council shall constitute a quorum. No more than one member of the council may be an employee of the university.

3. The board shall determine the initial length of each member's term in accordance with this subsection. A majority of the members initially appointed to the council shall serve initial terms of four years. The remaining initially appointed members shall serve initial terms of two years. The board shall appoint new members to fill vacancies on the council in accordance with this section.

2025 Acts, ch 163, §8
Referred to in §263C.8

263C.8 Appointment of director.

1. The advisory council established under section 263C.7 shall conduct a nationwide search for candidates for the director of the center. The council shall adhere to all relevant state and federal laws in conducting the search. The council shall submit finalists for the position to the board. The board, upon approval of a candidate, shall appoint the candidate as the director. All subsequent directors shall be chosen in the same manner.

2. The director shall have the academic standing to be eligible for tenure at a regents institution.

2025 Acts, ch 163, §9

263C.9 Duties of director.

1. The director of the center shall have the sole and exclusive authority to manage the recruitment and hiring process, and to extend offers for employment, of the center and to terminate employment of all staff of the center in accordance with state and federal law.

2. The director shall conduct a market assessment to determine course demand and the number of faculty required to meet any unmet needs of the center and may conduct additional market assessments as needed. A market assessment shall include the subjects described in section 263C.3, subsections 1 and 2.

3. The director shall have the authority to invite guest speakers to the university on behalf of the center.

4. The director shall report directly to the board.

2025 Acts, ch 163, §10

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263C.10 Annual report.

Beginning in 2026, the director of the center shall submit an annual report to the governor, the general assembly, and the board of regents by December 31. The report shall provide a full account of the center's achievements and shall identify any opportunities, challenges, and obstacles in the development of the center.

2025 Acts, ch 163, §11

CHAPTER 264

PERPETUATION OF COLLEGE CREDITS

264.1	Mandatory transfer of record of credits.	264.5	Fees.
264.2	Central depository.	264.6	Penalty.
264.3	Duty of depository.	264.7	Records of prior defunct institutions.
264.4	Transcripts.		

264.1 Mandatory transfer of record of credits.

The trustees or officers of any institution of higher learning, whether incorporated or not, upon going out of existence or ceasing to function as an educational institution must transfer to the office of the registrar of the state university of Iowa complete records of all grades attained by its students.

[C35, §3953-e1; C39, §**3953.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.1]

264.2 Central depository.

The office of the registrar of the state university is hereby designated the central depository for the scholastic records of those educational institutions in this state which may hereafter cease to exist.

[C35, §3953-e2; C39, §**3953.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.2]

264.3 Duty of depository.

The office of the registrar of the state university shall proceed to collect the scholastic records of those educational institutions which may become extinct, and the registrar shall have the supervision, care, custody, and control of said records.

[C35, §3953-e3; C39, §**3953.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.3]

264.4 Transcripts.

The registrar of the state university shall prepare transcripts of such scholastic records and when requested to do so the registrar must furnish a copy of the said transcript to a former student. Whenever such transcript is made and after it has been compared with the original it shall be certified by the registrar of the state university, and thereafter it shall be considered and accepted as evidence for all purposes the same as the original would be.

[C35, §3953-e4; C39, §**3953.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.4]

Referred to in §264.5

264.5 Fees.

For the preparation of a transcript in accordance with section 264.4, the state university may charge a nominal fee to compensate the institution for its actual costs, including but not limited to the labor involved in recording the credits and preparing a transcript, and postage.

[C35, §3953-e5; C39, §**3953.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.5]

2009 Acts, ch 177, §31

264.6 Penalty.

The members of the board of trustees and the officers of an institution of higher learning who do not file, in accordance with the provisions of this chapter, the record of grades in the

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office of the registrar of the state university within twelve months after the said institution has been closed or has ceased to function as an educational institution, shall be guilty of a simple misdemeanor.

[C35, §3953-e6; C39, §**3953.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.6]

264.7 Records of prior defunct institutions.

The office of the registrar of the state university is hereby designated the central depository for the records of any institution of higher learning which prior to the passage of this chapter may have ceased to exist, provided the custodian of the said records or former officials of the institution may wish to take advantage of the provisions of this chapter.

[C35, §3953-e7; C39, §**3953.7;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §264.7]

CHAPTER 265

LABORATORY SCHOOLS

Repealed by 2026 Acts, ch 1062, §9

CHAPTER 266

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

SUBCHAPTER I

GENERAL PROVISIONS

266.1 Grants accepted.
266.2 Courses of study.
266.3 Investigation of mineral resources.
266.4 Cooperative agricultural extension work.
266.5 State agency.
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266.8 Hazardous waste research program. Repealed by 2003 Acts, ch 179, §143.
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SUBCHAPTER II

HOG-CHOLERA SERUM LABORATORY

266.24 through 266.26 Repealed by 2003 Acts, ch 179, §143.

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266.33 Horticultural research.
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266.37 Use of corrections department institutional facilities and resources.
266.38 Soil test interpretation.
266.39 Leopold center for sustainable agriculture.
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266.39C The Iowa energy center. Repealed by 2017 Acts, ch 169, §47, 49.
266.39D Livestock producers assistance program. Repealed by 2004 Acts, ch 1175, §284.
266.39E Beginning farmer center.
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SUBCHAPTER V

ODOR MITIGATION FOR LIVESTOCK OPERATIONS

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266.41 Establishment.
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266.43 Odor mitigation technologies and strategies — applied on-site research projects.
266.44 Odor mitigation technologies and strategies — basic and applied research projects.
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266.46 Information reporting.
266.47 Research results — interim and final reports. Repealed by 2026 Acts, ch 1062, §8.
266.48 Cost-share program for livestock odor mitigation research efforts.
266.49 Livestock odor mitigation evaluation effort.

SUBCHAPTER I

GENERAL PROVISIONS

266.1 Grants accepted.

Legislative assent is given to the purposes of the various congressional grants to the state for the endowment and support of an Iowa state university of science and technology, and an agricultural experiment station as a department thereof, upon the terms, conditions, and restrictions contained in all Acts of Congress relating thereto, and the state assumes the duties, obligations, and responsibilities thereby imposed. All moneys appropriated by the state because of the obligations thus assumed, and all funds arising from said congressional grants, shall be invested or expended in accordance with the provision of such grant, for the use and support of said university of science and technology located at Ames.

[R60, §1714; C73, §1604; C97, §2645; C24, 27, 31, 35, 39, §**4031;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.1]

266.2 Courses of study.

There shall be adopted and taught at said university of science and technology practical courses of study, embracing in their leading branches such as relate to agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics. If a practitioner preparation program as defined in section 256.145 is established, it shall include the subject of physical education.

[R60, §1728; C73, §1621; C97, §2648; S13, §2674-d; C24, 27, 31, 35, 39, §**4032;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.2]

2011 Acts, ch 34, §71

266.3 Investigation of mineral resources.

The said university of science and technology shall provide, as a part of its engineering experiment station work, for the investigation of clays, cement materials, fuels, and other mineral resources of the state with especial reference to their economic uses, and for the publication and dissemination of information useful to such industries, and for the testing of the products thereof.

[S13, §2674-e; C24, 27, 31, 35, 39, §**4033;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.3]

266.4 Cooperative agricultural extension work.

The assent of the legislature of the state of Iowa is hereby given to the provisions and requirements of an Act of Congress approved May 8, 1914, providing for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and amendments thereto.

[SS15, §2682-y1; C24, 27, 31, 35, 39, §**4034;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.4]

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266.5 State agency.

The state board of regents is hereby authorized and empowered to receive the grants of money appropriated under said Act and to organize and conduct agricultural and home economics extension work, which shall be carried on in connection with the Iowa state university of science and technology in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

[SS15, §2682-y1; C24, 27, 31, 35, 39, §**4035;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.5]

266.6 Purnell Act.

The assent of the legislature of the state of Iowa is hereby given to the provisions and requirements of the congressional Act approved February 24, 1925, commonly known as the Purnell Act; and that, in accordance with the requirements thereof, the state agrees to devote the moneys thus received to the more complete endowment and maintenance of the agricultural experiment station of the Iowa state university of science and technology as provided in said Act.

[C27, 31, 35, §4035-b1; C39, §**4035.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.6]

266.7 Receiving agent.

The treasurer of the Iowa state university of science and technology is hereby authorized and empowered to receive the grants of money appropriated under the Purnell Act.

[C27, 31, 35, §4035-b2; C39, §**4035.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.7]

2023 Acts, ch 66, §53

266.8 Hazardous waste research program. Repealed by 2003 Acts, ch 179, §143.

266.9 through 266.18 Reserved.

266.19 Renewable fuel — assistance. Repealed by 2025 Acts, ch 136, §57, 59.

266.20 Interest earnings.

If the interest earned on moneys accumulated by campus organizations at the Iowa state university of science and technology is not available for expenditure by those respective campus organizations, the Iowa state university of science and technology shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the student government or to the student financial aid office to be used for the work-study program.

89 Acts, ch 319, §70

266.21 through 266.23 Reserved.

SUBCHAPTER II

HOG-CHOLERA SERUM LABORATORY

266.24 through 266.26 Repealed by 2003 Acts, ch 179, §143.

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SUBCHAPTER III

SMITH-LEVER ACT

266.27 Act accepted.

The assent of the general assembly of the state of Iowa is hereby given to the provisions and requirements of the Smith-Lever Act, 38 Stat. 372 – 374, approved May 8, 1914, and any amendments to that Act, codified at 7 U.S.C. §341 – 349.

[C31, 35, §4044-c1; C39, §**4044.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.27]

2006 Acts, ch 1030, §34; 2006 Acts, ch 1185, §120

266.28 Receipt of funds — work authorized.

The Iowa state board of regents is hereby authorized and empowered to receive the grants of money appropriated under the Smith-Lever Act; and to organize and conduct agricultural extension work which shall be carried on in connection with the Iowa state university of science and technology, in accordance with the terms and conditions expressed in that Act of Congress.

[C31, 35, §4044-c2; C39, §**4044.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §266.28]

2022 Acts, ch 1021, §52

266.29 and 266.30 Reserved.

SUBCHAPTER IV

RESEARCH AND EXTENSION SERVICES

266.31 Meat export research center established — director — assistants — salaries. Repealed by 2004 Acts, ch 1175, §283.

266.32 Acceptance of private funds. Repealed by 2005 Acts, ch 19, §125.

266.33 Horticultural research.

The Iowa agricultural experiment station at Iowa state university of science and technology shall conduct horticultural research to identify and improve fruits and vegetables which can be effectively grown in Iowa to provide more diversity for Iowa agriculture. The experiment station shall investigate production, marketing, and management techniques, adaptability, and horticultural potential of the fruits and vegetables for both processing and for fresh market sale.

84 Acts, ch 1315, §16

266.34 State extension fruit specialist.

The Iowa cooperative extension service in agriculture and home economics shall employ a state extension fruit specialist to provide leadership in the development of a broader array of educational materials and field staff training. The materials on training should provide, in popular and practical terms, the available research at Iowa state university of science and technology and elsewhere that will enable area and county extension services to expand their efforts with existing and potential fruit growers for marketing in or outside of this state.

84 Acts, ch 1315, §18

266.35 Crop research.

The agricultural experiment station at Iowa state university of science and technology shall conduct research to identify crops, other than corn and soybeans, which can be effectively grown in Iowa either alone or in multiple cropping schemes to provide more diversity for Iowa agriculture. The experiment station shall investigate production and management

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techniques, adaptability, feasibility, marketability, and agronomic potential of the alternate crops.

84 Acts, ch 1315, §21

266.36 Financial management services.

The Iowa cooperative extension service in agriculture and home economics shall accelerate the development of computer software and field staff training to increase the extension service's ability to offer financial management and counseling services to individual farm operators and to increase the analysis and understanding of financial management, marketing and related subjects among farm operators.

84 Acts, ch 1315, §27

266.37 Use of corrections department institutional facilities and resources.

Iowa state university of science and technology shall use resources, including property, facilities, labor, and services, connected with institutions listed in section 904.102, under the authority of the Iowa department of corrections, to the extent practicable, for research, development, and testing of technological, horticultural, biological, and economic factors involved in improving the performance of Iowa agricultural products. However, use by the university is subject to the approval of the director of the department of corrections.

87 Acts, ch 139, §3

266.38 Soil test interpretation.

The Iowa cooperative extension service in agriculture and home economics shall develop and publish material on the interpretation of the results of soil tests. The material shall also feature the danger to groundwater quality from the overuse of fertilizers and pesticides. The material shall be available from the service at cost and any person providing soil tests for agricultural or horticultural purposes shall provide the material to the customer with the soil test results.

87 Acts, ch 225, §229

266.39 Leopold center for sustainable agriculture.

1. For the purposes of this section, *"sustainable agriculture"* means the appropriate use of crop and livestock systems and agricultural inputs supporting those activities which maintain economic and social viability while preserving the high productivity and quality of Iowa's land.

2. The Leopold center for sustainable agriculture is established in the Iowa agricultural and home economics experiment station at Iowa state university of science and technology. The center shall conduct and sponsor research to identify and reduce negative environmental and socio-economic impacts of agricultural practices. The center also shall research and assist in developing emerging alternative practices that are consistent with a sustainable agriculture. The center shall develop in association with the Iowa cooperative extension service in agriculture and home economics an educational framework to inform the agricultural community and the general public of its findings.

3. *a.* The Iowa agricultural and home economics experiment station shall employ a director for the center, who shall be appointed by the president of Iowa state university of science and technology. The director of the center shall employ the necessary research and support staff. The director and staff shall be employees of Iowa state university of science and technology. No more than five hundred thousand dollars of the funds received from the agriculture management account annually shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The remainder of the funds received from the agriculture management account shall be used to sponsor research grants and projects on a competitive basis from Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

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b. The director shall prepare an annual report.

87 Acts, ch 225, §230; 99 Acts, ch 91, §1, 2; 2010 Acts, ch 1061, §180; 2017 Acts, ch 159, §53; 2024 Acts, ch 1170, §296

For provisions relating to ongoing activities and expenses of the Leopold center for sustainable agriculture administered by the college of agriculture and life sciences at Iowa state university of science and technology, see 2017 Acts, ch 168, §33

266.39A Agricultural research.

Iowa state university of science and technology shall conduct continuing agricultural research to provide information about environmental and social impacts of agricultural research on the small or family farm and information about population trends and impact of the trends on Iowa agriculture. The research shall include an agricultural land tenure study conducted every five years to determine the ownership of farmland, and to analyze ownership trends, using the categories of land ownership defined in chapter 9H. The study shall be conducted on the basis of regions established by the university. A region shall be composed of not more than twenty-three contiguous counties.

89 Acts, ch 319, §71; 92 Acts, ch 1080, §1; 2017 Acts, ch 168, §30

266.39B Research grants.

1. A comprehensive agricultural research program is established at the Leopold center for sustainable agriculture at Iowa state university of science and technology to provide financial assistance for agricultural research within Iowa. The Leopold center shall establish a grant program for projects designated by the general assembly and other projects deemed necessary for the betterment of agriculture within the state. All funds from the program shall be available to public and private entities in Iowa on a competitive grant basis. Approved research proposals shall meet all of the following criteria:

a. The research shall assist Iowa in maintaining productive soil, viable communities, and farms with incomes sufficient to support a family.

b. The research shall enhance the profitability of farmers.

c. The research shall lead to farming which enhances and preserves Iowa's environment.

2. The research grants shall include:

a. Long-term and basic research with preference given to projects which have no traditional funding sources or require a long period of time to produce positive or negative results.

b. Emergency response research with preference given to projects which relate to issues expected to address problems occurring within the next five years, which relate to problems that could have substantial social and economic costs, or which offer research opportunities that may be lost if a delay occurs.

c. Grants available for matching federal or private funds for projects which are a necessary component of other grants or will produce the highest ratio of outside funds to state funds.

d. Crop and livestock research relating to the growth, processing, or marketing of agricultural output, the enhancement of the quality of crops, the lowering of the costs of production, or the avoidance of contamination to food, water, or soil.

e. Alternative crop research to enhance the opportunity for self-employment, to promote site-appropriate crops, to assist the state in becoming more self-sufficient in food and energy resources, to grow, process, and market new crops, or to develop the infrastructure to support new crops.

f. Research dissemination which will expand the knowledge of potential producers, or will collect, create, or disseminate agricultural knowledge, which will encourage the exchange of agriculturally related information among researchers, or which will provide access to farmers to information resources related to agriculture.

g. Agriculture health and safety research to identify, investigate, and increase awareness of agriculture safety problems, develop practical solutions to agriculture safety problems, develop ways to increase awareness and use of safety practices and devices, to improve

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medical professionals' ability to diagnose farm-related problems, or to reduce the accident and mortality rate in the agricultural industry.

89 Acts, ch 319, §72

For provisions relating to ongoing activities and expenses of the Leopold center for sustainable agriculture administered by the college of agriculture and life sciences at Iowa state university of science and technology, see 2017 Acts, ch 168, §33

266.39C The Iowa energy center. Repealed by 2017 Acts, ch 169, §47, 49. See §15.120.

266.39D Livestock producers assistance program. Repealed by 2004 Acts, ch 1175, §284.

266.39E Beginning farmer center.

1. A beginning farmer center is established as a part of the Iowa cooperative extension service in agriculture and home economics at Iowa state university of science and technology to assist individuals beginning farming operations. The center shall also assist in facilitating the transition of farming operations from established farmers to beginning farmers, including by matching purchasers and sellers of agricultural land, creating and maintaining an information base inventorying land and facilities available for acquisition, and developing models to increase the number of family farming operations in this state. The objectives of the beginning farmer center shall include, but are not limited to, the following:

a. To provide the coordination of education programs and services for beginning farmer efforts statewide.

b. To assess needs of beginning farmers and retiring farmers in order to identify program and service opportunities.

c. To develop, coordinate, and deliver statewide through the Iowa cooperative extension service in agriculture and home economics, and other entities as appropriate, targeted education to beginning farmers and retiring farm families.

2. Programs and services provided by the beginning farmer center shall include, but are not limited to, the development of skills and knowledge in financial management and planning, legal issues, tax laws, technical production and management, leadership, sustainable agriculture, human health, the environment, and leadership.

94 Acts, ch 1193, §22; 2020 Acts, ch 1045, §17

266.39F Sale of dairy breeding research farm. Repealed by 2017 Acts, ch 29, §164.

SUBCHAPTER V

ODOR MITIGATION FOR LIVESTOCK OPERATIONS

266.40 Definitions.

For purposes of this subchapter, the following definitions apply:

1. *"Livestock"* means beef cattle, dairy cattle, swine, chickens, or turkeys.
2. *"Livestock operation"* means any area in which livestock are kept in a confined space, including a confinement feeding operation or open feedlot.
3. *"Livestock producer"* means the titleholder of livestock or a livestock operation.
4. *"University"* means Iowa state university of science and technology.

2008 Acts, ch 1174, §1, 13; 2017 Acts, ch 54, §76

266.41 Establishment.

Iowa state university of science and technology shall consult with the department of agriculture and land stewardship and the department of natural resources to establish and administer livestock odor mitigation efforts to reduce the impacts of odor emitted from livestock operations involving swine, beef or dairy cattle, chickens, or turkeys as provided in this subchapter.

2008 Acts, ch 1174, §2, 13; 2017 Acts, ch 54, §76

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266.42 Purposes.

The purposes of this subchapter shall be to further livestock odor mitigation efforts as follows:

1. Further a livestock odor mitigation research effort in order to accelerate the adoption of affordable and effective odor mitigation technologies and strategies by livestock producers, expand the number of affordable and effective odor mitigation technologies and strategies available to livestock producers, and provide research-grounded information regarding odor mitigation technologies and strategies that are ineffective or cost-prohibitive.

2. Develop a livestock odor mitigation evaluation effort as provided in section 266.49, which shall be a multilevel process to determine the potential odor exposure to persons who would neighbor a new livestock operation as proposed to be constructed.

2008 Acts, ch 1174, §3, 13; 2017 Acts, ch 54, §76
Referred to in §266.43, 266.44, 266.45, 266.46, 266.48, 266.49

266.43 Odor mitigation technologies and strategies — applied on-site research projects.

1. *a.* Iowa state university of science and technology shall conduct applied on-site research projects to address whether odor mitigation technologies or strategies can be successfully implemented across many livestock operations, locations, and situations, and to analyze the costs of their successful implementation and maintenance to accomplish the purposes provided in section 266.42.

b. The projects shall be conducted at livestock operations on a statewide basis and under different circumstances.

c. The university shall evaluate technologies or strategies that have a firm foundation in basic and applied research but which may further benefit from statewide on-site application. The technologies and strategies may include but are not limited to the following:

(1) The installation, maintenance, and use of odor mitigating devices, techniques, or strategies.

(2) The use of a livestock odor mitigation evaluation effort as provided in section 266.49.

(3) The manipulation of livestock diet.

2. A livestock producer who is classified as a habitual violator pursuant to section 459.604 or a chronic violator pursuant to section 657.11 shall not participate in an applied on-site research project under this section unless the livestock producer contributes one hundred percent of the total costs of conducting the project.

2008 Acts, ch 1174, §4, 13
Referred to in §266.44, 266.45, 266.48

266.44 Odor mitigation technologies and strategies — basic and applied research projects.

1. *a.* Iowa state university of science and technology shall conduct basic or applied research projects to develop or advance technologies or strategies to accomplish the purposes provided in section 266.42.

b. The university shall evaluate technologies or strategies that have not been subject to comprehensive scientific scrutiny but which demonstrate promise to accomplish the purposes provided in section 266.42. The technologies and strategies may include but are not limited to the following:

(1) The adaption and use of modeling to locate livestock operations associated with keeping livestock in addition to swine, and to locate livestock operations utilizing odor mitigation devices, techniques, or strategies.

(2) The installation, maintenance, and use of odor mitigating devices, techniques, or strategies.

(3) The use of topical treatments applied to manure originating with livestock operations keeping chickens and turkeys.

2. Nothing in this section restricts the university from conducting its evaluation at livestock operations, including as provided in section 266.43. A livestock producer who is classified as a habitual violator pursuant to section 459.604 or a chronic violator pursuant to section 657.11 shall not participate in a basic or applied research project under this

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section unless the livestock producer contributes one hundred percent of the total costs of conducting the project.

2008 Acts, ch 1174, §5, 13
Referred to in §266.48

266.45 Emerging technologies and strategies — basic research projects.

1. *a.* Iowa state university of science and technology shall conduct basic research projects to investigate emerging technologies or strategies that may accomplish the purposes provided in section 266.42.

b. The university shall evaluate technologies or strategies that demonstrate promise for future development but which may require a long-term research commitment.

2. Nothing in this section restricts the university from conducting its evaluation at livestock operations, including as provided in section 266.43. A livestock producer who is classified as a habitual violator pursuant to section 459.604 or a chronic violator pursuant to section 657.11 shall not participate in a basic research project under this section unless the livestock producer contributes one hundred percent of the total costs of conducting the project.

2008 Acts, ch 1174, §6, 13
Referred to in §266.48

266.46 Information reporting.

1. In accordance with section 266.42, Iowa state university of science and technology is the custodian of all information including but not limited to reports and records obtained, submitted, and maintained in connection with the research projects conducted on the site of a livestock operation as provided in this subchapter, and all information submitted by or gathered from or deduced from a livestock producer or livestock operation pursuant to a livestock odor mitigation evaluation under section 266.49 or section 459.303, subsection 3. The public shall have a right to examine and copy the information as provided in chapter 22, subject to the exceptions of section 22.7.

2. Notwithstanding subsection 1, the university or an agent or employee of the university shall not release the name or location, or any other information sufficient to identify the name or location of any livestock producer or livestock operation participating in a research project or participating in a livestock odor mitigation evaluation pursuant to section 266.49 or section 459.303, subsection 3, and such information shall not be subject to release pursuant to subpoena or discovery in any civil proceeding, unless such confidentiality is waived in writing by the livestock producer. In addition, the university or an employee or agent of the university shall release no other information submitted by or gathered from or deduced from a livestock producer or livestock operation pursuant to a livestock odor mitigation evaluation under section 266.49 or section 459.303, subsection 3, unless such information is used in a research project, which in turn shall not occur without the written consent of the livestock producer.

3. Any information provided by, gathered from, or deduced from a livestock producer or livestock operation in connection with a research project or odor mitigation evaluation that is in the possession of the livestock producer or livestock operation shall not be subject to subpoena or discovery in any civil action against the producer.

2008 Acts, ch 1174, §7, 13; 2017 Acts, ch 54, §76; 2019 Acts, ch 59, §77

266.47 Research results — interim and final reports. Repealed by 2026 Acts, ch 1062, §8.

266.48 Cost-share program for livestock odor mitigation research efforts.

1. *a.* Iowa state university, in cooperation with the department of agriculture and land stewardship and the department of natural resources, shall establish a cost-share program for the livestock odor mitigation research efforts as established in sections 266.43 through 266.45 that maximizes participation in the livestock odor mitigation research efforts so as to accomplish the purposes in section 266.42, subsection 1.

b. The cost-share program shall allow for monetary contributions from livestock producers and other persons with an interest in livestock production. In addition, a livestock

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producer participating in a livestock odor mitigation research effort as provided in sections 266.43 through 266.45 shall provide in-kind contributions to participate in a research effort which may include but are not limited to furnishing the livestock producer's own labor, construction equipment, electricity and other utility costs, insurance, real property tax payments, and basic construction materials that may be reused or continued to be used by the livestock producer after the completion of the research effort.

2. This section does not apply to a livestock producer who is required to contribute one hundred percent of the total costs of conducting a research project.

2008 Acts, ch 1174, §9, 13; 2013 Acts, ch 30, §64

266.49 Livestock odor mitigation evaluation effort.

1. If funding is available, Iowa state university shall provide for a livestock odor mitigation evaluation effort as provided in section 266.42. The effort shall accomplish all of the following objectives:

a. Ensure ease of its use and timeliness in producing results, including reports and the issuance of a livestock odor mitigation certificate as provided in this section.

b. Ensure a cost-effective process of evaluation.

c. Provide a level of evaluation that corresponds to the complexity of the proposed site of construction, including unique characteristics associated with that site.

2. The livestock odor mitigation evaluation effort shall provide for increasing levels of participation by a person who requests the evaluation in cooperation with the university as follows:

a. A level one evaluation that provides an opportunity for the person to complete a simple questionnaire which may be accessed by using the internet without assistance by university personnel.

b. A level two evaluation that provides an opportunity for the person to consult with a specialist designated by the university who shall assist in performing a comprehensive evaluation of the site of the proposed construction.

c. A level three evaluation which provides an opportunity for the person to participate in a community-based odor assessment model that uses predictive computer modeling to analyze the potential odor intensity, duration, and frequency for a neighbor from a livestock operation.

3. An evaluation may account for all factors impacting upon odor exposure as determined relevant by the university. The factors may vary based upon the type of evaluation performed. Factors which may be considered include but are not limited to all of the following:

a. Characteristics relating to the proposed site including but not limited to terrain, weather patterns, surrounding vegetative barriers, the proximity of neighbors, and contributing odor sources.

b. The type and size of the structure proposed to be constructed and its relationship to existing livestock operation structures.

4. At the completion of an evaluation, the university shall provide the participating person with a report including its findings and recommendations. A report may vary based upon the type of evaluation performed. The report resulting from a level one or level two evaluation may recommend that the participating person conduct a higher level evaluation. A report resulting from a level two or level three evaluation may recommend modifications to the design or orientation of the livestock operation structure proposed to be constructed, the adoption of odor mitigating practices, or the installation of odor mitigating technologies.

5. A participating person who has completed the level of evaluation as recommended by the university may request that the university issue the participating person a livestock odor mitigation evaluation certificate. The university shall issue a certificate to the participating person that verifies the person's completion of an evaluation that satisfies the requirements of this section. The university shall not issue a certificate to a participating person who has not completed the level of evaluation recommended by the university. The certificate shall identify the name of the participating person and the site where the construction is proposed. However, it shall not include any other information.

2008 Acts, ch 1174, §10, 13

Referred to in §266.42, 266.43, 266.46, 459.303

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CHAPTER 267

LIVESTOCK HEALTH ADVISORY COUNCIL

267.1 Definitions.
267.2 Livestock health advisory council — creation and membership.
267.3 Terms and vacancies — expenses and compensation prohibited.
267.4 Supplies and services. Repealed by 2023 Acts, ch 27, §7.
267.5 Duties and objectives of council.
267.6 Iowa administrative procedure Act.
267.7 Other moneys.
267.8 Livestock disease research fund — appropriation.

267.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"College of veterinary medicine"* means the Iowa state university of science and technology college of veterinary medicine.
2. *"Council"* means the livestock health advisory council created pursuant to section 267.2.
3. *"Fund"* means the livestock disease research fund created in section 267.8.
4. *"Livestock"* means the same as defined in section 717.1.
5. *"Member organization"* means an organization appointing one or more members to the council pursuant to sections 267.2 and 267.3.
6. *"Producer"* means a person engaged in the business of producing livestock for profit.

[C79, 81, §267.1]
95 Acts, ch 43, §10; 2023 Acts, ch 27, §1
Referred to in §352.2

267.2 Livestock health advisory council — creation and membership.

1. A livestock health advisory council is created to support research of livestock diseases conducted by the college of veterinary medicine.
2. The council shall consist of all of the following:

a. Three cattle producers appointed by the Iowa cattlemen's association, one of whom shall serve an initial term of one year, and one of whom shall serve an initial term of two years.

b. Three swine producers appointed by the Iowa pork producers association, one of whom shall serve an initial term of one year.

c. One sheep producer appointed by the Iowa sheep producers association who shall serve an initial term of one year.

d. One poultry producer appointed by the north central poultry association, or its successor organization, who shall serve an initial term of two years.

e. One turkey producer appointed by the Iowa turkey federation who shall serve an initial term of three years.

f. One milk producer appointed by the Iowa state dairy association who shall serve an initial term of two years.

g. One practicing veterinarian appointed by the Iowa veterinary medical association.

[C79, 81, §267.2]
2023 Acts, ch 27, §2; 2026 Acts, ch 1200, §54
Referred to in §163.3C, 267.1, 267.3
Subsection 2, paragraph d amended

267.3 Terms and vacancies — expenses and compensation prohibited.

1. Except as provided in section 267.2, each member of the council shall be appointed by a member organization for a three-year term beginning on July 1 of the year of appointment. A member shall not serve more than two terms, including any portion of a term served pursuant to the filling of a vacancy. A vacancy shall be filled by the appropriate member organization in the same manner as appointing a full-term member.
2. A member of the council is not entitled to receive expenses incurred in the discharge of

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the member's duties on the council. A member is also not entitled to receive compensation as otherwise provided in section 7E.6.

[C79, 81, §267.3]
2023 Acts, ch 27, §3
Referred to in §267.1

267.4 Supplies and services. Repealed by 2023 Acts, ch 27, §7.

267.5 Duties and objectives of council.

The livestock health advisory council shall do all of the following:

1. Elect a chairperson and such other officers as it deems advisable. Officers of the council shall serve for terms of one year. A member shall not serve in any one office for more than two terms.

2. Meet as necessary at Iowa state university of science and technology. The council shall meet with the faculty of the college of veterinary medicine. The council may hold other such meetings as the council may determine necessary, or as required by section 267.6. An action taken by the council shall not be valid unless agreed to by a majority of the council members.

3. *a.* By the beginning of each fiscal year, make recommendations to the college of veterinary medicine concerning the expenditure of moneys in the fund.

b. The college of veterinary medicine shall not obligate moneys in the fund for a fiscal year until the council makes timely recommendations for the expenditure of those moneys for that fiscal year as required in paragraph *"a"*.

4. File an annual report with the secretary of agriculture.

[C79, 81, §267.5]
92 Acts, ch 1246, §40; 2023 Acts, ch 27, §4; 2024 Acts, ch 1170, §108
Referred to in §267.6

267.6 Iowa administrative procedure Act.

The provisions of chapter 17A shall not apply to the council or any actions taken by it, except that any recommendations adopted by the council pursuant to section 267.5, subsection 3, and any rules adopted by the council shall be adopted, amended, or repealed only after compliance with the provisions of sections 17A.4 and 17A.5, and the publication requirements in section 2B.5A.

[C79, 81, §267.6]
2010 Acts, ch 1031, §57
Referred to in §267.5

267.7 Other moneys.

In addition to moneys in the fund, the college of veterinary medicine may accept grants, gifts, matching moneys, or any other moneys for research into the diseases affecting livestock. The moneys may be from any source, public or private.

[C77, §266.20; C79, 81, §267.7]
2023 Acts, ch 27, §5

267.8 Livestock disease research fund — appropriation.

There is created in the office of the treasurer of state a fund to be known as the livestock disease research fund. Moneys in the fund are appropriated for use by the college of veterinary medicine to conduct research of diseases affecting livestock. Any balance in said fund on June 30 of each fiscal year shall revert to the general fund.

93 Acts, ch 179, §24; 2023 Acts, ch 27, §6
Referred to in §267.1

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CHAPTER 267A

LOCAL FOOD AND FARM PROGRAM

267A.1	Purpose and goals.	267A.5	Local food and farm program fund.
267A.2	Definitions.	267A.6	Local food and farm program.
267A.3	Local food and farm program council.	267A.7	Local food and farm program report. Repealed by 2020 Acts, ch 1045, §25.
267A.4	Local food and farm program coordinator.		

267A.1 Purpose and goals.

1. The purpose of this chapter is to empower farmers and food entrepreneurs to provide for strong local food economies that promote self-sufficiency and job growth in the agricultural sector and allied sectors of the economy.

2. The goals of this chapter are to accomplish all of the following:

a. Promote the expansion of the production of local foods, including all of the following:

(1) The production of Iowa-grown food, including but not limited to livestock, eggs, milk, fruit, vegetables, grains, herbs, honey, and nuts.

(2) The processing of Iowa-grown agricultural products into food products, including canning, freezing, dehydrating, bottling, or otherwise packaging and preserving such products.

(3) The distribution and marketing of fresh and processed Iowa-grown agricultural food products to markets in this state and neighboring states.

b. Increase consumer and institutional spending on Iowa-produced and marketed foods.

c. Increase the profitability of farmers and businesses engaged in enterprises related to producing, processing, distributing, and marketing local food.

d. Increase the number of jobs in this state's farm and business economies associated with producing, processing, distributing, and marketing local food.

2011 Acts, ch 128, §27, 60
Referred to in §267A.3, 267A.5, 267A.6

267A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Coordinator"* means the local food and farm program coordinator created in section 267A.4.

2. *"Council"* means the local food and farm program council established in section 267A.3.

3. *"Department"* means the department of agriculture and land stewardship.

4. *"Fund"* means the local food and farm program fund created in section 267A.5.

5. *"Secretary"* means the secretary of agriculture.

2011 Acts, ch 128, §28, 60; 2012 Acts, ch 1021, §60; 2022 Acts, ch 1152, §27

267A.3 Local food and farm program council.

1. A local food and farm program council is established to advise the local food and farm program coordinator carrying out the purpose and goals of this chapter as provided in section 267A.1.

2. The council shall be composed of the following voting members:

a. The secretary or the secretary's designee.

b. The following persons appointed by the secretary:

(1) Four farmers each of whom shall produce an agricultural commodity in this state used to prepare or process a local food. A farmer must be actively engaged in the production of an agricultural commodity that is prepared or processed into the local food. The secretary must appoint farmers actively engaged in producing each of the following:

(a) Livestock used to produce meat products.

(b) Poultry used to produce poultry products.

(c) Dairy animals used to produce milk and dairy products.

(d) Fruit or vegetables to be washed or to be produced, cut, canned, or otherwise processed into products.

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(2) Two managers of firms each of whom shall represent different types of processors of agricultural commodities doing business in this state. A manager shall be actively engaged in the purchase of agricultural commodities from farmers, the preparation or processing of those commodities into local food, and the resale of the local food to distributors on a wholesale basis in this state. The secretary must appoint managers actively engaged in the sale of the following:

(a) Meat products, poultry products, or milk or dairy products.

(b) Fruits or vegetables, fruit products, or vegetable products.

(3) One manager of a wholesale distributor of local food doing business in this state. The manager must be actively engaged in the purchase of local food prepared or processed from agricultural commodities by processors, and in the marketing of local food on a wholesale basis to food establishments in this state.

(4) Three managers of food establishments doing business in this state. Each manager must be actively engaged in the purchase of local food prepared or processed from agricultural commodities produced in this state, the purchase of the local food from wholesale distributors, and the marketing or distribution of the local food to consumers in this state. The secretary must appoint managers actively engaged in the operation of the following:

(a) A grocery store.

(b) A food service provider distributing food to any of the following:

(i) Students attending a public or private school from kindergarten through grade twelve.

(ii) Children attending a center for early education.

(c) A food service provider distributing local food to an institution not attended by children.

(5) Two heads of local or regional community food organizations doing business in this state. Each head must be actively engaged in promoting the well-being of Iowans through the distribution of local food prepared or processed from agricultural commodities produced in this state.

(6) An attorney practicing in areas of food and agricultural law.

(7) An employee of a government entity who specializes in nutrition programs.

3. The secretary may invite interested organizations to submit nominations of candidates eligible to be appointed to the council. A designee of the secretary or a member appointed by the secretary serves at the pleasure of the secretary.

4. The council shall be part of the department. The department shall perform administrative functions necessary for the operation of the council.

5. The council shall elect a chairperson from among its members each year on a rotating basis as provided by the council. The council shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of a majority of the members.

6. The members of the council shall not receive compensation for their services including as provided in section 7E.6. However, the members may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council if allowed by the council.

7. A majority of the members constitutes a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the council. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the council.

2011 Acts, ch 128, §29, 60; 2022 Acts, ch 1152, §28

Referred to in §267A.2

267A.4 Local food and farm program coordinator.

The position of local food and farm program coordinator is created within Iowa state university as part of its cooperative extension service in agriculture and home economics.

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The coordinator shall be the primary state official charged with carrying out the purposes and goals of this chapter.

2011 Acts, ch 128, §30, 60
Referred to in §267A.2
For cost-sharing agreement between department of agriculture and land stewardship and Iowa state university to support local food and farm program coordinator position, see appropriations and other noncodified enactments in the annual Acts of the general assembly

267A.5 Local food and farm program fund.

A local food and farm program fund is created in the state treasury under the control of the department. The fund is separate from the general fund of the state. The fund is composed of moneys appropriated by the general assembly and moneys available to and obtained or accepted by the local food and farm program from the United States government or private sources for placement in the fund. Moneys in the fund shall be used to carry out the purpose and goals of this chapter as provided in section 267A.1, including but not limited to administering the local food and farm program as provided in section 267A.6. The fund shall be managed by the department in consultation with the local food and farm coordinator, under the supervision of the local food and farm program council.

2011 Acts, ch 128, §31, 60
Referred to in §267A.2

267A.6 Local food and farm program.

1. The local food and farm program coordinator, with advice from the local food and farm program council, shall develop and administer a local food and farm program necessary to carry out the purpose and goals of this chapter as provided in section 267A.1.

2. In administering the program, the coordinator may sponsor and fund projects that do any of the following:

a. Improve communication and cooperation between and among farmers, food entrepreneurs, and consumers.

b. Improve communication between and among government agencies, public universities and community colleges, organizations, and private-sector firms working on local food and farm-related issues.

c. Demonstrate the value of processing, distributing, and marketing local foods. A demonstration project must be capable of being replicated on a statewide basis.

2011 Acts, ch 128, §32, 60; 2022 Acts, ch 1152, §29
Referred to in §267A.5

267A.7 Local food and farm program report. Repealed by 2020 Acts, ch 1045, §25.

CHAPTER 268

UNIVERSITY OF NORTHERN IOWA

268.1 Official designation.
268.2 Courses offered and responsibility of university.
268.3 Interest earnings.
268.4 Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances.
268.5 Iowa academy of science appropriation limitations.
268.6 Agriculture energy efficiency education program. Repealed effective July 1, 2012; 2009 Acts, ch 175, §24.
268.7 Innovation division — science, technology, engineering, and mathematics collaborative initiative. Transferred to §256.111; 2023 Acts, ch 19, §2516.

268.1 Official designation.

The state university at Cedar Falls shall be officially designated and known as the "*University of Northern Iowa*".

[C97, §2675; S13, §2675; C24, 27, 31, 35, 39, §**4063;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §268.1]

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268.2 Courses offered and responsibility of university.

The university shall offer undergraduate and graduate courses of instruction, conduct research and provide extension and other public services in areas of its competence to facilitate the social, cultural and economic development of Iowa. Its primary responsibility shall be to prepare teachers and other educational personnel for schools, colleges, and universities and to carry out research and provide consultative and other services for the improvement of education throughout the state. In addition, it shall conduct programs of instruction, research and service in the liberal and vocational arts and sciences and offer such other educational programs as the state board of regents may from time to time approve.

[C97, §2677; C24, 27, 31, 35, 39, §**4064;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §268.2]

268.3 Interest earnings.

If the interest earned on moneys accumulated by campus organizations at the university of northern Iowa is not available for expenditure by those respective campus organizations, the university of northern Iowa shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the student government or to the student financial aid office to be used for the work-study program.

89 Acts, ch 319, §73

268.4 Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances.

1. The Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances is established at the university of northern Iowa. The university of northern Iowa, in cooperation with the department of natural resources, shall develop and implement a program which provides the following:

a. Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.

b. Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.

c. Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.

d. Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.

e. Assistance in the providing of capital formation in order to comply with state and federal regulations.

2. *a.* An advisory committee to the center is established, consisting of a representative of each of the following organizations:

(1) The economic development authority.
(2) The small business development commission.
(3) The university of northern Iowa.
(4) The state university of Iowa.
(5) Iowa state university of science and technology.
(6) The department of natural resources.

b. The active participation of representatives of small businesses in the state shall also be sought and encouraged.

3. Information obtained or compiled by the center shall be disseminated directly to the economic development authority, the small business development centers, and other public and private agencies with interest in the safe and economic management of solid waste and hazardous substances.

4. The center may solicit, accept, and administer moneys appropriated to the center by a public or private agency.

5. This section does not do any of the following:

a. Relieve a person receiving assistance under this section of any duties or liabilities otherwise created or imposed upon the person by law.

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b. Transfer to the state, the university of northern Iowa, or an employee of the state or the university, a duty or liability otherwise imposed by law on a person receiving assistance under this section.

c. Create a liability to the state, the university of northern Iowa, or an employee of the state or the university for an act or omission arising from the providing of assistance or advice in cleaning up, handling, or disposal of hazardous waste. However, an individual may be liable if the act or omission results from intentional wrongdoing or gross negligence.

87 Acts, ch 225, §403; 89 Acts, ch 77, §1; 2011 Acts, ch 118, §85, 89
Referred to in §15A.1, 455B.481, 455B.484A

268.5 Iowa academy of science appropriation limitations.

The university shall use no more than twenty percent of the funds allocated to the university for the Iowa academy of science for administrative purposes for the Iowa academy of science or for publication of the Iowa academy of science journal. The university shall expend the remainder of the moneys appropriated for research projects and studies awarded by the Iowa academy of science. The Iowa academy of science shall permit all grant recipients to publish the results of the recipients' research projects and studies in the Iowa academy of science journal at no cost to the grant recipient.

91 Acts, ch 267, §238

268.6 Agriculture energy efficiency education program. Repealed effective July 1, 2012; 2009 Acts, ch 175, §24.

268.7 Innovation division — science, technology, engineering, and mathematics collaborative initiative. Transferred to §256.111; 2023 Acts, ch 19, §2516.

CHAPTER 269

BRAILLE AND SIGHT SAVING SCHOOL

Former §269.1 transferred to §256.96 pursuant to directive in 2023 Acts, ch 19, §2513
Former §269.2 repealed by 2023 Acts, ch 19, §2512
Transfer of property and records of the former Iowa braille and sight saving school and the hall of fame for distinguished graduates of the former Iowa braille and sight saving school to the department of education; 2023 Acts, ch 19, §2514

CHAPTER 270

SCHOOL FOR THE DEAF

Former §270.5 – 270.7 repealed by 2020 Acts, ch 1045, §25
Former §270.1, 270.3, 270.4, 270.8, 270.9, and 270.10 transferred to chapter 256, subchapter V, pursuant to directive; 2023 Acts, ch 19, §2513
Transfer of property and records of the Iowa school for the deaf and the hall of fame for distinguished graduates of the Iowa school for the deaf to the department of education; employees of the Iowa school for the deaf to be considered employees of the department of education without loss in salary, benefits, or accrued years of service; 2023 Acts, ch 19, §2514

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CHAPTER 271
OAKDALE CAMPUS

271.1 Designation.
271.2 Purposes.
271.3 Governance.
271.4 Patient treatment.
271.5 Care of patients — professional services.
271.6 Integrated treatment of university hospital patients.

271.1 Designation.

The state hospital located at Oakdale shall be known as the Oakdale campus.

[S13, §2727-a75; C24, 27, 31, 35, 39, §**3385;** C46, §220.1; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §271.1]

271.2 Purposes.

The Oakdale campus shall serve as an extension of the university of Iowa's main campus in Iowa City. The Oakdale campus shall serve the university's mission, including being the location for the state hygienic laboratory, the university of Iowa research park, and various other research and support facilities.

[S13, §2727-a75; C24, 27, 31, 35, 39, §**3386;** C46, §220.2; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §271.2]

2017 Acts, ch 172, §25

271.3 Governance.

The state board of regents shall have full power to manage, control, and govern the Oakdale campus in the same manner as other institutions under its control.

[C66, 71, 73, 75, §271.20; C77, 79, 81, §271.3]

271.4 Patient treatment.

Oakdale campus authorities may provide for treatment of such patients as they deem advisable and for which facilities and services are available. Except for patients admitted who are patients referred from the university hospitals, the Oakdale campus shall collect from the patients or a person liable for such support, such reasonable charges for care, service and treatment as may be fixed by the state board of regents. Earnings shall be deposited with the treasurer of the state university of Iowa for the use and benefit of the Oakdale campus and to supplement any other sources of income. Patient treatment and care on the Oakdale campus shall be provided by the faculty of the health science colleges of the state university of Iowa, staff of the university hospital, and professional and other staff as may be employed by the Oakdale campus.

[C66, 71, 73, 75, §271.3, 271.17(3); C77, 79, 81, §271.4]

271.5 Care of patients — professional services.

Physicians and dentists who care for patients on the Oakdale campus may charge for their professional services under such rules and plans as may be approved by the state board of regents.

[C66, 71, 73, 75, §271.18; C77, 79, 81, §271.5]

271.6 Integrated treatment of university hospital patients.

The authorities of the Oakdale campus may authorize patients for admission to the hospital on the Oakdale campus who are referred from the university hospitals and who shall retain the same status, classification, and authorization for care which they had at the university hospitals. Patients referred from the university hospitals to the Oakdale campus shall be deemed to be patients of the university hospitals. The operating policies of the university hospitals shall apply to the patients the same as the provisions apply to patients who are treated on the premises of the university hospitals.

[C66, 71, 73, 75, §271.17; C77, 79, 81, §271.6]

87 Acts, ch 233, §473; 2005 Acts, ch 167, §52, 66

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